

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

W side of Belair Road, 405 feet S from
the c/l of Old Forge Road
11th Election District
6th Councilmanic District
(8420 Belair Road)

**St. Joseph's Fullerton, Roman
Catholic Congregation, Inc.**
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case 2010-0176-X**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owner of the subject property, St. Joseph's Fullerton Roman Catholic Congregation, Inc. Petitioner is requesting a Special Exception use pursuant to Section 1B02.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for an existing and proposed accessory cemetery section as shown on the Plan to accompany this Petition; and 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 B.C.Z.R. and prior approvals for the subject property. The subject property and requested relief are more fully described on the redlined site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception use was Joyce Thaler, Director of Cemetery Management for Petitioner St. Joseph's Fullerton Roman Catholic Congregation, Inc., Howard L. Alderman, Jr., Esquire, attorney for Petitioner, and Douglas L. Kennedy with KCW Engineering Technologies, Inc., the professional engineer who prepared the site plan. Also appearing on behalf of the church in support of Petitioner's requested relief were John Berg, who prepares burial sites and maintains the cemetery grounds, and Msgr.

ORDER RECEIVED FOR FILING

Date 7-8-10

By RB

Kevin Schenning. There were no Protesants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a large, irregularly shaped parcel consisting of approximately 41 acres, more or less, zoned primarily D.R.5.5, with a small area (approximately 0.6 acre) zoned B.L. The property is located in the Fullerton/White Marsh area of Baltimore County on the northwest side of Belair Road (Route 1) with ingress/egress from same. This entrance to the property is controlled by a traffic signal on Belair Road that primarily services access to and from the church property. As shown on the site plan, the subject property is currently improved with a church building containing a worship center with 980 seats and additional buildings that include a school, rectory, and administration and social buildings. There are also athletic fields for recreational activities, as well as parking and an existing cemetery. Susquehanna Transmission utility lines and Belmont Park border the subject property to the west and Ridgley's Choice, a residential development, borders the subject property to the northeast. Significant forest buffer exists between both the northeast and western borders of the subject property.

Mr. Alderman, Petitioner's attorney, proffered a historical description of the development of the subject property as background to the instant special exception request. This testimony revealed that the use of the property as a cemetery dates back to 1862, which is the date of the most antiquated headstone on the site. In 1869 the church itself was constructed and in 1879 the first St. Joseph's school was established. Over the years the church has gradually acquired parcels of land until the current 41 acres was accumulated. The deed numbers for these purchases and acquisitions are enumerated on the site plan.

Petitioner desires to legitimize the existing accessory use of the subject property as a cemetery and create a new cemetery section on the subject property via special exception relief.

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Date

7-8-10

2

By

pm

Although Mr. Alderman suggested that the existing cemetery section is a valid non-conforming use, both the existing cemetery section and the proposed section are included in the request for special exception pursuant to Sections 1B02.1 and 502.1 of the B.C.Z.R. Further testimony revealed that the special exception area contains approximately 14.62 acres, more or less, with the existing section comprising 8 acres and the proposed section 6 acres, respectively. An aerial photograph of the special exception area was marked and accepted into evidence as Petitioner's Exhibit 2. The area where the new section of cemetery is proposed is currently wooded. Petitioner stated that even with the granting of the special exception, over a 60 foot wide wooded buffer would still exist between the subject property and the adjacent residential neighborhood. It was further noted that Petitioner reached out to the community and these efforts notwithstanding, the community has not requested any follow up or additional input from the church regarding the request for special exception relief. It was also noted that currently, there is approximately one burial per week on the existing cemetery site and with the implementation of the proposed cemetery area, that number is expected to increase only to two burials per week. Mr. Berg explained that gravesite are opened one to two days before internment to the depth of fifty inches and are secured until burial occurs. No digging is performed before 9 AM or during evening hours.

In further support of the requested relief, Mr. Alderman proffered additional testimony evidencing the compliance with the special exception criteria set forth in Section 502.1 of the B.C.Z.R. Mr. Alderman proffered that Douglas Kennedy, the engineer who drafted the site plan for the subject property and who was accepted as an expert in planning, zoning and land development, was familiar with the subject property and the B.C.Z.R., and if asked to testify, would state that the property's proposed use as a cemetery accessory use satisfies all the 502.1 criteria. In particular, Mr. Kennedy would testify that the proposed use would not be detrimental

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Date 7-8-10

By PM

to the health, safety or general welfare of the locality, would not create congestion in roads or streets, and would not create a potential hazard from fire, panic or other danger. Moreover, as a perpetual open space use, the use would not overcrowd the land nor interfere with the provision of public services or with adequate light and air. Further, it was proffered that granting of the requested relief would be consistent with the spirit and intent of the B.C.Z.R. and would not be detrimental to any other applicable special exception criteria.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated June 8, 2010 indicate that there appears to be no adverse impacts on the health, safety and general welfare of the existing church or the locality surrounding the proposal. Comments were also received from the Department of Environmental Protection and Resource Management dated June 11, 2010 which indicate that development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, and must comply with the Forest Conservation Regulations.

Considering the testimony and evidence presented, I am persuaded to grant the requested special exception to use the property for an accessory cemetery use, and to legitimize the existing accessory cemetery use. Section 1B02.1 of the B.C.Z.R. permits a cemetery in the D.R.5.5 Zone by special exception, provided the criteria set forth in Section 502.1 of the B.C.Z.R. are met. The uncontroverted testimony and evidence from Petitioner indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria. Moreover, Petitioner has met its burden that relief can be granted consistent with the spirit and intent of the Zoning Regulations. Therefore, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use,

ORDER RECEIVED FOR FILING

Date 7-8-10
By pm

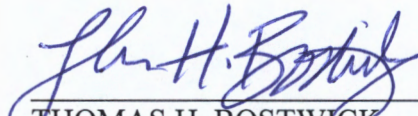
irrespective of its location within the Zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981); *see also, People's Counsel v. Loyola College*, 406 Md. 54 (2008).

