

**IN RE: PETITION FOR VARIANCE**

S side of Sweet Air Road; at SE intersection  
of Sweet Air Road and Fox Manor Lane  
10<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(3911 Sweet Air Road)

**St. John's Evang. Lutheran Church**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2010-0029-A

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, St. John's Evangelical Lutheran Church. Petitioner is requesting Variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 45 in lieu of the required 50 feet from a lot line other than a street lot line. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Gerald E. Peterson and Reverend David R. Asplin, Trustees, on behalf of Petitioner St. John's Evangelical Lutheran Church. Mark J. Daneker, Esquire represented Petitioner. Also appearing in support of the requested relief was Rick Richardson with Richardson Engineering, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains approximately 6.80 acres, more or less, zoned R.C.5. The property is located on the south side of Sweet Air Road near its intersection with Fox Manor Lane in the Phoenix/Jacksonville area of northern Baltimore County. The property is situated approximately one-half mile east of the intersection known as "Four Corners," which is the convergence of Paper Mill

10-29-09

03

Road and Sweet Air Road running east-west, and Jarrettsville Pike running north-south. As shown on the site plan and the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is improved with several existing church buildings including a one-story church containing 3,567 square feet, a two-story church containing 9,054 square feet, and a one-story parsonage containing 1,005 square feet. The subject site also contains a cemetery and an athletic field and associated parking lots.

As is also shown on the site plan, at this juncture, Petitioner desires to construct two relatively small two-story additions to each side of the main two-story church building. For the addition that is to be located near the eastern property line, Petitioner is in need of variance relief from the side yard setback line requirement. In support of the variance request, Mr. Richardson, Petitioner's engineer, discussed several features of the property. The property consists of four parcels, namely Parcels 4 (no site area given on SDAT data search), 86 (3.17 acres), 87 (2.29 acres), and 88 (0.03 acre). Presently, the entrance to the property is via a cutout at the easternmost side of the property fronting Sweet Air Road. This drive aisle enters the property and allows vehicles to proceed to the center of the property to a parking area, or continue towards the rear of the property to another parking area. The proposed addition that is the subject of the variance would be located between this drive aisle and the existing two-story church building. In addition, the church sanctuary was constructed in 1963, indicating the church has been at the location for many years, before most the surrounding residential development. The two-story fellowship hall, which is a multi-purpose building, was constructed in 1988 to meet the growing needs of the congregation and surrounding community. Mr. Richardson also pointed out that the proposed addition and the resulting 5 foot encroachment into the 50 foot setback would have no negative impact on the adjacent residential properties. This is primarily due to the fact that the addition will

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be made part of the architecture of the church, but also because there is a mature tree line along the property line that would produce adequate screening where necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated August 18, 2009 which indicates that they do not oppose the variance request provided that the architecture of the proposed additions is compatible with the existing church buildings. Screening shall be enhanced along the eastern property boundary to provide a buffer for the homes that will be closest and therefore the most effected by one of the proposed two-story additions.

Considering all the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The irregular shape of the property and the location of the present improvements drive the need for the variance in this instance. Petitioner has attempted to minimize the impact of the proposed additions and has balanced the need to construct them where indicated on the site plan, with the potential impact on the surrounding community, thus resulting in only a 5 foot intrusion into the 50 foot setback. Further, I conclude that Petitioner would suffer practical difficulty and undue hardship if the variance were to be denied.

Finally, I find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

RECEIVED FOR FILED  
10-29-09  
MB

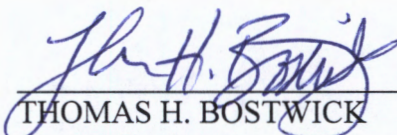


THEREFORE, IT IS ORDERED this 29<sup>th</sup> day of October, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance relief request from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 45 in lieu of the required 50 feet from a lot line other than a street lot line be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The architecture of the proposed additions shall be compatible with the existing church buildings.
3. Screening shall be enhanced along the eastern property boundary to provide a buffer for the homes that will be closest and therefore the most effected by one of the proposed two-story additions.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County.

