IN RE: PETITIONS FOR SPECIAL HEARING \*

AND VARIANCE

E/S St. Agnes Lane, SE Corner St. Agnes

Lane & Baltimore National Pike

(5422 Old Frederick Road)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Roman Catholic Archbishop of Baltimore, Reverend William H. Keeler, *Petitioners*  BEFORE THE

**ZONING COMMISSIONER** 

OF

BALTIMORE COUNTY

Case No. 07-544-SPHA

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance. The Petitions were filed by the Most Reverend William H. Keeler, Catholic Archbishop of Baltimore, a corporation sole and St. Agnes Roman Catholic Church. Special hearing relief was filed requesting approval of the existing setbacks for current buildings, including any further reductions as a result of mandatory dedication of right-of-way for road widening, and the building height of the church, convent, church offices, church school and church hall as valid and, to the extent that they do not comply with the current Baltimore County Zoning Regulations (B.C.Z.R.) as non-conforming; a modified parking plan for the existing uses and proposed accessory use pursuant to B.C.Z.R. Sections 409.12.B and 409.8.B.1; the replacement of the parish office with a proposed activity center, and for such further relief and approvals as the nature of this case may require. Variance relief is, filed in the alternative, in the event that the Special Hearing relief for non-conforming bulk standards and modified parking plan are denied, then in that event the Church requests the approval of: i) of setbacks of 4 feet and 9 feet for the existing convent and hall, respectively in lieu of the 15 feet required from the front property line, and the 40 feet required from the centerline of the street pursuant to B.C.Z.R. Section 235.1; ii) to permit a side yard setback of 5 feet for the existing school on a corner lot in

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lieu of the 10 feet required by B.C.Z.R. Section 235.2; iii) from B.C.Z.R. Sections 235.4 and 409.6A to permit a total of 91 parking spaces in lieu of the 145 spaces required, and to approve such additional relief as the nature of this case may require, within the spirit and intent of the B.C.Z.R. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of these Petitions were Father Carl F. Cummings, Pastor of St. Agnes Roman Catholic Church, Ms. Mary Kay Barrick, Parish Secretary, Frederick J. Thompson, PE, of Gower Thompson, Inc., the engineering firm that prepared the site plan and James Determan, AIA, of Cochran, Stephenson & Donkervoet, Inc., the architectural firm assisting the Parish in the design of the proposed activity center and overall Church and school campus. The Petitioners were represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested persons at the hearing, however, Thomas L. Vidmar, Deputy Director, with the Department of Environmental Protection and Resource Management (DEPRM), attended a portion of the hearing as he is a parishioner of St. Agnes Church.

At the outset, Mr. Alderman noted that the written comments of the Zoning Advisory Committee (ZAC) were neutral as to the requested relief, other than the Office of Planning which requested a condition regarding the architectural elevation plans submitted to that office on July 2, 2007. The State Highway Administration (SHA) commented that the existing access to the Baltimore National Pike (US 40) is adequate and consistent with current SHA requirements. The Baltimore County Office of People's Counsel, who had previously entered its appearance in this case, submitted for my consideration a written memorandum obtained from Stephen Weber, Chief of Traffic Engineering, which will be discussed below.

The proffered testimony indicated that the subject property is  $3.32 \pm acres$  in size, zoned Business, Major (B.M.) - Commercial, Community Core (C.C.C.) and located at 5422 Old Frederick Road near the Baltimore National Pike and Johnnycake intersection in Catonsville. It should be noted that this property has been held and used by the owner continuously for the past 155 years and is served by public water and sewer systems. There are two site drawings that are provided on Petitioners' Exhibit 1. The first is the site plan required by the zoning checklist and the second (displayed at the top of the sheet) depicts the Amenity Open Space that exists on the subject property. Frederick J. Thompson, a Maryland registered professional engineer, provided the testimony that the subject property is unique as it is bounded on three sides by public roadways and is irregular in shape. The property is improved with a brick church, a stone parish hall, a brick school building, a stone and brick convent and, lastly, a parish office that is to be demolished. As shown on the architectural design submitted as Petitioners' Exhibit 2, the proposed activity center is 12,407 square feet in size and will replace the existing parish office building that is 9,206 square feet in size. The existing floor area ratio (FAR) of the improvements on the subject property is 0.57. With the demolition of the parish office and construction of the activity center, the FAR will increase to 0.59, slightly more than 1/8 of the allowable FAR (4.0) on this property. As depicted graphically and in notes on Petitioners' Exhibit 1, 17,029 square feet of Amenity Open Space are required and 18,860 square feet are provided.

The testimony, corroborated by Father Cummings, was that the most recent of all existing buildings was constructed in the early 1960's, long before the present B.M.-C.C.C. zoning classification was attached to the subject property. Since their construction, none of the buildings have been enlarged or modified in any manner that would have reduced the existing

Date

setbacks or increased their height. The evidence presented was uncontradicted that the existing building setbacks and building heights are all non-conforming, being in existence prior to the applicable zoning regulations. The setback relief requested took into account the mandatory dedication to the County of an additional 10 feet of road right-of-way.

In addition to required Amenity Open Space, Petitioners' Exhibit1 also depicts a total of 91 existing parking spaces and approval, by way of modified parking plan, is sought for relief from the 145 spaces for the principal uses as required by the B.C.Z.R. Shortly before this case was called for hearing, the Office of People's Counsel provided a letter, dated July 24, 2007, with an attached copy of an email message from Stephen Weber, Chief of Traffic Engineering, to People's Counsel regarding traffic and parking concerns associated with the Church property. Attached to Mr. Weber's email message was a copy of a Baltimore County aerial photograph of the subject property. The Office of People's Counsel requests that Mr. Weber's observations and written discussion be considered and addressed by this Commission when rendering a decision on this matter.

Mr. Weber describes a traffic situation associated with the dropping-off and picking-up of school children from the subject property that results in queuing of vehicles on adjoining roadways, mainly in the afternoon. It is clear from the provisions of the B.C.Z.R. and the testimony and evidence presented that the proposed accessory activity center will not affect the parking requirements on this property. That is to say that there will be no resulting increase in the number of students authorized on the church/school campus. Rather, as depicted on Petitioners' Exhibit 2, the architectural renderings and interior floor plan of the activity center, the building proposed will provide the children, already enrolled in the church school, with an area of indoor recreation. It is anticipated by Father Cummings that, if there is any impact at all,

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the proposed activity center will have a positive result. The activity center will provide an area for after-school, indoor athletics which, in practice, will result in not all students being picked up at the same time at the end of a school day.

In presenting Petitioners' Exhibit1 for my consideration, the parking layout, aisle width, entrances and exists must be shown and laid out in compliance with the current requirements of the B.C.Z.R. The testimony and evidence presented was clear that the layout of the parking and circulation depicted on the site plan met the regulatory parameters, but for the total number of spaces required by the principal uses. Father Cummings was candid in his belief that members of the parish would continue to park for religious worship in the same manner as they do now. The "stadium" style of parking described by Mr. Weber has been in existence on the subject property for over 40 years as acknowledged by Ms. Barrick. Moreover, although no formal shared parking agreement or lease has been reduced to writing when the adjoining property was developed as a Shoppers Right food store, a retaining wall and concrete steps were installed which permit churchgoers to park on the food store lot during services and shop thereafter if desired. According to the testimony, this situation has worked well in practice for both property owners over many years.

I am persuaded, based on the evidence presented, that the buildings existing on the subject property were situated in their present location and at their present height well before the B.M.-C.C.C. zoning was attached to the property and thus, qualify as non-conforming uses. As such, the existing uses on the subject property will be subject to the applicable provisions of B.C.Z.R. Section 104. No additional relief is required for the existing buildings to be legitimized as a result of any decrease in setback area as a result of the mandatory dedication of road right-of-way. Given that determination, the alternative variance relief from setback requirements is

rendered moot.

Based on the testimony and evidence produced by the Petitioner, I am persuaded that the requested modified parking plan should be approved. The parking plan depicts parking spaces, amenity open space, drive aisles, etc. as presently required by the B.C.Z.R., but not how the subject parking areas are actually used at present. The Petitioners will be required to stripe the spaces as shown and construct any parking bay islands as shown on Petitioners' Exhibit 1. The stripes on the ground will not alter the current stadium parking practice. The unwritten, cooperative parking arrangement with the food store to the east will not be affected. The proposed accessory use of an activity center does not generate additional parking requirements beyond the principal uses already on the property. To deny approval of the parking plan designed in accordance with the applicable provisions of the B.C.Z.R., the number of spaces of which are driven by already existing uses and not the proposed accessory use, would in my opinion unduly burden the Petitioners and their parishioners. However, in consideration of the information submitted by the Office of People's Counsel, a condition is warranted on future, principal use construction or expansion on the subject property. Approval of the modified parking plan, subject to the condition below, renders the variance of the required number of parking spaces moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_\_ day of July 2007, that the alternative Petition for Variance relief is dismissed as MOOT and the Petition for Special Hearing to approve the existing setbacks for current buildings, including any further reductions as a result of mandatory dedication of right-of-way for road widening, and the building height of the church, convent, church offices, church school and church hall, to the extent that they do not comply with the current Baltimore County Zoning

Regulations (B.C.Z.R), are valid and non-conforming, and the modified parking plan for the existing uses and proposed accessory activity center, together with the replacement of the parish office with the proposed activity center, shall be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Subsequent to the issuance of this Order, if the Owner of the subject property constructs an additional principal use or expands a present use which would increase the number of parking spaces required by the Baltimore County Zoning Regulations (B.C.Z.R.), the Owner shall be required at that time to construct all of the 27 parking spaces labeled as "Future Parking" on Petitioners' Exhibit 1.
- The building plans for the proposed activity center are to be consistent with the architectural elevation plans submitted to the Office of Planning on July 2, 2007, admitted as Petitioners' Exhibit 2.