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 special exception request should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 8th day of July, 2010 that Petitioner's request for a Special Exception use pursuant to Section 1B02.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for the existing accessory cemetery section and the proposed new cemetery section as shown on the Plan to accompany this Petition be and is hereby **GRANTED**, subject to the following conditions:

1. Petitioners may apply for their necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

ORDER RECEIVED FOR FILING

Date 7-8-10 5

By pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 8, 2010

HOWARD L. ALDERMAN, JR., ESQUIRE
LEVIN & GANN PA
502 WASHINGTON AVENUE
TOWSON MD 21204

Re: Petition for Special Exception
Case No. 2010-0176-X
Property: 8420 Belair Road

Dear Mr. Alderman:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Joyce Thaler, 3 Kristal Court, Baltimore MD 21236
Douglas L. Kennedy, KCW Engineering Technologies, Inc., 810 Landmark Drive, Glen Burnie MD 21061
John Berg, 9021 Hines Road, Baltimore MD 21234
Msgr. Kevin Schenning, St. Joseph Church, 8420 Belair Road, Baltimore MD 21236



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 8420 Belair Road

which is presently zoned DR 5.5 (40.4 ac) & BL (0.6 ac)

Deed Reference: 29004 / 133 Tax Account # 11 1101074

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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHMENT

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by 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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Howard L. Alderman Jr., Esq.

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

St. Joseph's, Fullerton, Roman Catholic Congregation, Incorporated

By: Denis J. Madden

Signature

Most Rev. Denis J. Madden, Vicar

Name - Type or Print

Signature

c/o 320 Cathedral St. 410-256-1630

Address

Baltimore

MD

Telephone No.

21202

City

State

Zip Code

Representative to be Contacted:

Douglas L. Kennedy, PE / KCW Engineering Technologies, Inc.

Name

810 Landmark Dr., Suite 215 410-768-7700

Address

Glen Burnie

MD

410-768-7700

City

State

Zip Code

Case No. 2010-0176-X

REV 07/27/2007 ORDER RECEIVED FOR FILING

Date 7-8-10

By [Signature]

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 4-30-10

Additional Tax
Account #'s
11 1101074278
11 1101074279
11 1101074283
11 1101074284
11 1111017350
11 1113040300
11 1119000375

Attachment 1

PETITION FOR SPECIAL EXCEPTION

CASE NO: 2010 – – X

Address: 8420 Belair Road

Legal Owner: St. Joseph's, Fullerton, Roman Catholic Congregation, Incorporated, a religious corporation

Present Zoning: DR 5.5 (40.4 ac) & BL (0.6 ac)

REQUESTED RELIEF:

Approval of a *Special Exception*: (i) pursuant to *Baltimore County Zoning Regulations* Section 1B01.2 for the existing, accessory cemetery section and the proposed new cemetery section as shown on the Plan to accompany this Petition; and (ii) 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 and prior approvals for the subject property.

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

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 No. 10748
Expiration Date 1-2-2012



Douglas Lane Kennedy
4-28-2010

**ZONING DESCRIPTION FOR ZONING SPECIAL EXCEPTION
PROPERTY OF ST. JOSEPH'S, FULLERTON,
ROMAN CATHOLIC CONGREGATION, INC.
8420 BELAIR ROAD
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at a point on the westerly Right-of-Way line of Belair Road (MD Rte. 1), variable width, said point being distant 405 feet, more or less, southerly from the centerline of Old Forge Road, thence leaving said Right-of-Way line of Belair Road the following courses and distances:

1. North 45 degrees 30 minutes 18 seconds West 464.56 feet to a point;
thence
2. South 43 degrees 53 minutes 48 seconds West 247.50 feet to a point;
thence
3. North 46 degrees 06 minutes 12 seconds West 1048.00 feet to a point;
thence
4. North 00 degrees 44 minutes 29 seconds East 318.82 feet to a point;
thence
5. South 46 degrees 06 minutes 12 seconds East 79.50 feet to a point;
thence
6. North 00 degrees 44 minutes 43 seconds East 135.24 feet to a point;
thence
7. North 06 degrees 17 minutes 13 seconds East 422.00 feet to a point;
thence
8. South 46 degrees 06 minutes 12 seconds East 957.10 feet to a point;
thence
9. South 43 degrees 53 minutes 48 seconds West 131.79 feet to a point;
thence
10. South 56 degrees 19 minutes 36 seconds East 184.46 feet to a point;
thence
11. South 33 degrees 40 minutes 24 seconds East 493.04 feet to a point;
thence
12. South 46 degrees 06 minutes 12 seconds East 137.71 feet to a point;
thence
13. South 45 degrees 30 minutes 18 seconds East 464.56 feet to the
Point of Beginning.

Containing 636,882 square feet or 14.62 acres of land, more or less.
Being part of that property recorded in Deed SM 29004, folio 133.
Also known as 8420 Belair Road and located in the 11th Election District
of Baltimore County, Maryland.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 0176

Petitioner: ST. JOSEPH'S, FULLERTON, ROMAN CATHOLIC CONGREGATION, INC.

Address or Location: 8420 BELAIR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ST. JOSEPH'S, FULLERTON

Address: ATTN: JOYCE THALER

8420 BELAIR ROAD

BALTIMORE, MD 21236

Telephone Number: 410-256-1630

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

No. 53710

Date: 4

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0176-X

8420 Belair Road

W/side of Belair Road, 405 feet +/- south from the centerline of Old Forge Road

11th Election District — 6th Councilmanic District

Legal Owner(s): St. Joseph's Fullerton, Roman Catholic Cong.

Special Exception: for the existing, accessory cemetery section and the proposed new cemetery section as shown on the Plan to accompany this petition; and 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 and prior approvals for the subject property.