THB:pz

10-29-09  
10-29-09  
10-29-09



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

October 29, 2009

MARK J. DANEKER, ESQUIRE  
DANEKER, MCINTIRE, SCHUMM, PRINCE PC  
1 NORTH CHARLES STREET  
BALTIMORE MD 21201

Re: Petition for Variance  
Case No. 2010-0029-A  
Property: 3911 Sweet Air Road

Dear Mr. Daneker:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Rev. David R. Asplin, St. John's Evangelical Lutheran Church, 3911 Sweet Air Road,  
Phoenix MD 21031  
Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500,  
Timonium MD 21093



# Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property  
located at 3911 Sweet Air Road  
which is presently zoned RC-5

Deed Reference: 896 / 320 Tax Account # 1019000026

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.)

Existing conditions and other such information as presented at the hearing.

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

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

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

## Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

## Attorney For Petitioner:

Mark J. Daneker, Esq.  
Name - Type or Print

Signature

Daneker, McIntire, Schumm, Prince, P.C.  
Company

1 North Charles Street (410)649-4753  
Address Telephone No.

Baltimore, Maryland 21201  
City State Zip Code

Legal Owner(s): St. John's Ev. Lutheran Church  
Phoenix MD 21131

Gerald E. Peterson Trustee  
Name - Type or Print

Signature

Rev. David R. Asplin Trustee  
Name - Type or Print

Signature

3911 Sweet Air Road 410-560-1502  
Address Telephone No.

Phoenix MD 21031  
City State Zip Code

## Representative to be Contacted:

Richardson Engineering, LLC  
Name  
30 E. Padonia Road, Suite 500 410-560-1502  
Address Telephone No.  
Timonium, MD 21093  
City State Zip Code

Case No. 2010-0029-A

REV 8/20/07

## Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing

Reviewed by gjm Date 7-24-09

10-29-09

jm

Variance from Section 1A04.3.B.2.b to permit a setback of 45' in lieu of the required 50' from a lot line other than a street lot line.



**ZONING DESCRIPTION  
3911 SWEET AIR ROAD  
10<sup>TH</sup> ELECTION DISTRICT  
3<sup>RD</sup> COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point in the center of Sweet Air Road at a distance of 251 feet west of the centerline intersection of Sweet Air Road and Fox Manor Road, thence leaving Sweet Air Road for the following 5 courses; (1) South 00 degrees 42 minutes 59 seconds East 746.12 feet, (2) South 84 degrees 53 minutes 01 seconds West 119.50 feet, (3) North 86 degrees 18 minutes 59 seconds West 252.62 feet, (4) North 05 degrees 02 minutes 59 seconds West 596.28 feet, (5) North 07 degrees 07 minutes 38 seconds East 144.37 feet to a point on the south side of Sweet Air Road, thence (6) North 89 degrees 04 minutes 18 seconds East 208.19 feet to a point in the center of Sweet Air Road, thence (7) South 89 degrees 58 minutes 05 seconds East to the point of beginning;

Containing a net area of 296,291 square feet, or 6.80 acres of land, more or less.





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: # 2010-0029-A

3911 Sweet Air Road

S/side of Sweet Air Road, at the s/east intersection of Sweet Air Road and Fox Manor Lane

10th Election District — 3rd Councilmanic District

Legal Owner(s): St. John Ev. Lutheran Church

Variance: to permit a setback of 45 feet in lieu of the required 50 feet from a lot line other than a street lot line.

Hearing: Wednesday, September 23, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT 9/703 Sept. 8

212794

## CERTIFICATE OF PUBLICATION

\_\_\_\_\_  
9/10, 2009

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 9/8, 2009.

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

J. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. 43221

Date: \_\_\_\_\_

| Fund | Dept | Unit | Sub Unit | Rev            | Sub             | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-----------------|------|-----|---------|--------|
|      |      |      |          | Source/<br>Obj | Rev/<br>Sub Obj |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |
|      |      |      |          |                |                 |      |     |         |        |

Total: \_\_\_\_\_

Rec From: \_\_\_\_\_

For: \_\_\_\_\_

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

**RE: 2010-0029-A**

**Petitioner/Developer: \_\_**

## **St. John Ev. Lutheran Church**

**Date of Hearing/closing: September 23, 2009**

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

**Attn; Kristin Matthews;**

**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, \_\_\_\_\_**  
**3911 Sweet Air Road**

The sign(s) were posted on Sept. 72009  
(Month, Day, Year)

**Sincerely,**

Robert Blum

Sept. 9, 2009

(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)**



# ZONING NOTICE

CASE # 2010-0029-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

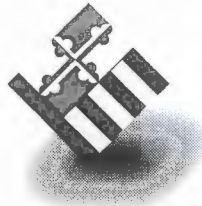
PLACE: Room 104, JEFFERSON BUILDING, 21204  
105 WEST CHESAPEAKE AVE. TOWSON

DATE AND TIME: WEDNESDAY SEPTEMBER 23, 2009 AT 10:00 A.M.