When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

WHALIAM I WISEMAN, III Zoning Commissioner

for Baltimore County

WJW:dlw



JAMES T. SMITH, JR. County Executive

July 31, 2007

WILLIAM J. WISEMAN III Zoning Commissioner

Howard L. Alderman, Jr. Esquire Levin & Gann, PA 502 Washington Avenue, Suite 800 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

E/S St. Agnes Lane, SE Corner St. Agnes Lane & Baltimore National Pike (5422 Old Frederick Road)

1st Election District - 1st Council District

Roman Catholic Archbishop of Baltimore, Reverend William H. Keeler, *Petitioners* Case No. 07-544-SPHA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, and the Petition for Variance is dismissed as moot, 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 duly yours,

Zoning Commissioner for Baltimore County

ANT J. WISHMAN, III

WJW:diw Enclosure

c: Father Carl F. Cummings, Pastor, St. Agnes Roman Catholic Church, 5422 Old Frederick Road, Baltimore, Md. 21229

Ms. Mary Kay Barrick, Parish Secretary, St. Agnes Roman Catholic Church, 5422 Old Frederick Road, Baltimore, Md. 21229

Frederick J. Thompson, PE, Gower Thompson, Inc., 429 East Lake Avenue, Baltimore, Md. 21212

James Determan, AIA, Cochran, Stephenson & Donkervoet, Inc., 323 W. Camden Street, Suite 700, Baltimore, Md. 21201

Thomas L. Vidmar, Deputy Director, DEPRM

Stephen Weber, Chief, Traffic Engineering, DPW

People's Counsel; Office of Planning; Development Plans Review; File



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5422 OLD FREDERICK ROAD which is presently zoned BM-CCC

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: Legal Owner(s): Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore, a Maryland cornoration sole-Name - Type or Print Name - Type or Print Signature Signature St. Agnes Roman Catholic Church Address Name - Type or Print Telephone No. Zip Code City State Signature 410-744-2900 5422 Old Frederick Road Attorney For Petitioner: Telephone No. Address Howard L. Alderman, Jr., Esquire MD 21229 Baltimore Name - Type or Print Zip Code State City Representative to be Contacted: Signature Attn: Frederick J. Thompson Gower Thompson, Inc. Levin & Gann, PA Company Name 502 Washington Avenue, Suite 800 410-532-0101 410-321-0600 429 East Lake Avenue Address Telephone No. Telephone No. Address MD 21212 Baltimore 21204 Maryland Towson 🕟 City Zip Code City State Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_\_\_\_\_ Case No. 0 2-544-5PH (DROP-OFF) UNAVAILABLE FOR HEARING CROSER RECEIVED FOR FILING

Date\_

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#### PETITION FOR SPECIAL HEARING

CASE NO: <u>07-544-SPHA</u>

Address:

5422 Old Frederick Road

Legal Owner: Cardinal William H. Keeler, Roman Catholic Archbishop of Baltimore, a

corporation sole / St. Agnes Roman Catholic Church

Present Zoning:

**BM-CCC** 

#### REQUESTED RELIEF:

"why the Zoning Commissioner should approve": (i) the existing setbacks, including any further reductions as a result of mandatory dedication of right of way for road widening, and the building height of the church, convent, church offices, church school and church hall as valid and, to the extent that they do not comply with the current BCZR, non-conforming; (ii) pursuant to BCZR §§409.12.B and 409.8.B.1, a modified parking plan for the existing and proposed uses in accordance with the specific detail shown on the Plat to accompany this Petition; and (iii) the replacement of the parish office with a proposed activity center, all as shown more particularly on the Site Plan to Accompany the attached Petition; and (iv) for such further relief and approvals as the nature of this case may require.

#### FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com



REV 9/15/98



#### to the Zoning Commissioner of Baltimore County

for the property located at 5422 OLD FREDERICK ROAD

which is presently zoned BM-CCC

I/We do solemnly declare and affirm, under the penalties of

WEDER RECEIVED FOR FILING

**Date** 

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)

#### SEE ATTACHED

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

Property is to be posted and advertised as prescribed by the zoning regulations.

regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Most Reverend William H. Keeler, Roman Catholic Archbishop of NONE Baltimore, a Marvland corporation sole Name - Type or Print Name - Type or Print Signature Signature St. Agnes Roman Catholic Church Name - Type or Print **Address** Telephone No. City State Zip Code Signature 410-744-2900 5422 Old Frederick Road **Attorney For Petitioner:** Telephone No. Address Howard L. Alderman, Jr., Esquire MD 21229 Baltimore Zip Code Name - Type or Print State City Representative to be Contacted: Signature Attn: Frederick J. Thompson Gower Thompson, Inc. Levin & Gann, PA Nottingham Centre, 8th Floor Name Company 502 Washington Avenue 410-321-0600 410-532-0101 429 East Lake Avenue Telephone No. Address Telephone No. Address 21212 Baltimore MD Towson, MD 21204 City Zip Code City State Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_

#### Attachment 1 PETITION FOR VARIANCE

-SPHA CASE NO: \_\_07-\_

Address:

5422 Old Frederick Road

Legal Owner:

Cardinal William H. Keeler, Roman Catholic Archbishop of Baltimore, a corporation sole / St.

Agnes Roman Catholic Church

Present Zoning: BM-CCC

#### REQUESTED RELIEF:

To the extent that the existing improvements are not deemed to be validly non-conforming pursuant to a companion Petition for Special Hearing filed herewith, a variance from the following sections of the Baltimore County Zoning Regulations:

- i) from Section 235.1: to permit setbacks of 4 feet and 9 feet for the convent and hall, respectively in lieu of the 15 feet required from the front property line, and the 40 feet required from the centerline of the street; and
- ii) from Section 235.2 [232.2B] to permit a side yard setback of 5 feet [corner lot] in lieu of the 10 feet required; and
- iii) if the modified parking plan is not approved as part of the Special Hearing Petition filed herewith, from BCZR Sections 235.4 & 409.6A to permit a total of 9 L parking spaces in lieu of the 145 spaces required; and
- iv) to approve such additional relief as the nature of this case as presented at the time of the hearing on this Petition may require, within the spirit and intent of the BCZR.

#### JUSTIFICATION:

- Irregular shape of property;
- Small size and tapered property lines; and
- For such further reasons that will be presented at the hearing on this Petition.

#### FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

> (410) 321-0600 Fax: (410) 296-2801 - halderman@LevinGann.com

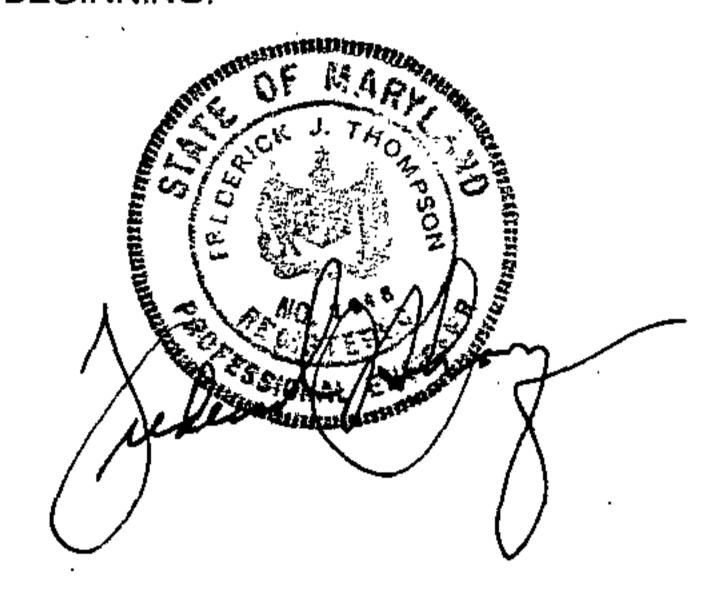
#### ZONING DESCRIPTION ST. AGNES PARISH 5442 OLD FREDERICK ROAD BALTIMORE MD 21229

BEGINNING FOR THE SAME AT A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAINT AGNES LANE (30 FEET WIDE) AT THE INTERSECTION WITH THE RIGHT OF WAY LINE OF BALTIMORE NATIONAL PIKE, THENCE EXTENDING THE FOLLOWING COURSES AND DISTANCES:

- NORTH 43 DEGREES 59 MINUTES 19SECONDS EAST, 178.16 FEET ALONG THE RIGHT OF WAY OF BALTIMORE NATIONAL PIKE;
- 2. ON AN ARC HAVING A RADIUS OF14,278 FEET FOR 187.89 FEET AND A CHORD OF NORTH 77 DEGREES 14 MINUTES 11 SECONDS EAST, 187.89 FEET ALONG THE RIGHT OF WAY OF BALTIMORE NATIONAL PIKE;
- 3. SOUTH 07 DEGREES 49 MINUTES 09 SECONDS EAST, 543.66 FEET ALONG A COMMON PROPERTY LINE WITH CATONSVILLE PLAZA INC.:
- 4. SOUTH 89 DEGREES 00 MINUTES 39 SECONDS WEST, 256.65 FEET ALONG THE RIGHT OF WAY OF OLD FREDERICK ROAD;
- 5. NORTH 42 DEGREES 54 MINUTES 01 SECONDS WEST, 36.02 FEET; AND
- 6. NORTH 87 DEGREES 33 MINUTES 44 SECONDS WEST, 356.26 FEET ALONG THE RIGHT OF WAY LINE OF ST. AGNES LANE TO THE PLACE OF BEGINNING.

CONTAINING 3.32 ACRES MORE OR LESS.