Hearing: Wednesday, July 7, 2010 at 9:00 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 6/900 June 22

244549

CERTIFICATE OF PUBLICATION

6/24/, 2010

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 6/22/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/20/2010

Case Number: 2010-0176-X

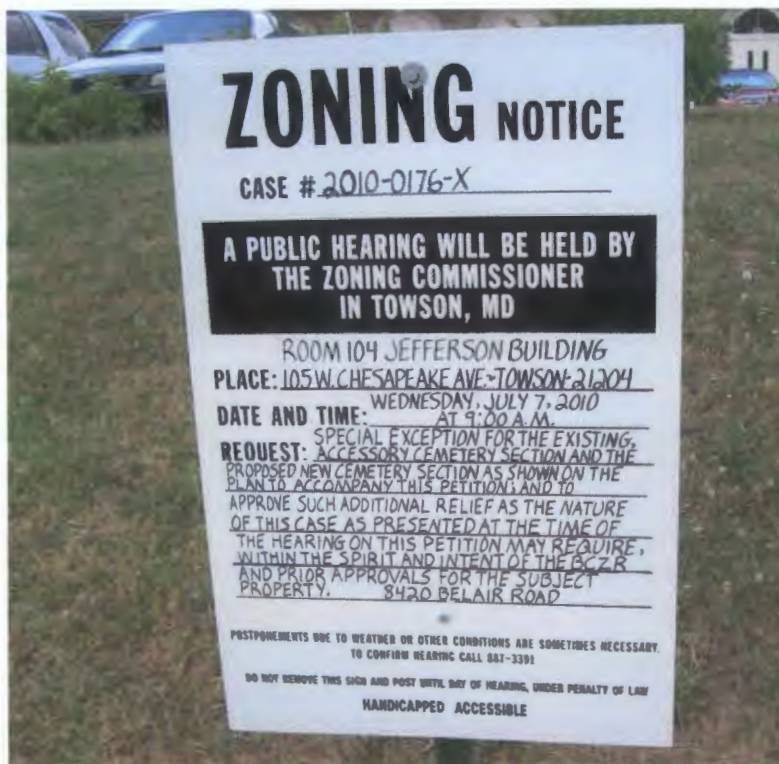
Petitioner / Developer: HOWARD ALDERMAN, ESQ.~

MOST REV. DENIS J. MADDEN~DOUGLAS KENNEDY

Date of Hearing (Closing): JULY 7, 2010

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:
8420 BELAIR ROAD

The sign(s) were posted on: JUNE 20, 2010



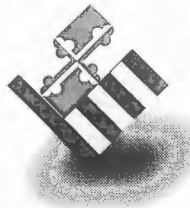
Linda O'Keefe
(Signature of Sign Poster)

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)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 27, 2010

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: 2010-0176-X

8420 Belair Road

W/side of Belair Road, 405 feet +/- south from the centerline of Old Forge Road

11th Election District – 6th Councilmanic District

Legal Owners: St. Joseph's Fullerton, Roman Catholic Cong.

Special Exception for the existing, accessory cemetery section and the proposed new cemetery section as shown on the Plan to accompany this petition; and 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 and prior approvals for the subject property.

Hearing: Wednesday, July 7, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kll

C: Howard Alderman, Jr., 502 Washington Ave., 8th Fl., Towson 21204
Most Rev. Denis J. Madden, 320 Cathedral St., Baltimore 21202
Douglas Kennedy, 810 Landmark Dr., Ste. 215, Glen Burnie, 21061

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 22, 2010.**
- (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, June 22, 2010 Issue - Jeffersonian

Please forward billing to:
Joyce Thaler
St. Joseph's Fullerton
8420 Belair Road
Baltimore, MD 21236

410-256-1630

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: 2010-0176-X

8420 Belair Road

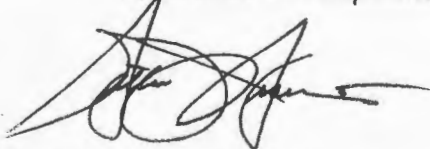
W/side of Belair Road, 405 feet +/- south from the centerline of Old Forge Road

11th Election District – 6th Councilmanic District

Legal Owners: St. Joseph's Fullerton, Roman Catholic Cong.

Special Exception for the existing, accessory cemetery section and the proposed new cemetery section as shown on the Plan to accompany this petition; and 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 and prior approvals for the subject property.

Hearing: Wednesday, July 7, 2010 at 9:00 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 2, 2010

Howard L. Alderman
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, MD 21204

Dear: Howard L. Alderman

RE: Case Number 2010-0176-X, Howard L. Alderman

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2010. 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
Most Rev. Denis Madden, 320 Cathedral St.; Baltimore, MD 21202
Douglas Kennedy; 810 Landmark Dr. Ste. 215; Glen Burnie, MD 21061



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 17th, 2010

Item Numbers: 0176, 0230, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0303, 0304, 0306
and 0307-0312

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 18, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For May 31, 2010
Item Nos. 2010- 176, 230, 295, 296,
297, 298, 299, 301, 303, 304, 306, 307
311 & 312

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05312010 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MAY 19, 2010

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

RE: Baltimore County
Item No. 2010-0176-X
US 1
8420 BELAIR ROAD
ST JOSEPH'S FULLERTON
SPECIAL EXCEPTION

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 5/17/2010. A field inspection and internal review reveals that an entrance onto US 1 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for ST JOSEPH'S FULLERTON Case Number 2010-0176-X.

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 email him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

TB

7-7-10

9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 8, 2010

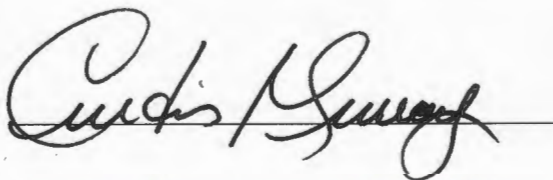
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-176- Special Exception**

The Office of Planning has reviewed the above referenced case(s) and there appears to be no adverse impacts on the health, safety and general welfare of the existing church or the locality surrounding the proposal.

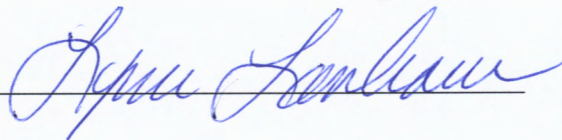
For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



RECEIVED

JUN 14 2010

ZONING COMMISSIONER

TB 7-7-10 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: June 11, 2010
SUBJECT: Zoning Item # 10-176-X
Address 8420 Belair Road
(St. Joseph's Fullerton, Roman Catholic Congregation Inc.)

Zoning Advisory Committee Meeting of May 17, 2010.