REQUEST VARIANCE TO PERMIT A SETBACK OF 45 FEET  
IN LIEU OF THE REQUIRED 50 FEET FROM A LOT LINE OTHER  
THAN A STREET LOT LINE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 867-3391

DO NOT REMOVE THIS SIGN POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW  
HANDICAPPED ACCESSIBLE



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
August 19, 2009

**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: 2010-0029-A**

3911 Sweet Air Road

S/side of Sweet Air Road, at the s/east intersection of Sweet Air Road and Fox Manor Lane  
10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: St. John Ev. Lutheran Church

Variance to permit a setback of 45 feet in lieu of the required 50 feet from a lot line other than a street lot line.

Hearing: Wednesday, September 23, 2009 at 11:00 a.m. in Room 104,  
Jefferson Building, 105 West Chesapeake Ave., Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Mark Daneker, 1 North Charles St., Baltimore 21201  
Gerald Peterson, Rev. David Asplin, 3911 Sweet Air Road, Phoenix 21031  
Richardson Engineering, LLC, 30 E. Padonia Rd., Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 8, 2009.**
- (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, September 8, 2009 Issue - Jeffersonian

Please forward billing to:

St. Johns Ev. Lutheran Church  
3911 Sweet Air Road  
Phoenix, MD 21131

410-560-1502

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## 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: 2010-0029-A**

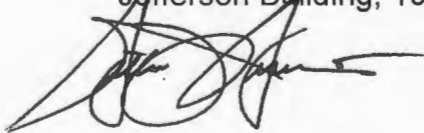
3911 Sweet Air Road

S/side of Sweet Air Road, at the s/east intersection of Sweet Air Road and Fox Manor Lane  
10<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: St. John Ev. Lutheran Church

Variance to permit a setback of 45 feet in lieu of the required 50 feet from a lot line other than a street lot line.

Hearing: Wednesday, September 23, 2009 at 11:00 a.m. in Room 104,  
Jefferson Building, 105 West Chesapeake Ave., 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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 20108-029-A  
Petitioner: ST JOHNS EV. LUTHERAN CHURCH  
Address or Location: 3911 SWEET AIR RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ST JOHNS EV. LUTHERAN  
Address: 3911 SWEET AIR RD  
PHOENIX MD 21131  
  
Telephone Number: 410 560-1502



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

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

September 18, 2009

Mark J. Daneker, Esq.  
Daneker, McIntire, Schumm, Prince, P.C.  
1 North Charles St.  
Baltimore, MD 21201

Dear: Mark J. Daneker, Esq.

RE: Case Number 2010-0029-A, 3911 Sweet Air Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 24, 2009. 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 Review

WCR:lnw

Enclosures

c: People's Counsel  
St. John's Ev. Lutheran Church ; 3911 Sweet Air Rd.; Phoenix , MD 21031  
Richardson Engineering, LLC; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

TB  
9-23-09

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



RECEIVED

SEP 10 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 10, 2009

SUBJECT: Zoning Item # 10-029-A  
Address 3911 Sweet Air Road  
(St. John's Evangelical Lutheran Church)

Zoning Advisory Committee Meeting of August 3, 2009

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

A usage letter for the addition must be submitted to GWM to determine the impact on the septic system.

Reviewer: S. Farinetti

Date: 08/19/2009



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 13, 2009

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SIGNED:** Dennis A. Kennedy

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 3, 2009  
Item Nos. 2009-0326, 2010-002, 012, 027, 028,  
029, 030, 031, 033 and 035

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08132009-NO COMMENTS.doc

TB 9/23  
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 18, 2009

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

RECEIVED

**SUBJECT:** 3911 Sweet Air Road

AUG 19 2009

**INFORMATION:**

ZONING COMMISSIONER

**Item Number:** 10-029

**Petitioner:** St. John's Lutheran Church

**Zoning:** RC 5

**Requested Action:** Variance

The petitioner requests a variance from Section 1A04.3.B.2.b of the BCZR to permit a setback of 45 feet in lieu of the required 50 feet from a lot line other than a street lot line.