LOCATED IN THE 1ST ELECTION DISTRICT.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2920

DATE 6/4/67 ACCOUNT R - 0

AMOUNT \$ 650,00

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CASHIER'S VALIDATION

# NOTICE OF ZONING HEARING

The Zoning Corrinissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore thority will hold 4 bublic hearing in Towson, Maryland on the property utofittied herein as follows:

Cass: # 07-54.SPH

5422 Old Frederick Road
Eside of St. Agnes Lane, s/east corner of St. Agnes
Lane and Baltimore Lane, s/east corner of St. Agnes
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Lane and St. Agnes Roman Catholic Church
Legal Owner(s): St. Agnes Roman Catholic Church
Special Hearing: to approve the existing setbacks, including any further reductions as a result of mandatory
cluding height of the church, convent, church offices,
building height of the church, convent, church offices,
conforming and pursuant to BCZR sections 409.12.8 and
409.8B1, a modified parking plan for the existing and
409.8B1, a modified parking plan for the existing and
409.9B1, a modified parking plan for the existing and
409.9B1, a modified parking plan for the existing and
409.9B2, and accompany this petition and the replacement of the parish office with proposed activity center, all as shown more particularly on the site plan to accompany the attached petition. Variance: to parmit setbacks of 4 ft. and 9 ft. for the convent and hall, respectively, in lieu of the 10 ft. required from the front property
ine and the 40 ft. required from the centerline of the
street and to permit a side yard serback of 5 feet (corner
foll) in lieu of the 10 ft. required and if the modified parking pan is not approved as part of the Special Hearing
petition filed herewith, to permit a total of 91 parking
spaces in lieu of the 155 spaces required

ing plan is not approved as part of the Special Hearing plan is not approved as part of the Special Hearing spaces in lieu of the 145 spaces required.

Hearing: Tuesday, July 24, 2007 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.

17 7/647 July 10

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CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO 0

The Jeffersonian

- Arbutus Times 0000
- Catonsville Times
- Towson Times
- Owings Mills Times

NE Booster/Reporter

North County News

1 Julians

LEGAL ADVERTISING

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Num	ber or Case Nun	יינולים Striber: Villiam H. Keeler, Roman C:	** SPHA DROP-OFF  tholic Archbishop of Baltimore, a Maryland corporat	on sole & St.
Petitioner		tholic Church		
Address of	or Location: 5422	OLD FREDERICK RO	AD	<del></del>
PLEASE	FORWARD ADV	/FRTISING BILL TO	D:	
		/ERTISING BILL To olic Church Attn: Rev. (	O: Carl F. Cummings, Pastor	
Name: St		olic Church Attn: Rev.		
Name: St	. Agnes Roman Catho	olic Church Attn: Rev.		

## CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

**DATE:** 07/07/07

Case Number: 07-544-SPH

Petitioner / Developer: Howard Alderman Jr. Esq.~Carl Cummings~

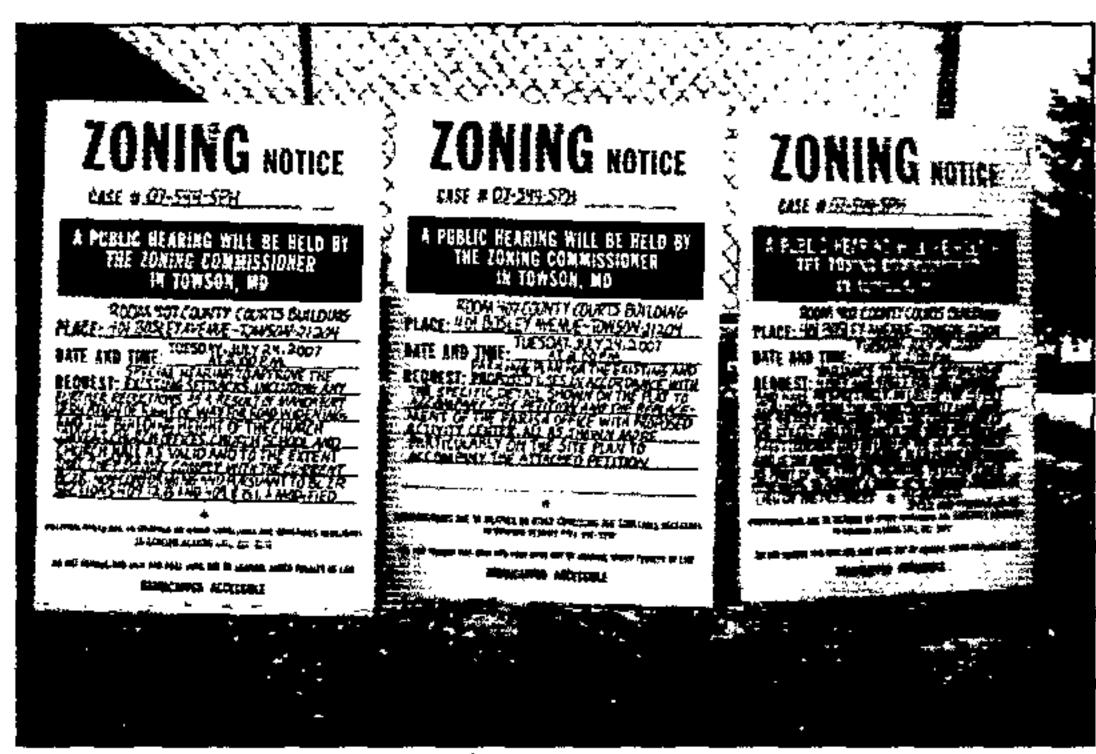
Frederick Thompson

Date of Hearing (Closing): JULY 24, 2007

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

ONE SET OF SIGNS @ 5422 OLD FREDERICK ROAD AND ONE SET OF SIGNS @ BALTIMORE NATIONAL PIKE —(ON-SITE).

The sign(s) were posted on: 07/07/07



5422 Old Friderick Road

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

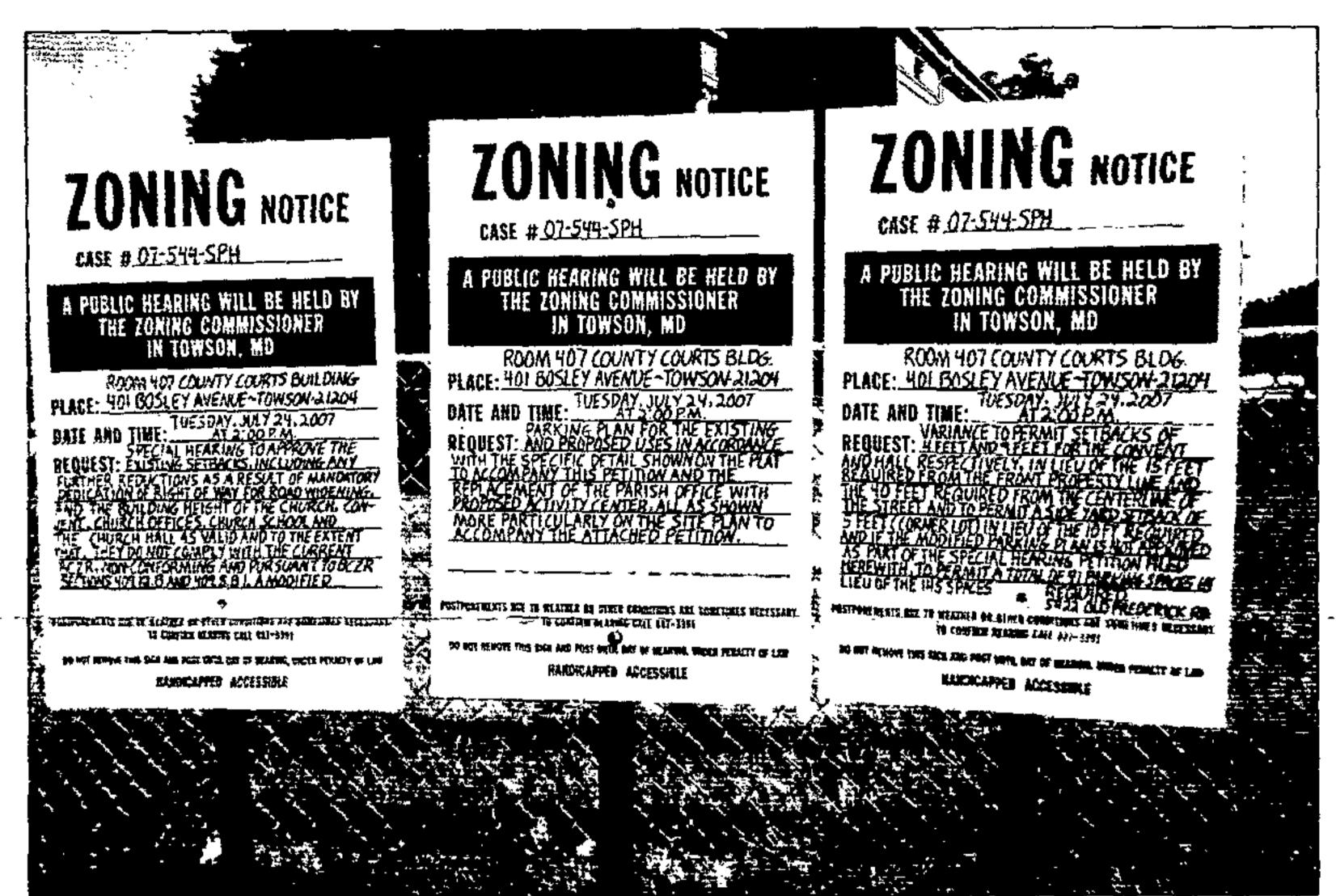
523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



Located at Baltimore National Pike (on-Site)



June 28, 2007

NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, Director The Towning Commissioner of Baltimore County, by authority of the Zoning Dect mand Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified therein as follows:

CASE NUMBER: 07-544-SPH

5422 Old Frederick Road

E/side of St. Agnes Lane, s/east corner of St. Agnes Lane and Baltimore National Pike

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: St. Agnes Roman Catholic Church

Special Hearing to approve the existing setbacks, including any further reductions as a result of mandatory dedication of right of way for road widening, and the building height of the church, convent, church offices, church school and church hall as valid and to the extent that they do not comply with the current BCZR, non-conforming and pursuant to BCZR sections 409.12.B and 409.8.B.1, a modified parking plan for the existing and proposed uses in accordance with the specific detail shown on the plat to accompany this petition and the replacement of the parish office with proposed activity center, all as shown more particularly on the site plan to accompany the attached petition. Variance to permit setbacks of 4 ft. and 9 ft. for the convent and hall, respectively, in lieu of the 15 ft. required from the front property line and the 40 ft. required from the centerline of the street and to permit a side yard setback of 5 feet (corner lot) in lieu of the 10 ft. required and if the modified parking plan is not approved as part of the Special Hearing petition filed herewith, to permit a total of 91 parking spaces in lieu of the 145 spaces required.