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

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

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

Additional Comments:

Reviewer: Regina Esslinger

Date: June 10, 2010

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
8420 Belair Road; W/S Belair Road, 405' S *
c/line Old Forge Road * ZONING COMMISSIONER
11th Election & 6th Councilmanic Districts *
Legal Owner(s): St. Joseph's Fullerton, * FOR
Roman Catholic Congregation, Incorporated *
Petitioner(s) * BALTIMORE COUNTY
* 10-176-X

* * * * *

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

MAY 21 2010

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 21st day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Douglas Kennedy, P.E., KCW Engineering, 810 Landmark Drive, Suite 215, Glen Burnie, MD 21061 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Kristen Lewis - Scheduling 2010-0291-SPH

From: "Howard Alderman" <halderman@levingann.com>
To: "Kristen Lewis" <klewis@baltimorecountymd.gov>
Date: 5/26/2010 10:50 AM
Subject: Scheduling 2010-0291-SPH
CC: <don@dshuberco.com>, <gcs@mckeeinc.com>

Kristen,

I hope I used the correct email address/name this time!!!

I need to have the hearing for Case No. 2010-0291-SPH scheduled as soon as possible. I think my client thinks that I am not doing my job in getting this to a hearing.

You need to know that I will NOT BE AVAILABLE on the following dates: between 6/24 and 7/2 AND between 7/23 and 8/2.

Other than that if you will give me a hearing date via return email, I will confirm within 24 hours with all of my witnesses and get back to you.

Thanks, as always,
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)  
✉: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)  
Provide Feedback at <http://tinyurl.com/HLA-AVVO>

*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 addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:

<http://www.adobe.com/products/acrobat/readstep2.html>

**Kristen Lewis - FW: St. Joseph's Fullerton - Zoning Hearing Case No. 2010-0176-X**

---

**From:** "Howard Alderman" <halderman@levingann.com>  
**To:** <klewis@baltimorecountymd.gov>  
**Date:** 5/11/2010 11:58 AM  
**Subject:** FW: St. Joseph's Fullerton - Zoning Hearing Case No. 2010-0176-X

---

Kristen,

I'm sending this again with your new email address (per Rose). Best wishes on your recent marriage.

Howard

---

**From:** Howard Alderman  
**Sent:** Tuesday, May 11, 2010 11:50 AM  
**To:** 'kmatthews@baltimorecountymd.gov'  
**Cc:** 'handes@archbalt.org'; 'Kevin Schenning (kschenning@stjoefullerton.org)'; 'Bob Kern'; 'Ryan J. Potter'; 'Douglas Kennedy'; 'Joyce@stjoefullerton.org'  
**Subject:** St. Joseph's Fullerton - Zoning Hearing Case No. 2010-0176-X

Kristen,

I have just learned that our engineer-expert will be unavailable to attend a hearing on Case No. 2010-0176-X during the time period of 5-30-2010 to 6-6-2010. Additionally, I have prior scheduled hearing [as of this date] on June 7 – all day; June 10 (9 am to 11 am); June 23 – all day.

If you have the opportunity to contact me before scheduling the hearing, I will be able to check with all witnesses and advise promptly if the date/time works.