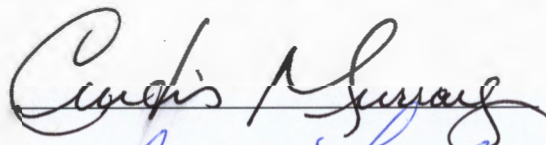
**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the variance request, provided that the architecture of the proposed additions is compatible with the existing church buildings.

Screening shall be enhanced along the eastern property boundary to provide a buffer for the homes that will be closest and therefore the most effected by one of the proposed 2-story additions.

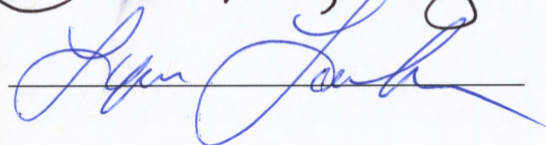
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

State Highway  
Administration

Beverley K. Swaim-Staley, Acting Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: August 4, 2009

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

RE: Baltimore County  
Item No. 2010-0029-A  
MD 145  
3911 SWEET AIR ROAD  
ST JOHN EV. LUTHERAN CHURCH  
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8/4. A field inspection and internal review reveals that the existing entrance onto MD 145 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to ST JOHN EV. LUTHERAN CH, Case Number 2010-0029 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 ([m Bailey@sha.state.md.us](mailto:m Bailey@sha.state.md.us)). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA  
Mr. Michael Pasquariello, Utility Engineer, SHA



RE: PETITION FOR VARIANCE \* BEFORE THE  
3911 Sweet Air Rd; S/S Sweet Air Rd, SE  
intersection of Sweet Air Rd & Fox Manor Rd\* ZONING COMMISSIONER  
10<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): St. John Ev. Lutheran Church\* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 10-029-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

AUG 07 2009

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7<sup>th</sup> day of August, 2009, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093 and Mark J. Daneker, Esquire, Daneker, McIntire, Schumm, Prince, P.C., 1 North Charles Street, , Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CASE NAME ST JOHNS LUTHERAN CHURCH  
CASE NUMBER 2010-0029A  
DATE 9/23/09

[illegible]

Case No.: 2010-0079-A

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                   |  |
|--------|-------------------|--|
| No. 1  | site plan         |  |
| No. 2  | aerial photograph |  |
| No. 3  |                   |  |
| No. 4  |                   |  |
| No. 5  |                   |  |
| No. 6  |                   |  |
| No. 7  |                   |  |
| No. 8  |                   |  |
| No. 9  |                   |  |
| No. 10 |                   |  |
| No. 11 |                   |  |
| No. 12 |                   |  |