Hearing: Tuesday, July 24, 2007 at 2:00 p.m. in Room 407, County Courts Building,

401 Bostey Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, Ste. 800, Towson 21204 Carl Cummings, 5422 Old Frederick Road, Baltimore 21229 Frederick Thompson, 429 East Lake Avenue, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 9, 2007.

- (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.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, July 10, 2007 Issue - Jeffersonian

Please forward billing to:

Rev. Carl Cummings, Pastor St. Agnes Roman Catholic Church 5422 Old Frederick Road Baltimore, MD 21229 410-744-2900

#### 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: 07-544-SPH

5422 Old Frederick Road

E/side of St. Agnes Lane, s/east corner of St. Agnes Lane and Baltimore National Pike

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: St. Agnes Roman Catholic Church

Special Hearing to approve the existing setbacks, including any further reductions as a result of mandatory dedication of right of way for road widening, and the building height of the church, convent, church offices, church school and church hall as valid and to the extent that they do not comply with the current BCZR, non-conforming and pursuant to BCZR sections 409.12.B and 409.8.B.1, a modified parking plan for the existing and proposed uses in accordance with the specific detail shown on the plat to accompany this petition and the replacement of the parish office with proposed activity center, all as shown more particularly on the site plan to accompany the attached petition. Variance to permit setbacks of 4 ft. and 9 ft. for the convent and hall, respectively, in lieu of the 15 ft. required from the front property line and the 40 ft. required from the centerline of the street and to permit a side yard setback of 5 feet (corner lot) in lieu of the 10 ft. required and if the modified parking plan is not approved as part of the Special Hearing petition filed herewith, to permit a total of 91 parking spaces in lieu of the 145 spaces required.

Hearing Tuesday, July 24, 2007 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.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Case No.: 07-544 SPHA 5422 OLD FREDERICK RD

#### **Exhibit Sheet**

## Petitioner/Developer

#### Protestant

No. 2 ARCHITECTURAL DESIGN Activity CENTER  No. 3  No. 4			
No. 3  No. 4  No. 5  No. 6  No. 7  No. 8  No. 9  No. 10  No. 11	No. 1	SITE PLAN	
No. 3  No. 4  No. 5  No. 6  No. 7  No. 8  No. 9  No. 10  No. 11	No. 2	ARCHITECTURAL DESIGN ACTIVITY CENTER	
No. 5  No. 6  No. 7  No. 8  No. 9  No. 10  No. 11	No. 3		
No. 6  No. 7  No. 8  No. 9  No. 10  No. 11	No. 4		
No. 7  No. 8  No. 9  No. 10  No. 11	No. 5	•	
No. 8  No. 9  No. 10  No. 11	No. 6		
No. 9  No. 10  No. 11	No. 7		
No. 10 No. 11	No. 8		
No. 11	No. 9	- -	
	No. 10		
No. 12	No. 11		
	No. 12		



JAMES T. SMITH, JR. County Executive

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

July 18, 2007

Howard L. Alderman, Jr. Esquire Levin & Gann, PA 502 Washington Avenue, Suite 800 Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 07-544-SPH, 5422 Old Frederick Road

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 2007. This letter is not an approval, but only a NOTIFICATION.

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 Rev

WCR:amf Enclosures

People's Counsel

Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore St. Agnes Roman Catholic Church 5422 Old Frederick Road Baltimore 21229

Gower Thompson, Inc. Frederick J. Thompson 429 East Lake Avenue Baltimore 21212

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640

LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

May 22, 2007

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

ZONING PETITIONS DROP OFF

W. Carl Richards, Jr., Zoning Supervisor

ATTN: JEFFREY PERLOW, PLANNER

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

RE: Petitions for Special Hearing & Variance

St. Agnes Roman Catholic Parish

Minor Revisions after Prior, Scheduled Review

Stamp here and initial indicating date dropped

off: RECEIVED

MAY 2 2 2007

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Dear Messrs. Richards and Perlow:

On April 16, 2007, I met with Mr. Perlow at a scheduled filing appointment for the above-referenced property. After reviewing the Petitions, site plans, zoning description and County zoning map, Mr. Perlow raised two issues. The first was a requirement that a note be added to the site plan regarding prior zoning history. The second pertained to the amenity open space requirement in the applicable zone/district. At the conclusion of that meeting, Mr. Perlow and I met with Joe Merrey who confirmed that amenity open space would have to be analyzed and addressed.

In order to expedite the processing of the enclosed zoning petitions, and considering the prior analysis of materials at the filing meeting, I am dropping off for processing and hearing the following materials relative to this property:

- 1. Three (3) originals each of a Petition for Special Hearing and Variance;
- 2. Three (3) copies of a zoning description;
- 3. One (1) Advertising Form;
- 4. A copy of a portion of Zoning Map No. 095B3 with the property identified;
- 5. Twelve (12) copies of the Site Plan to Accompany Zoning Petition as prepared by Gower Thompson, Inc.; and
- 6. A check for the required filing fee.

A note has been added to the site plan that there is "no previous zoning history" and that there is 17,029 sq. ft. of amenity open space required and 18,729 sq. ft. are provided.

07-544-SPHA (DROP-OFF)

W. Carl Richards, Jr., Zoning Supervisor ATTN: JEFFREY PERLOW, PLANNER May 22, 2007 Page 2

As the legal representative of the owner of the property, neither I nor the owner are aware of any actual or alleged zoning violations on the Property. It is understood that by filing this as a "drop off" petition, the site plan revised with the notes indicated has not been formally reviewed by a planner and there may be comments to address once a review has been completed.

Please call me with any questions.

Very truly yours,

Howard L. Alserman, Jr.

HLA/gk Enclosures

c: St. Agnes Roman Catholic Parish

Gower Thompson, Inc.

CSD, Inc.

Robert R. Kern, Jr., Esquire

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 9, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

IECEIVE JUL 1 1 2007

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-544- Variance

e BY:\_\_\_\_\_

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the proposed building is consistent with architectural elevation plans submitted to the Office of Planning on July 2, 2007.

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

Prepared By:

**Division Chief:** 

CM/LL

#### Fire Department

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



## **Baltimore County**

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 11, 2007

5

Item Number: 542 Through 549

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





Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

June 22, 2007

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

RE: **Baltimore County** 

Item No. 07-544-SPHA US 40 (Balto. Nat. Pike)

at St Agnes Lane

5422 Old Frederick Road Roman Catholic Archbishop Of Baltimore St Agnes Parish Special Hearing and Variance

Dear Ms. Matthews:

We have reviewed the site plan to accompany special hearing and request for variance on the subject of the above captioned, which was received on June 18, 2007. A field inspection reveals that the existing entrance onto US 40 (Baltimore National Pike) is adequate and consistent with current State Highway Administration requirements. Based on available information this office has no objection to Baltimore St Agnes Parish at 5422 Old Frederick Road, Case Number 07-544-SPHA approval.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<u>mbailey@sha.state.md.us</u>). Thank you for your attention.

Very truly yours,

Division

SDF/MB

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 9, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-544- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided the proposed building is consistent with architectural elevation plans submitted to the Office of Planning on July 2, 2007.

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Prepared By:

Division Chief:

CM/LL

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640 LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

May 22, 2007

To ', JNP ELLIS LEVIN (1893-19

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

#### **ZONING PETITIONS DROP OFF**

W. Carl Richards, Jr., Zoning Supervisor

ATTN: JEFFREY PERLOW, PLANNER

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

RE: Petitions for Special Hearing & Variance

St. Agnes Roman Catholic Parish

Minor Revisions after Prior, Scheduled Review

Stamp here and initial indicating date dropped off:

Dear Messrs. Richards and Perlow:

On April 16, 2007, I met with Mr. Perlow at a scheduled filing appointment for the above-referenced property. After reviewing the Petitions, site plans, zoning description and County zoning map, Mr. Perlow raised two issues. The first was a requirement that a note be added to the site plan regarding prior zoning history. The second pertained to the amenity open space requirement in the applicable zone/district. At the conclusion of that meeting, Mr. Perlow and I met with Joe Merrey who confirmed that amenity open space would have to be analyzed and addressed.

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- 6. A check for the required filing fee.

A note has been added to the site plan that there is "no previous zoning history" and that there is 17,029 sq. ft. of amenity open space required and 18,729 sq. ft. are provided.

1)7-544-SPH (DROP-OFF)

W. Carl Richards, Jr., Zoning Supervisor ATTN: JEFFREY PERLOW, PLANNER May 22, 2007 Page 2

As the legal representative of the owner of the property, neither I nor the owner are aware of any actual or alleged zoning violations on the Property. It is understood that by filing this as a "drop off" petition, the site plan revised with the notes indicated has not been formally reviewed by a planner and there may be comments to address once a review has been completed.

Please call me with any questions.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk Enclosures

c: St.

St. Agnes Roman Catholic Parish

Gower Thompson, Inc.

CSD, Inc.