Thanks,  
 Howard

~~~~~  
 Howard L. Alderman, Jr., Esquire
 Levin & Gann, PA

Nottingham Centre, 8th Floor
 502 Washington Avenue
 Towson, Maryland 21204

☎: 410-321-0600 (voice)

☎: 410-296-2801 (fax)

✉: halderman@LevinGann.com

Website: www.LevinGann.com

Provide Feedback at <http://tinyurl.com/HLA-AVVO>

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.

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<http://www.adobe.com/products/acrobat/readstep2.html>

CHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment

<u>5-18-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>6-11-10</u>	DEPRM	<u>2 conditions</u>
<u>5-27-10</u>	FIRE DEPARTMENT	<u>nc</u>
<u>6-8-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>supports</u>
<u>5-19-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>-</u>
_____	ADJACENT PROPERTY OWNERS	<u>-</u>

ZONING VIOLATION (Case No. -)PRIOR ZONING (Case No. -)NEWSPAPER ADVERTISEMENT Date: 6-22-10SIGN POSTING Date: 6-20-10PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

CASE NAME St. Joseph
CASE NUMBER 2010-0176-X
DATE 07 July 18
ET

[illegible]

Case No.: 2010-0176-X

Exhibit Sheet

Petitioner/Developer

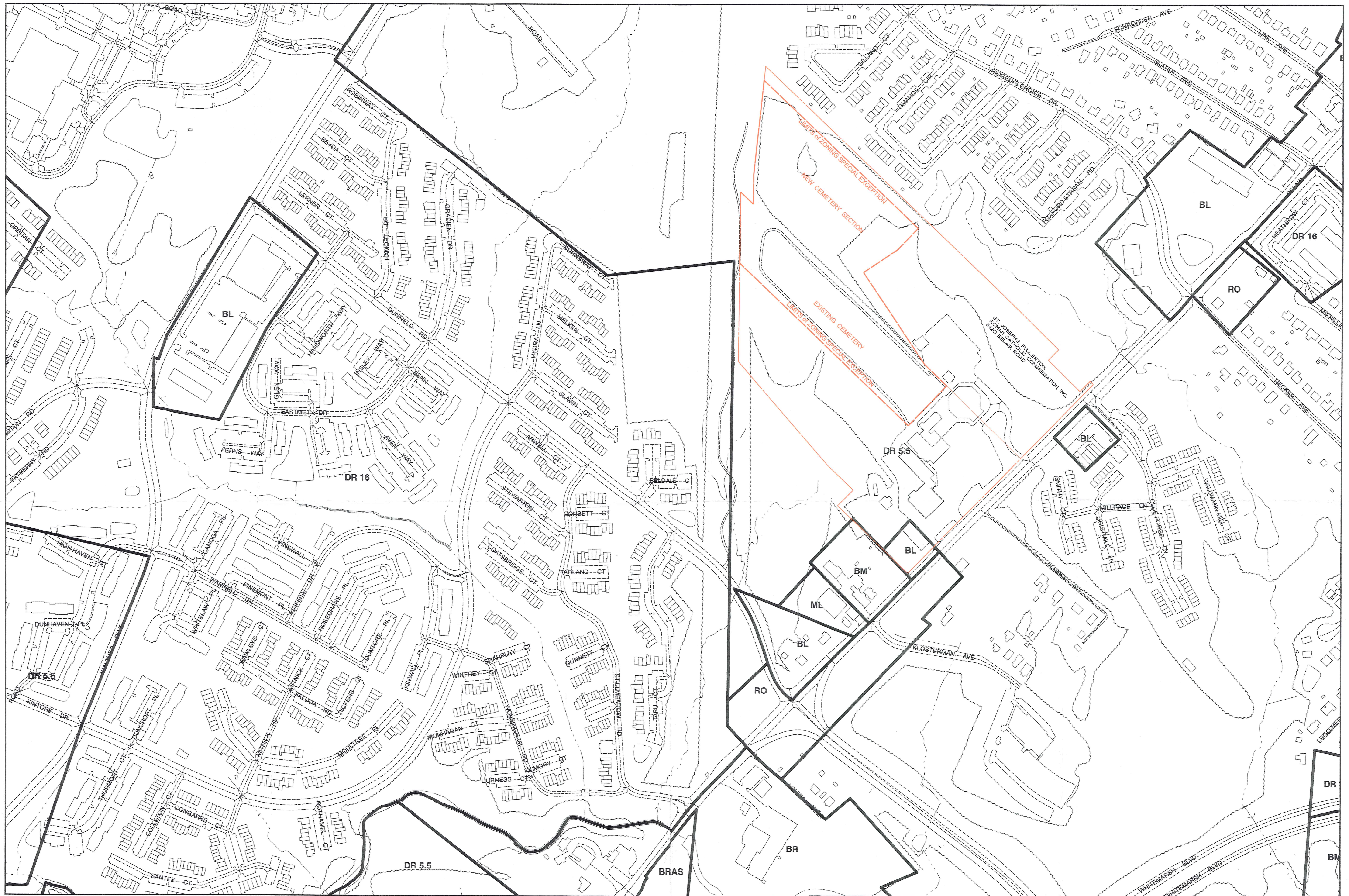
Protestant

No. 1	Redlined Site Plan	
No. 2	Aerial Photograph of Subject Property	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



St. Joseph's Fullerton - 8420 Belair Road
Case No. 2010-0176-X





Plan Sheet: 071C3

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | |
|-----------|---------|------------|
| Buildings | Streams | Vegetation |
| Zoning | Roads | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

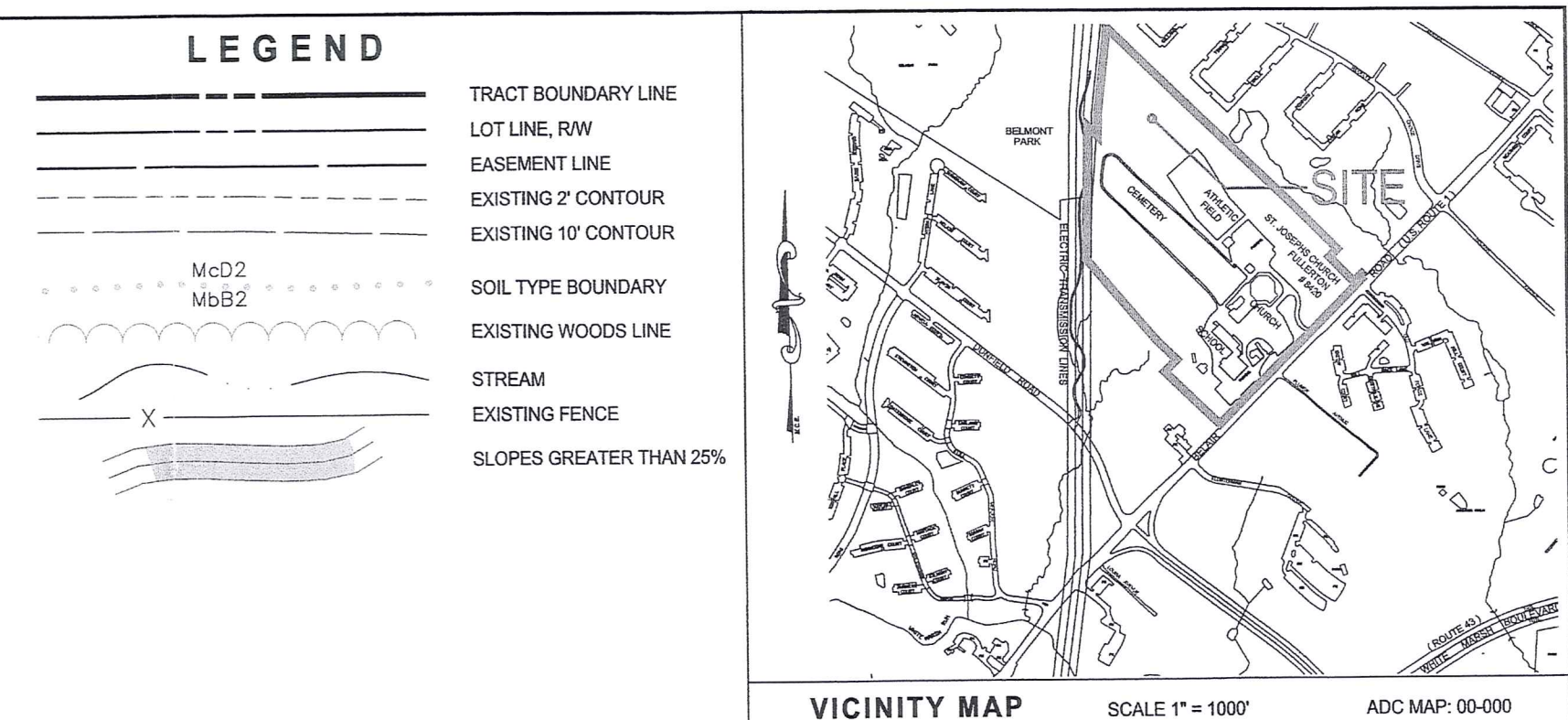