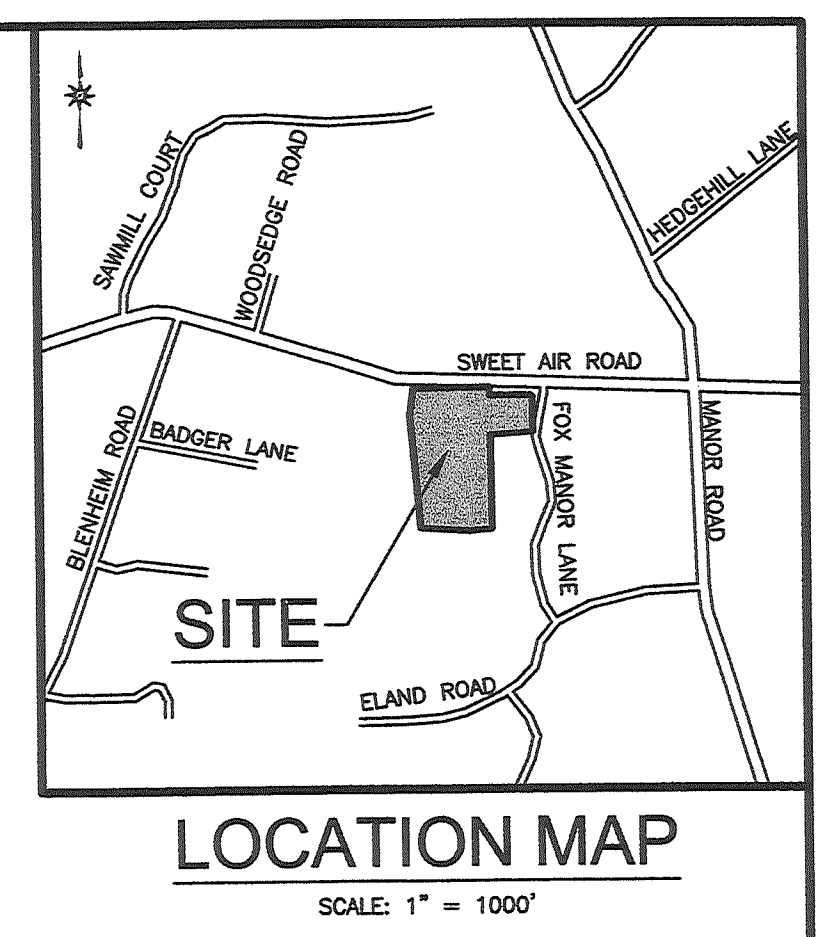
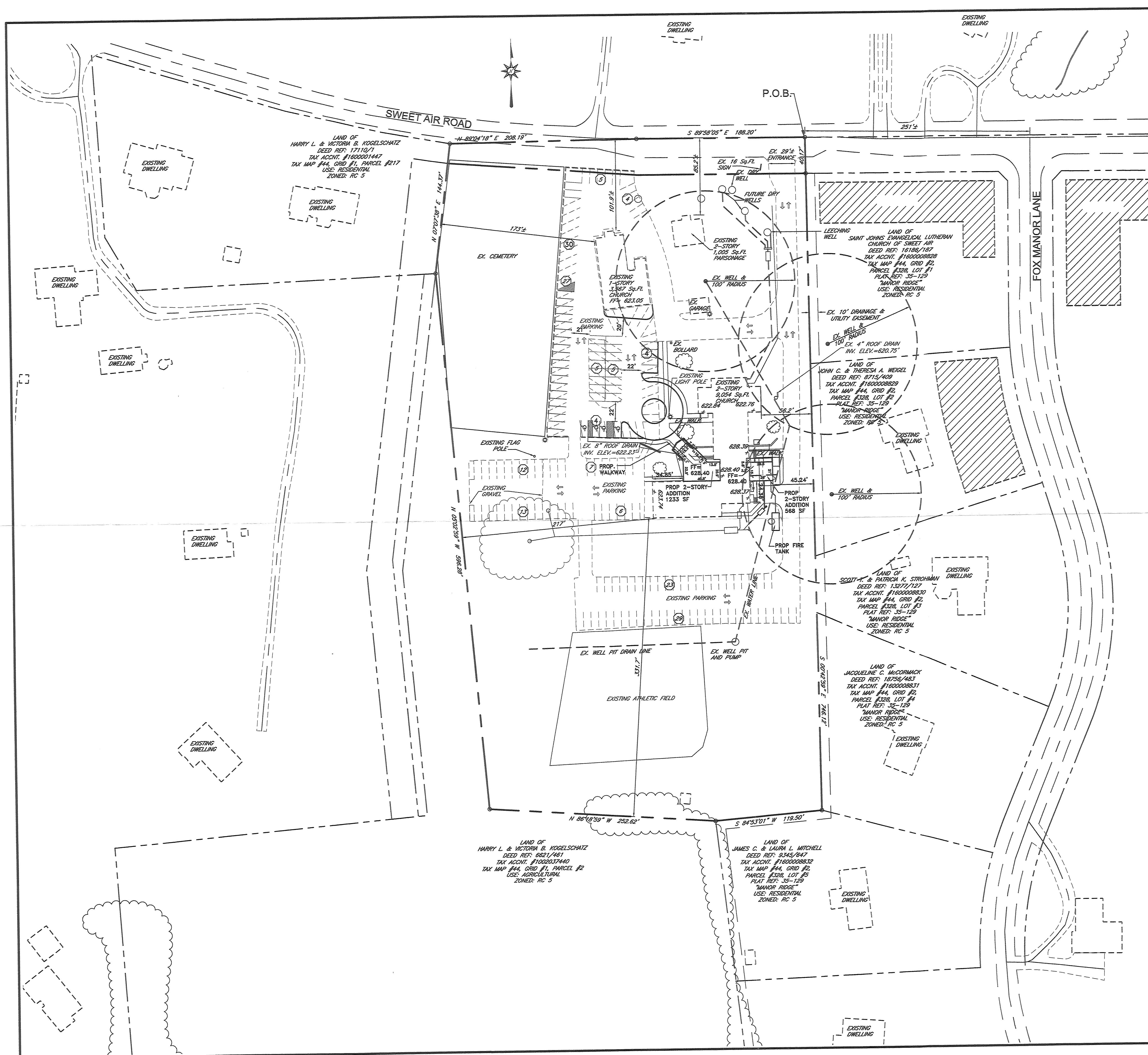
PETITIONER' S

EXHIBIT NO.