Robert R. Kern, Jr., Esquire

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 14, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2007

Item Nos. 07-542, 543, 544) 547, 548, and 549

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-06142007.doc

CASE NAME

CASE NUMBER 07-544-SPHA

DATE 24 JULY 2007

							Man Kay Berrick.	Fr Carl Camminas		LEED THOMPSON		Howard L. Alderman, Jr., Esquire	NAME
							St Agnes Church	St Agnes Chyrch	CSD 323W. CAMBEN ST., 700	Sawer Transport Sons Luc. 424	I	Levin & Gann, PA Suite 800	ADDRESS
							15 1/2000, MD 21229	Baltimore, MD 21229	1027- CM Balanitalle	ELMERA BARROCE MANAZA		TOWSON, MD 21204	CITY, STATE, ZIP
							mkbarricka Jahoo som	ccummings@archbalt.org	ico fermano csolanch is	for 20 Donations		halderman@LevinGann.com	E- MAIL

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

5422 Old Frederick Road; E/S St. Agnes Lane \*

SE corner St. Agnes Ln & Baltimore National Pike

1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): Roman Catholic Archbishop

of Baltimore, Reverend William Keeler

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

07-544-SPHA

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 22nd day of June, 2007, a copy of the foregoing Entry of Appearance was mailed Gower Thompson, Inc, 429 East Lake Avenue, Baltimore, MD 21212 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUN 22 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Рег....

# Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel

July 24, 2007

CAROLE S. DEMILIO
Deputy People's Counsel

William J. Wiseman, III, Zoning Commissioner County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204 JUL 2 4 2007

BY:\_\_\_\_

Re:

PETITION FOP. SPECIAL HEARING AND VARIANCE

Roman Catholic Archbishop of Baltimore- Petitioners

Case No: 07-544-SPHA

Dear Mr. Wiseman,

In view of the significant parking issues, we asked Stephen Weber, Chief of Traffic Engineering, to review the petition and site plan. In reply, Mr. Weber sent us the enclosed email dated July 23, 2007.

Mr. Weber has included a helpful discussion of the history of traffic operational problems at the site, a review of the site plan, a discussion of differences and discrepancies between what is shown on the plan and what is shown in the field, and some helpful recommendations. We believe that the Commissioner should give this careful consideration. The Commissioner should address and satisfy Mr. Weber's concerns in the absence of any strong reasons to do otherwise.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Howard L. Alderman, Jr. Esquire

Stephen Weber, Chief

From:

Stephen Weber People's Counsel

To: Date:

07/23/2007 8:18 PM

Subject:

Case No. 07-544-SPHA

Attachments:

St.AgnesParish.jpg

#### Peter -

The St. Agnes Parish has had significant traffic operational problems for a very long period of time, primarily focused around its school operations. As with many schools, the problems deal with parents and their vehicles who are discharging and picking up children. The problem is particularly acute in the afternoon when parents arrive prior to school dismissal. While the school does the best job feasible, the reality is that there is inadequate space on the site to accommodate these vehicles and therefore parents vehicles end up being queued out into the adjacent streets. Therefore, the problems spill into the street with resulting citizen complaints about the problem and the complications of children mixing with traffic out on the roadway.

Looking at the site plan, the plan is to basically to demolish the Parish Office and construct an Activity Center on the southeast corner of the site. The proposed footprint of the building is substantially larger than the Parish Office, but does not appear to impact any existing parking spaces on the site. However, construction of this building would prevent the future enlargement of the parking areas within this corner of the site. Therefore, it precludes potential future alternatives for lessening overflow parking out onto the adjoining street network.

In comparison to the current situation, the proposed Activity Center would not appear to worsen the existing situation as long as it is not in operation for the 45 minutes prior to school starting and the 30 minutes prior to and after school has final dismissal. If this were the case, it would not appear that it would generate parking demands on site that would conflict with the high demand periods of parents picking up or discharging students. I've attached an aerial photo of the site showing the existing layout of parking spaces on the property, which is nothing like the submitted site plan. As you can see, the parking spaces are laid out in stadium-style parking with no aisles between vehicles. Drivers are brought in and parked one behind the other and next to the other to maximize the number of vehicles that can be parked in a given space. Therefore, those vehicles that are parked first are also the first to be moved off of the site. Therefore, the church/school has done everything they can reasonably do to contain the parking demands on their own site, however they still can't contain the entire problem and it does regularly spill into the street.

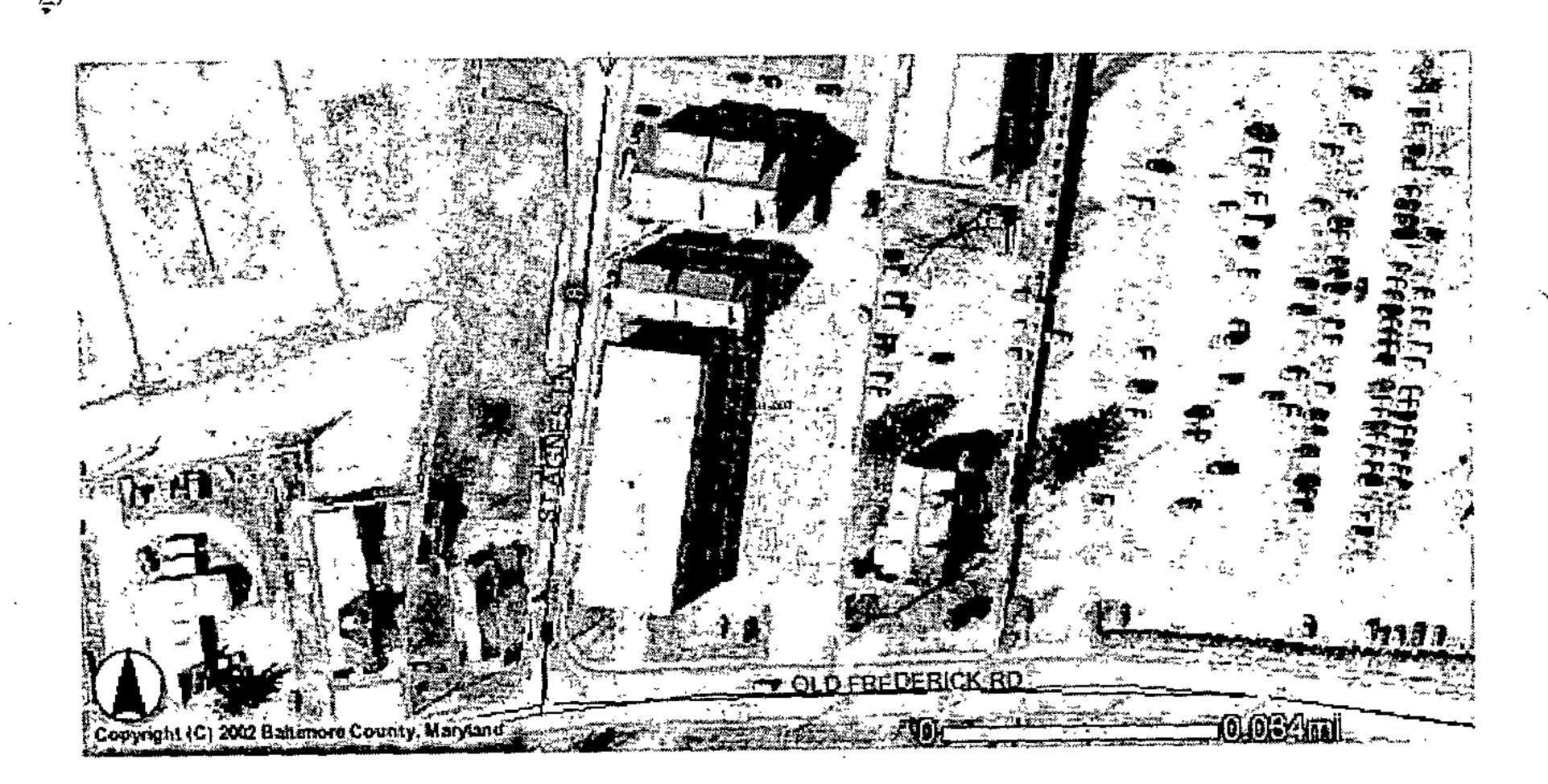
The site plan indicates it is required to have 145 parking spaces. When examining the current layout of stadium parking on the site, it actually currently has slightly over 145 spaces designated. However, there is no comparison between what the site plan shows and how the site is actually marked. I have no idea how people park on this site during off-peak times and it is not clear why the site plan has no reality of parking layout to how they have the site striped. My guess is that the site plan has to reflect parking configurations in compliance with zoning regulations. However, in this case, if the site were to be painted in accordance with the presented site plan, it would most likely create significant overflow parking issues onto the adjacent streets because the parking on site would drop from accommodating around 150 spaces which currently exist (as stadium parking) to the 91 spaces shown on the plan. Therefore, the parking layout shown on the site plan would most likely be a detriment to the surrounding road system because it would significantly reduce the number of available on-site parking spaces.

We note that the site shows a future 22 parking spaces in the northwest corner of the site. We also note on the attached aerial photo that there are an additional 5-6 existing parallel parking spaces along the north side of the northernmost driveway off of St. Agnes Ln, which are not shown on the site plan, and the aerial even shows 3 vehicles parked in these spaces. If this driveway is designated as one-way, they could legally establish these spaces on the approved site plan and thereby reduce the parking variance by 5 to 6 spaces. (It is possible that they use this driveway as a 2-way driveway and therefore couldn't legally put parking on both sides, even though it is 30 feet wide and we have many 30-foot wide local residential public streets with parking on both sides.) Given the severe parking shortages on this site which cause overflow onto the public street system, and the apparent ability to construct the proposed 22 parking spaces now, it is not clear why the requested parking variance should be granted in the requested manner. At the least it would seem that these 22 spaces should be built now and reduce the requested parking variance to be 113 spaces in lieu of the 145 required. It appears that a different layout on this corner would even generate more than 22 additional parking spaces. It does also show an additional 5 future parking spaces in the northeast corner of the site, but I'm not sure there would be that much benefit in paving that much area on that portion of the site to gain the additional parking at this time.