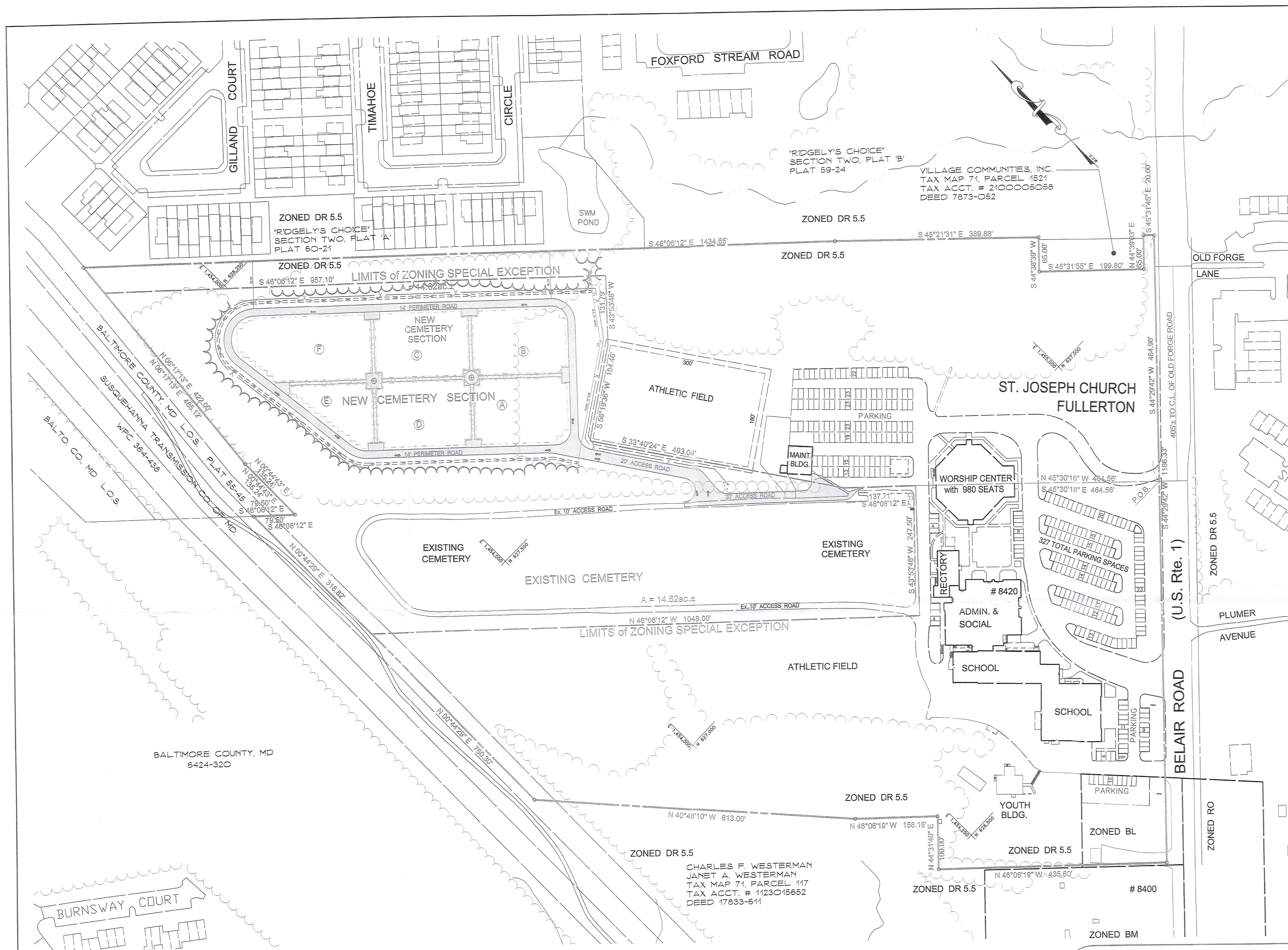
071A2	071B2	071C2	072A2	072B2
071A3	071B3	071C3	072A3	072B3
081A1	081B1	081C1	082A1	082B1

Scale
1" = 200'
0 100 200 400 Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

ZONING MAP 71C3
ST. JOSEPH'S, FULLERTON,
ROMAN CATHOLIC CONGREGATION, INC.
8420 BELAIR ROAD



- GENERAL NOTES**
- OWNER / APPLICANT: ST. JOSEPH'S, FULLERTON, ROMAN CATHOLIC CONGREGATION, INC. By: Most Rev. Denis J. Madden, Vicar 320 CATHEDRAL STREET, BALTIMORE, MD 21201 Tele: 410-547-5334
 - PROPERTY LOCATION: 8420 BELAIR ROAD BALTIMORE, MD 21236
 - TAX MAP: DEED: 71, Parcel 11 and Parcel 490 SM 29004-133 DATE: May 23, 1881 AREA: 5.05 ac.± TAX ACCOUNT # 1119000375
WM1 121-384 DATE: Feb. 3, 1899 AREA: 2.86 ac.±
NBM 236-432 DATE: Jan. 31, 1924 AREA: 1.57 ac.±
WPC 591-076 DATE: Dec. 12, 1938 AREA: 5.34 ac.±
CWB, Jr. 1052-122 DATE: July 2, 1958 AREA: 4.09 ac.±
SLB 3375-447 DATE: Nov. 7, 1960 AREA: 0.95 ac.±
WJR 3777-370 DATE: June 15, 1962 AREA: 6.41 ac.±
WJR 4002-676 DATE: July 5, 1966 AREA: 7.00 ac.±
OTG 4642-317 DATE: Aug. 15, 1967 AREA: 6.79 ac.±
OTG 4792-193 DATE: Dec. 2, 1992 AREA: 1.00 ac.±
SM 9737-159 AREA: 41.06 ac.±
 - ELECTION DISTRICT: 11 C-6
COUNCILMANIC DIST.: 0000
CENSUS TRACT: 0000
REGIONAL PLANNING: WHITEMARSH RUN
WATERSHED: 00
SUBWERSHED: 00
 - ZONING: D.R. 5.5 (40.4 ac.) and BL (0.6 ac.) (ZONING MAP 71C3)
 - EXISTING LAND USE: CHURCH WITH 980 SEATS WITH ACCESSORY USES OF SCHOOL, RECTORY, ADMINISTRATION, SOCIAL ACTIVITIES, RECREATIONAL ACTIVITIES, PARKING AND CEMETERY. ALL ARE PERMITTED USES OR ACCESSORY USES TO CHURCH IN D.R. 5.5 ZONE.
 - PROPOSED LAND USE: SAME AS EXISTING WITH PROPOSED NEW SECTION TO EXISTING CEMETERY.
 - BUILDING SETBACKS: (MINIMUM SETBACKS FOR D.R. 5.5 ZONING PER)