2

ZONING MAP #044A1  
SCALE: 1" = 200'

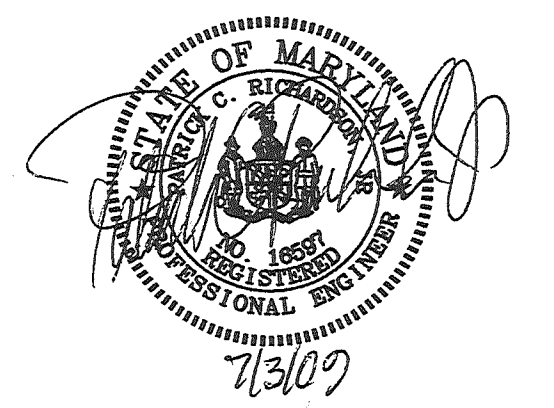




- GENERAL NOTES:**
- OWNER: ST JOHNS LUTHERAN CHURCH  
3911 SWEET AIR ROAD  
PHOENIX, MD 21131
  - DEVELOPER: ST JOHNS LUTHERAN CHURCH  
3911 SWEET AIR ROAD  
PHOENIX, MD 21131
  - SITE AREA  
GROSS: 296,291 Sq.Ft. or 6.80 Ac.±  
NET: 282,237 Sq.Ft. or 6.48 Ac.±
  - EXISTING BUILDING: 14,465 SF
  - PROPOSED BUILDING: 1,802 SF
  - UTILITIES
  - WATER: PRIVATE SEWER: PRIVATE
  - NO 100 YR FLOODPLAINS ON SITE
  - SETBACKS: PROVIDED  
FRONT 85.2'  
SIDE 45.2'  
REAR 331.7'
  - DEED REF: 896/320, 3271/354, 3271/351 & 2622/184
  - TAX ACCOUNT NO. 1019000026, 1016000501, 1016000502 & 1016000503
  - COUNCILMANIC DISTRICT 3rd
  - REGIONAL PLANNING DISTRICT 305
  - CENSUS TRACT 4102
  - ZONING: RC-5  
(PER 1"=200' ZONING MAP 44A1)
  - TAX MAP #44 PARCEL 4, 86, 87 & 88
  - PARKING:  
REQUIRED: 300 SEATS @ 1 SPACE PER 4 SEATS = 75 SPACES  
PROVIDED: 144 SPACES
  - F.A.R. = 27,287/296,291 = 0.09
  - DRG. #092908D WAS GRANTED A LIMITED EXEMPTION UNDER SECTION 32-4-106(a)(1)(vi) ON SEPTEMBER 29, 2009.
  - WATERSHED: LITTLE GUNPOWDER
  - PREVIOUS ZONING CASES: NONE ON FILE
  - PREVIOUS PERMITS: GRADING PERMIT #707539

PETITIONER'S  
EXHIBIT NO. 1

PROFESSIONAL CERTIFICATION:  
I HEREBY CERTIFY THAT THESE DOCUMENTS  
WERE PREPARED OR APPROVED BY ME, AND  
THAT I AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE  
OF MARYLAND, LICENSE NUMBER 16597,  
EXPIRATION DATE: 08-01-2009



**Richardson Engineering, LLC**

30 East Padonia Road, Suite 500  
Timonium, Maryland 21093  
Phone: 410-560-1502 Fax: 443-901-1208

|                                                   |                   |                      |
|---------------------------------------------------|-------------------|----------------------|
| PLAN TO ACCOMPANY A ZONING VARIANCE FOR           |                   |                      |
| ST. JOHNS LUTHERAN CHURCH<br>3911 SWEET AIR ROAD  |                   |                      |
| 10th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND |                   |                      |
| REVISIONS                                         | DRAWN BY:<br>CND  | DESIGNED BY:<br>PCR  |
|                                                   | DATE:<br>06-24-09 | SHEET NO.:<br>1 OF 1 |