As an additional note, we do support the setback variances for the convent and parish hall. The variances are being requested for existing buildings because of the County's requirement to establish an ultimate right-of-way line 10 feet further back from the existing right-of-way line. Currently the County has a very narrow sliver of right-of-way behind the eastern curb of St. Agnes Ln and this is making arrangements for a future dedication of this additional 10 feet.

Should you wish to discuss this matter further or have any questions, please give me a call at ext. 3554. I will be returning your site plan and an extra color aerial photo of the site to your office.

Steve Weber



Page 1 of 2 07-5ff-

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Cosettaloore St. Agres
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did noting

### Bill Wiseman - Re: St. Agnes Hearing

From:

Donald Rascoe

To:

Alderman, Howard; Kotroco, Timothy; Wiseman, Bill

Date:

06/28/07 11:37 AM

Subject: CC:

Re: St. Agnes Hearing

ccummings@archbalt.org; djohnson@archbalt.org; GOWERTHOMP@aol.com;

jdeterman@csdarch.com; Kotroco, Timothy; rkern@gejlaw.com

ميتسد،

The hearing is scheduled for Tuesday, July 24, 2007 beginning at 2 PM in Room 407, Courts Building, 400 Bosley Avenue, Towson, Maryland. Howard Alderman will take care of the sign posting and we will take care of the newspaper advertisement that is required prior to the hearing.

Donald T. Rascoe **Deputy Director** Department of Permits and Development Management

111 West Chesapeake Avenue Towson, Maryland 21204

410-887-3353 (work) 410-887-5708(fax)

>>> "Howard Alderman" <halderman@levingann.com> Thursday, June 28, 2007 9:28 AM >>> Don/Bill:

We spoke on Tuesday of this week regarding an expedited hearing for the St. Agnes zoning Petitions. You advised that the only date in July was July 24th. I indicated that I was "presently" scheduled to appear in a case before the Board of Appeals, although settlement discussions were underway. I learned late yesterday from opposing counsel, Michael Tanczyn, that our respective clients had reached complete agreement and that the appeal filed by Mr. Tanczyn would be dismissed. I called Don immediately to advise him so that, hopefully, we could use the July 24th date for St. Agnes; he was not available so I left a message. I then called the Board to advise them. This morning I tried to reach Don but, unfortunately, he is in a meeting - thus this message.

The regulations require posting (15 days in advance of the hearing date) and advertising likewise. Is the 24th still available and can we meet the deadlines? My office will assume any and all responsibilities for arranging posting and/or advertising if it helps meet that date.

Please let me know ASAP.

Thanks, Howard

Howard L. Alderman, Jr., Esquire

### Bill Wiseman - ST Agnes Hearing

From:

"Howard Alderman" < halderman@levingann.com>

To:

<drascoe@baltimorecountymd.gov>, <wwiseman@baltimorecountymd.gov>, "Timothy

Kotroco" <tkotroco@baltimorecountymd.gov>

Date:

06/28/07 9:22 AM ST Agnes Hearing

Subject: CC:

<ccummings@archbalt.org>, <jdeterman@csdarch.com>, <GOWERTHOMP@aol.com>,

<djohnson@archbalt.org>, <rkern@gejlaw.com>

### Don/Bill:

We spoke on Tuesday of this week regarding an expedited hearing for the St. Agnes zoning Petitions. You advised that the only date in July was July 24th. I indicated that I was "presently" scheduled to appear in a case before the Board of Appeals, although settlement discussions were underway. I learned late yesterday from opposing counsel, Michael Tanczyn, that our respective clients had reached complete agreement and that the appeal filed by Mr. Tanczyn would be dismissed. I called Don immediately to advise him so that, hopefully, we could use the July 24th date for St. Agnes; he was not available so I left a message. I then called the Board to advise them. This morning I tried to reach Don but, unfortunately, he is in a meeting - thus this message.

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### Please let me know ASAP.

Thanks, Howard

Howard L. Alderman, Jr., Esquire Levin & Gann, PA Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Avenue Towson, Maryland 21204 410-321-0600 (voice) 410-296-2801 (fax)

E-Mail Address: halderman@LevinGann.com

Website:

www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters

Page 1 of 1

1 Page 10

### Bill Wiseman - Fwd: ST Agnes Hearing

From:

Bill Wiseman

To:

Matthews, Kristen

Date:

06/28/07 9:50 AM

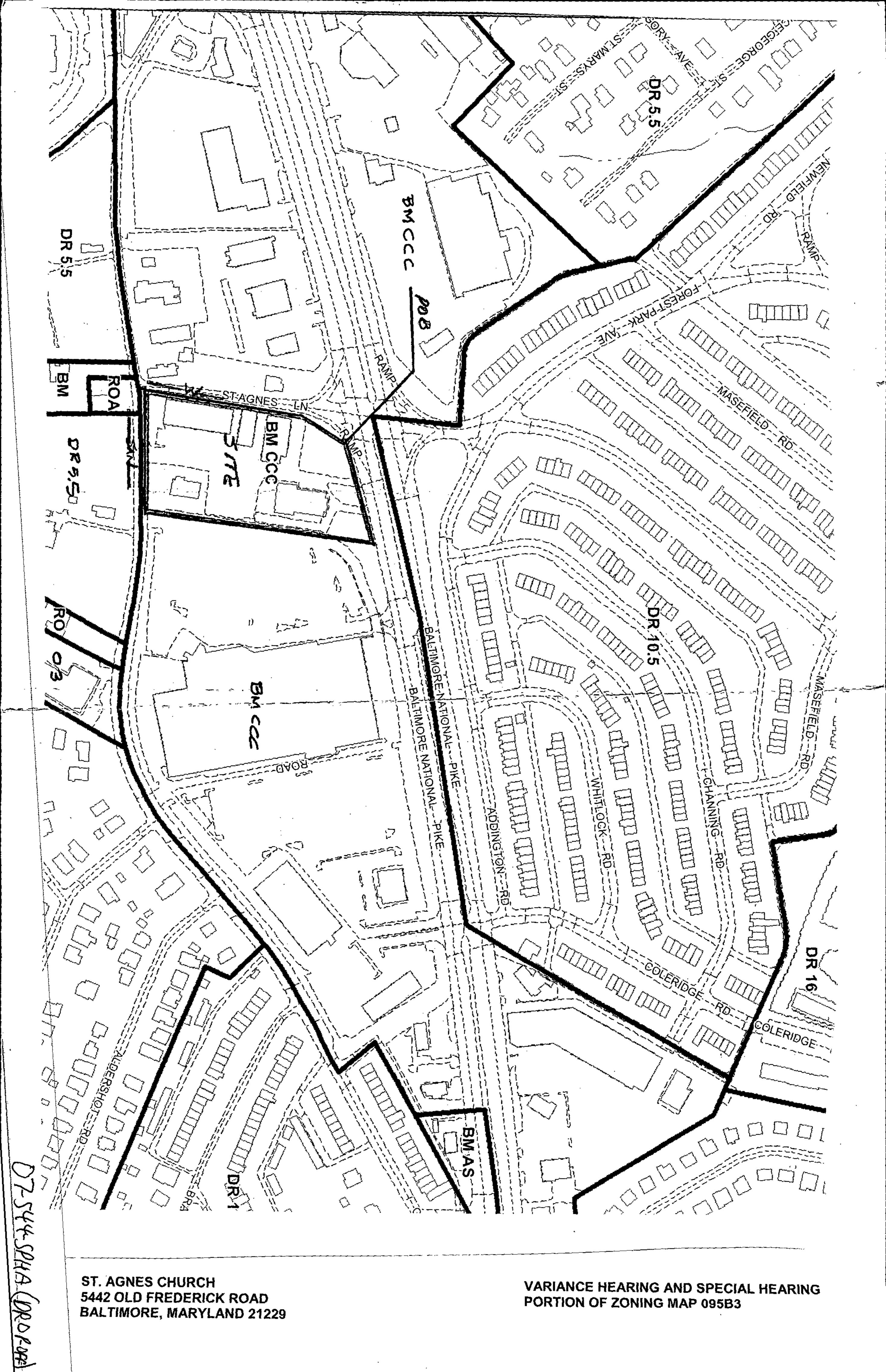
Subject:

Fwd: ST Agnes Hearing

Kristen-

Please catch up with Don and slot this in @ 2:00 on the 25th.