FRONT YARD: 50 ft. MINIMUM EXISTING 80 ft.
SIDE YARD: 10 ft. EXISTING 20 ft.
REAR YARD: 30 ft. EXISTING 198 ft.
 - BUILDING HEIGHT: 35 ft. MAXIMUM
 - PARKING: REQUIRED PARKING = 980 SEATS x 1 P.S. PER 4 SEATS = 245 P.S. MINIMUM PARKING PROVIDED = 327 P.S. (Incl. 8 H.C. Spaces)
ALL PARKING SPACES SHALL BE STRIPED AND IN COMPLIANCE WITH BCZR 409.
 - THERE ARE NO KNOWN HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, UNDERGROUND STORAGE TANKS OR HAZARDOUS MATERIAL SITES LOCATED ON THIS PROPERTY. THERE ARE NO KNOWN SIGNIFICANT VIEWS OR SITE FEATURES THAT MAY AFFECT THE DEVELOPMENT PROPOSAL. THERE ARE NO KNOWN SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES BASED UPON DEPRM AND DNR DATA.
 - FOREST CONSERVATION: FOREST CONSERVATION REQUIREMENTS WILL BE MET WITH THE CREATION OF ON-SITE FOREST CONSERVATION EASEMENTS.
 - FLOODPLAIN: THERE ARE NO FLOODPLAINS THAT EXIST ON THE SITE.
 - WETLANDS: THERE ARE NO KNOWN WETLANDS THAT EXIST ON THE SITE.
 - FOREST BUFFER: STREAMS, BODIES OF WATER, WETLANDS OR OTHER RESOURCES WITHIN 300' OF THE SITE WHICH WOULD GENERATE A FOREST BUFFER PER BALTIMORE COUNTY, D.E.P.R.M., E.I.R. REGULATIONS ARE AS SHOWN HEREON.
 - STORMWATER MANAGEMENT: STORMWATER MANAGEMENT AND WATER QUALITY MANAGEMENT SHALL BE PROVIDED IN ACCORDANCE WITH CURRENT BALTIMORE COUNTY REQUIREMENTS.
 - BOUNDARY: PROPERTY OUTLINE SHOWN ON PLAN IS BASED ON DEED PLOT.
 - TOPOGRAPHY: EXISTING TOPOGRAPHY SHOWN ON PLAN IS BASED UPON BALTO. CO. G.I.S. TOPOGRAPHY PER TILE 71C3.
 - SOILS: SOILS DELINEATED HEREON ARE BASED UPON 'BALTIMORE COUNTY SOIL SURVEY MAP' No. 36 PREPARED BY THE USDA SOIL CONSERVATION SERVICE AND SOILS LINES ACQUIRED DIGITALLY FROM BALTIMORE COUNTY - O.I.T. G.I.S. SERVICES UNIT.