William J. Wiseman, III
Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 405
Towson MD 21204
Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov





CENTER

Cochran, Stephenson & Donkervoet www.csdarch.com

410.752.5263 fax

West Camden Street Suite 700

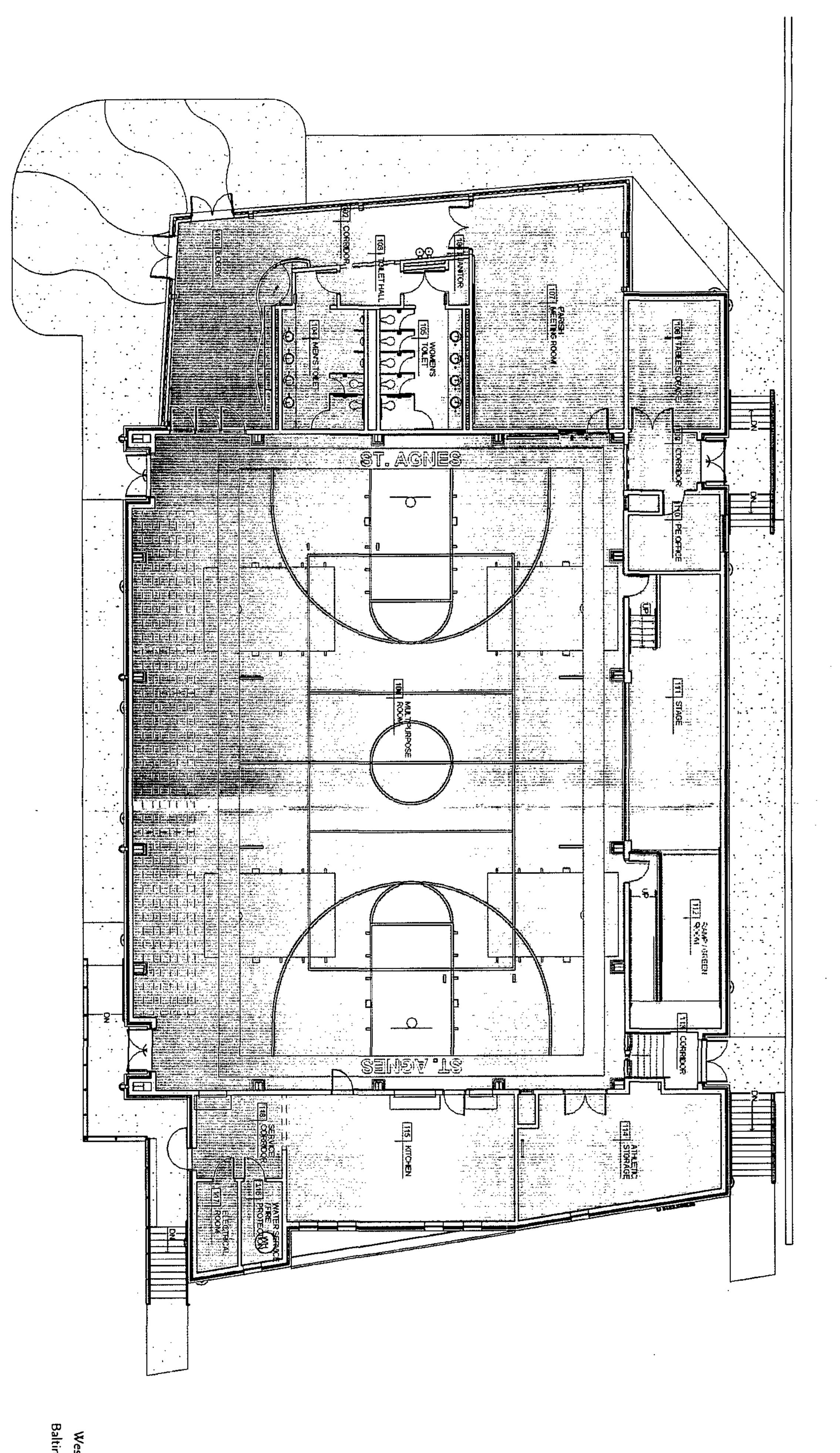
Baltimore, Maryland 21201-8601 410.539.2080

Incorporated

ARCHITECTURE

James Committee Committee

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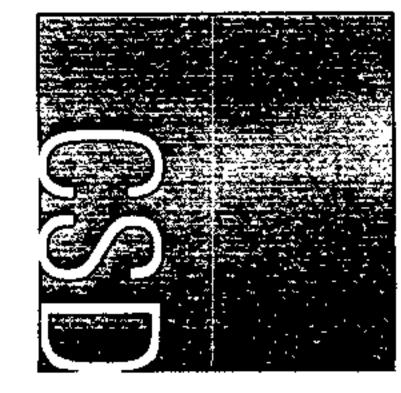


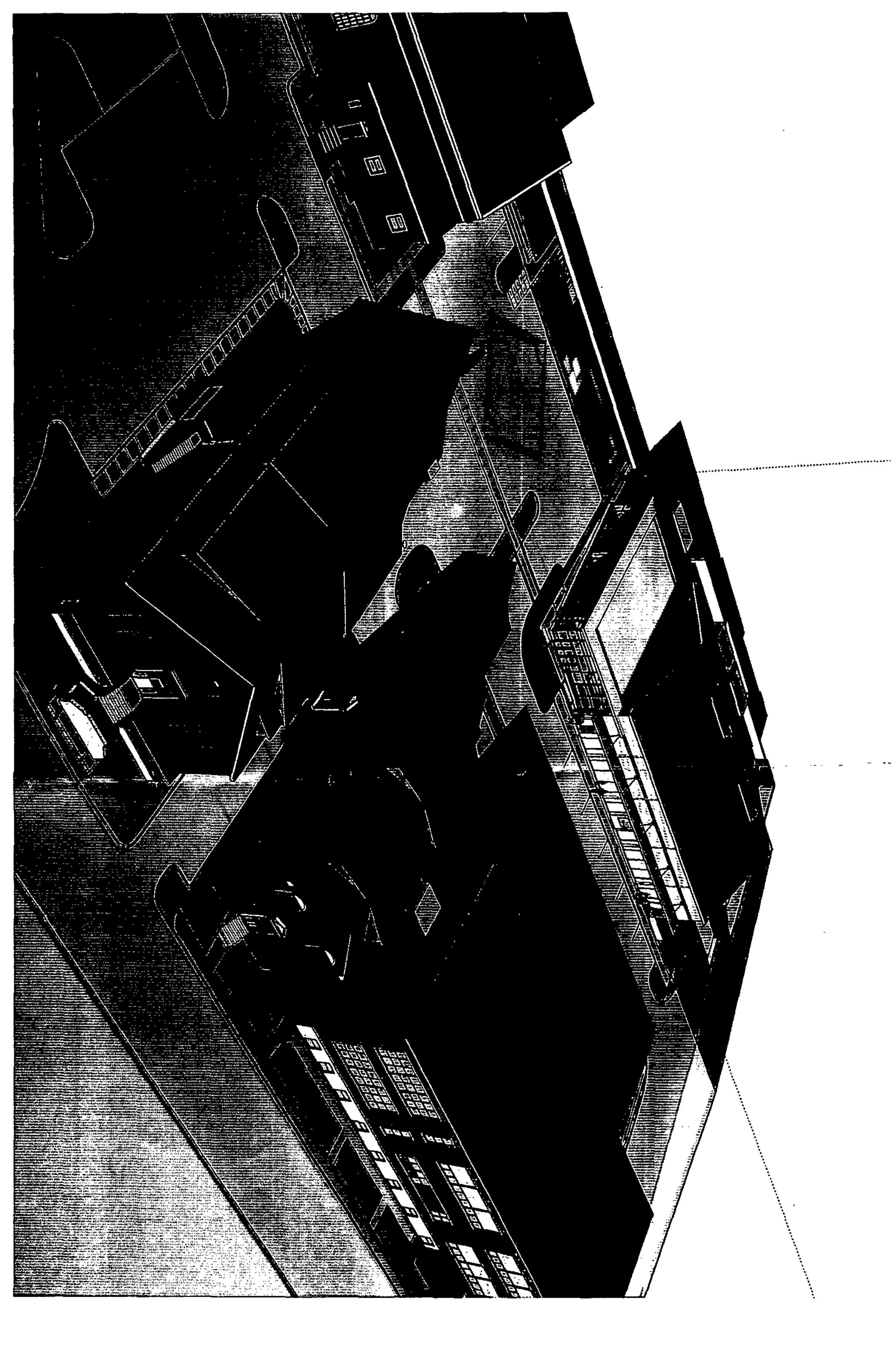
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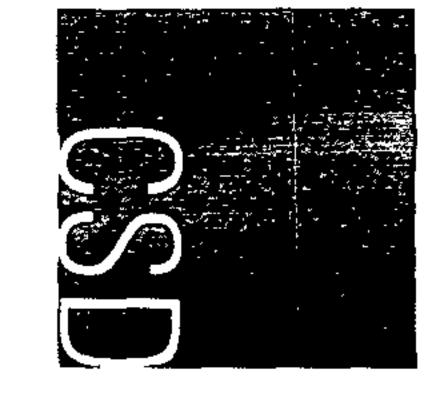


VERIAL VIEW

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AGNES ACTIVITY

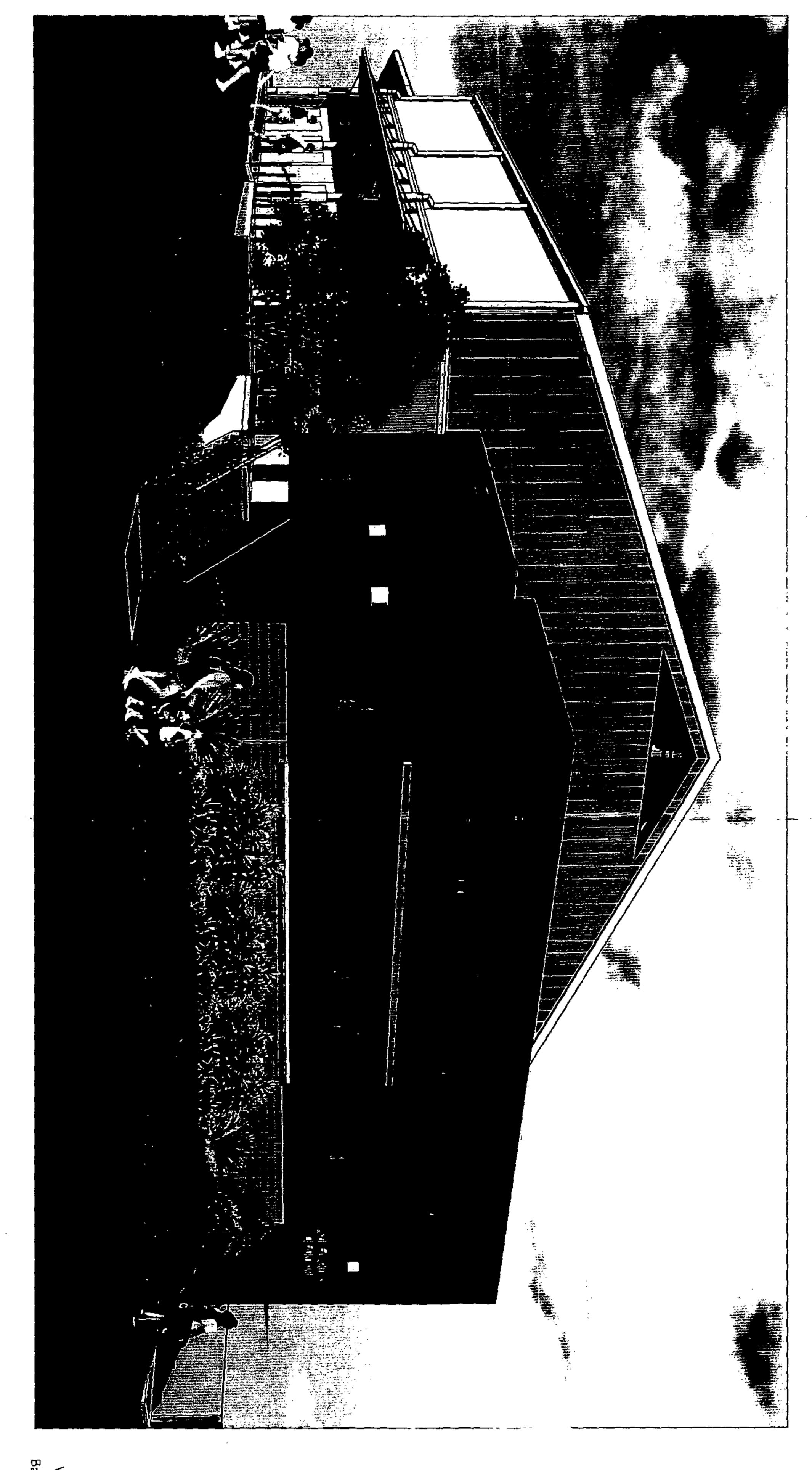
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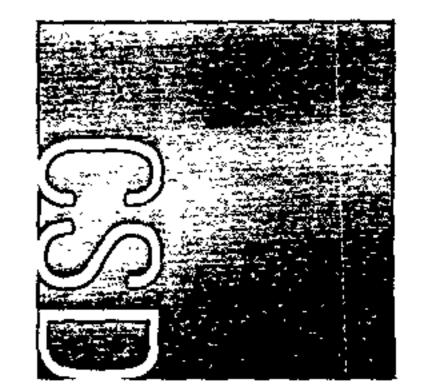
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**NORTHWES** 

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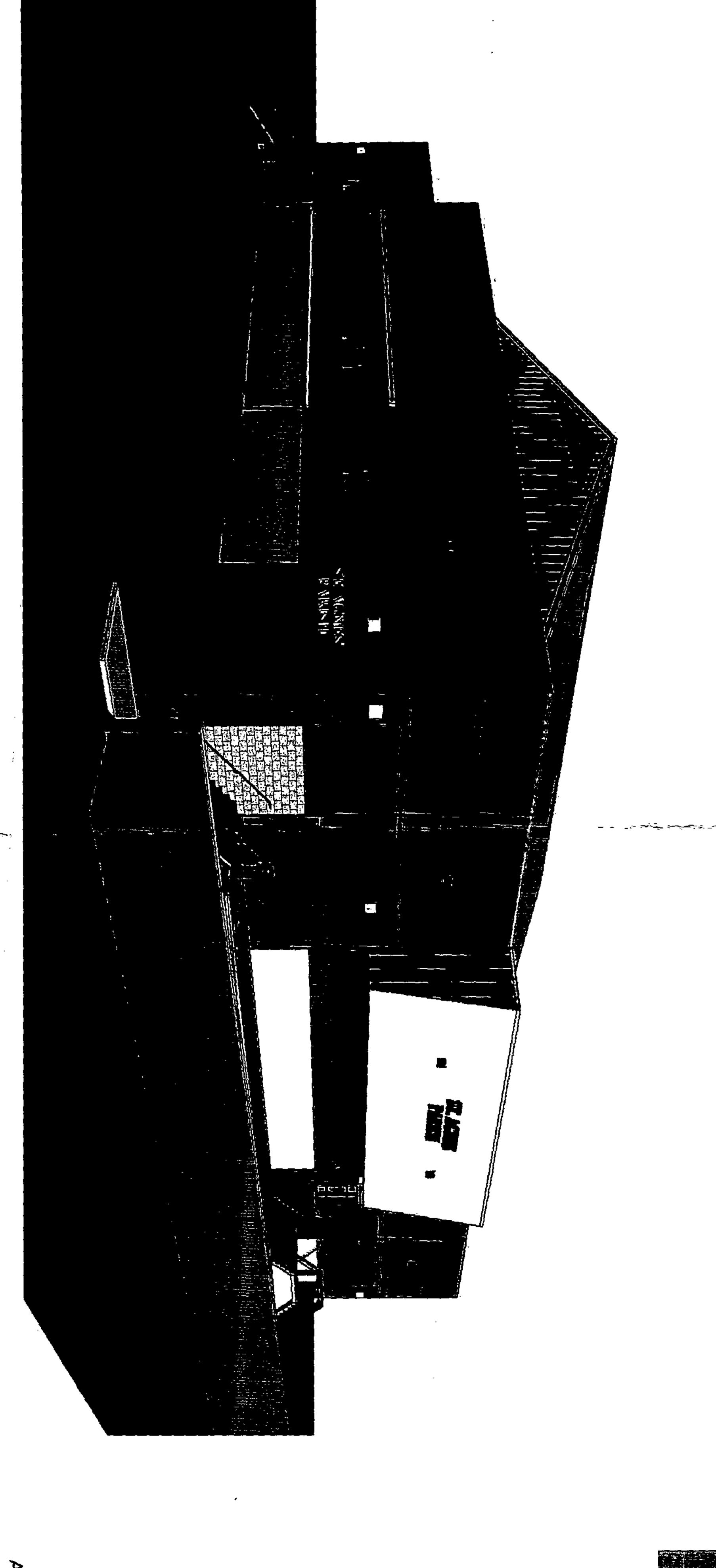
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WEST PERSPECTIVE



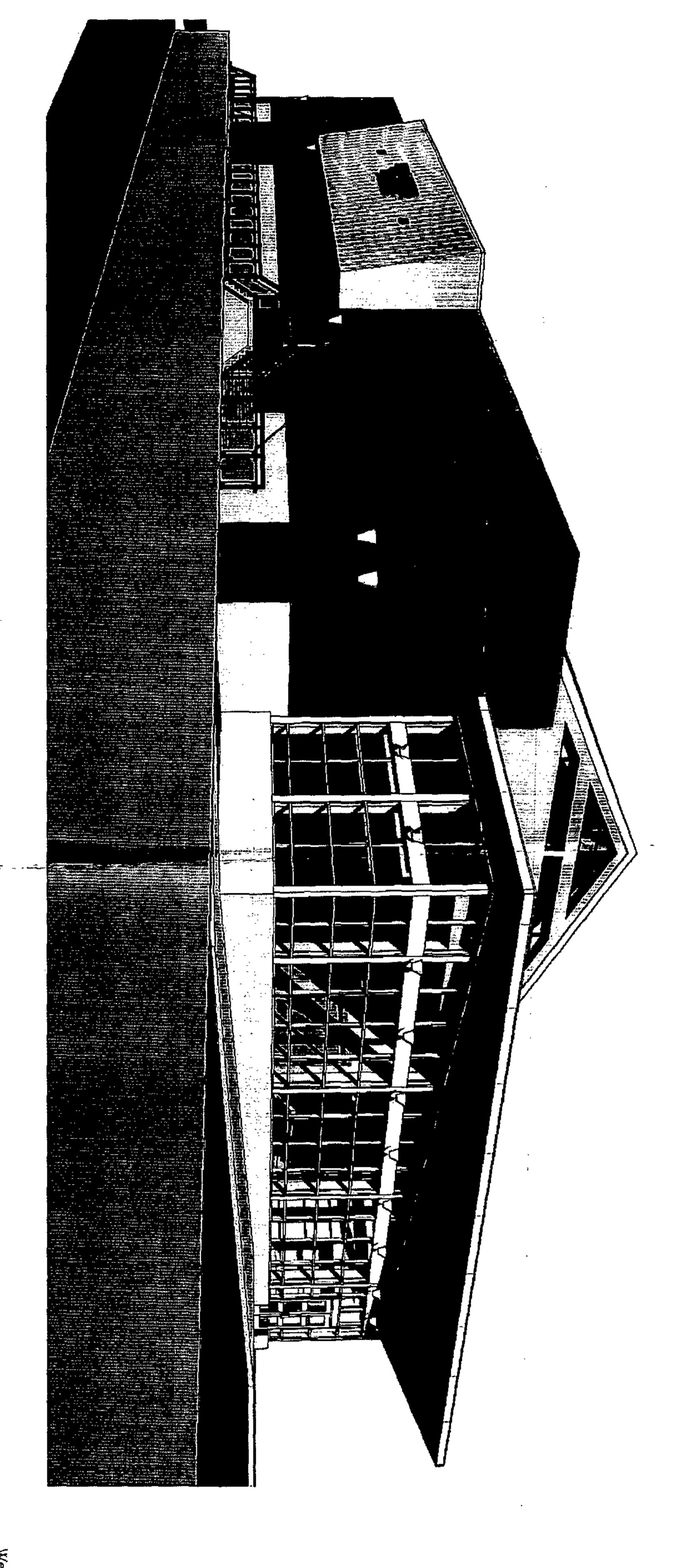


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# ST. AGNES PARISH ACTIVITY CENTER

SOUTHEAST PERSPECTIVE

TIME



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