 - SANITARY SEWER: THIS PROPERTY IS SERVED BY EXISTING PUBLIC SANITARY SEWER. THERE IS AN EXISTING SEPTIC SYSTEM THAT SERVES THE YOUTH BUILDING AT SOUTHEAST CORNER OF THE PROPERTY.
 - WATER: THIS PROPERTY IS SERVED BY EXISTING PUBLIC WATER SERVICE. THERE ARE NO EXISTING WELLS ON THIS SITE.
 - ZONING HISTORY: THERE ARE NO KNOWN PREVIOUS ZONING CASES FOR THIS PROPERTY.
 - PREVIOUS DEVELOPMENT HISTORY: DEVELOPMENT REVIEW COMMITTEE GRANTED LIMITED EXEMPTION PER DRC # 09079H FOR BUILDING ADDITION.



PLAN Scale: 1" = 100'

ZONING SPECIAL EXCEPTION:
(i) pursuant to Baltimore County Zoning Regulations Section 1B01.2 for the existing, accessory cemetery section and the new cemetery section as shown on the Plan to accompany Petition; and (ii) 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 BOZR and prior approvals for the subject property.

SITE PLAN to ACCOMPANY PETITION for ZONING SPECIAL EXCEPTION

EXISTING and NEW CEMETERY

ST. JOSEPH CHURCH ~ FULLERTON

8420 BELAIR ROAD

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 11, C-6

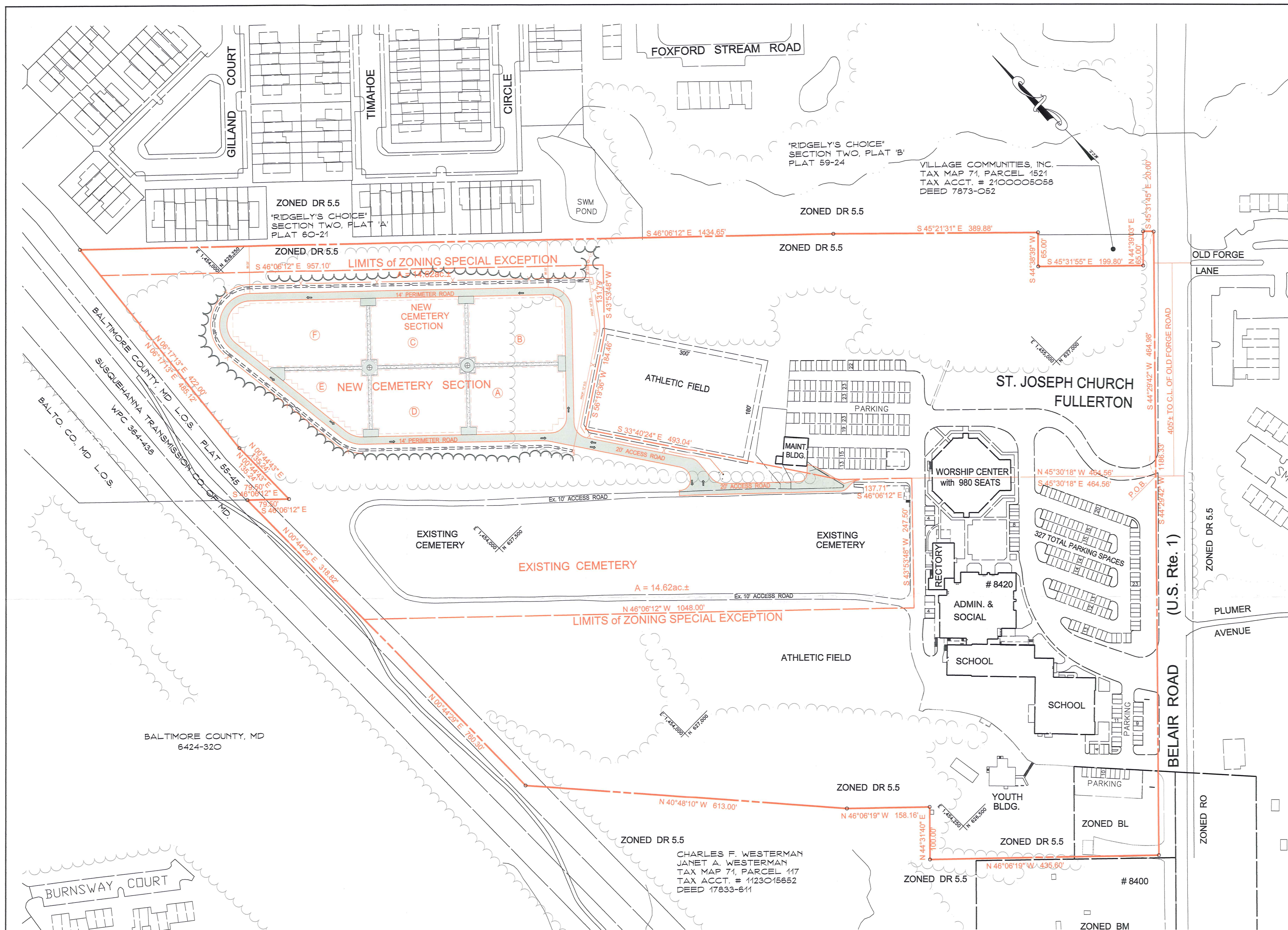
KCW Engineering Technologies, Inc.
810 Landmark Drive, Suite 215
Glen Burnie, MD 21061
Phone: 410.768.7700
Fax: 410.768.0200
www.kcw-et.com

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 No. 10748
Expiration Date 12-2-2012

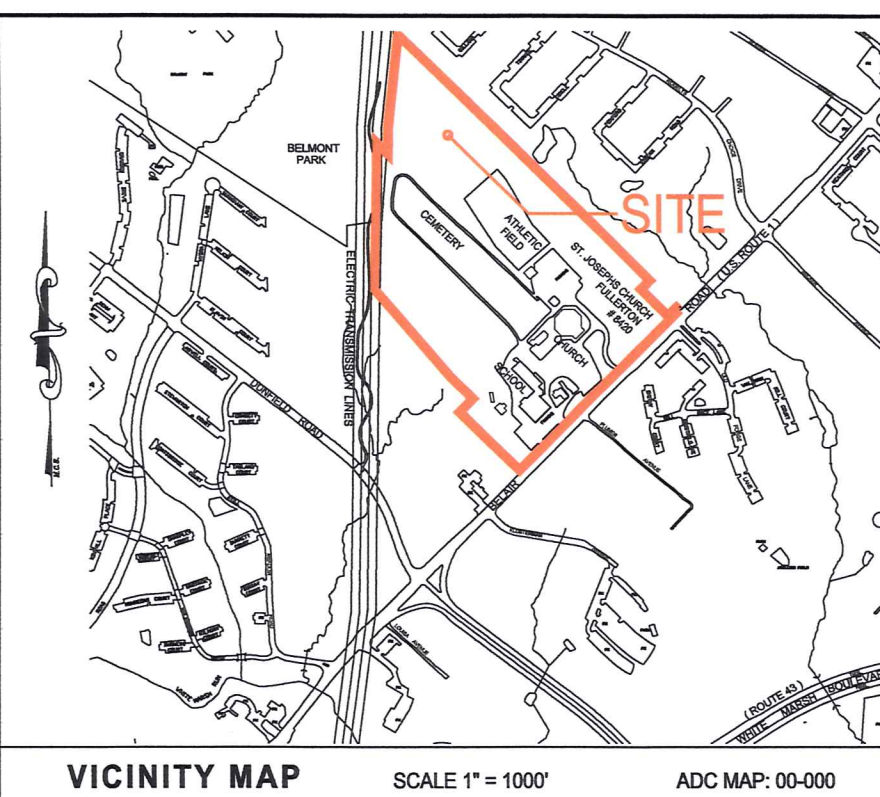
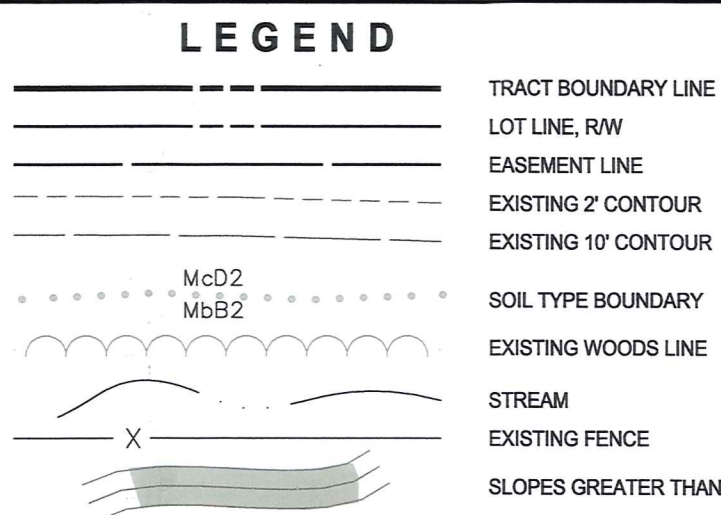
Seal of the State of Maryland, Professional Engineer, License No. 10748, Expiration Date 12-2-2012.

OWNER / APPLICANT:
ST. JOSEPH'S, FULLERTON, ROMAN CATHOLIC CONGREGATION, INC.
By: Most Rev. Denis J. Madden, Vicar
320 CATHEDRAL ST., BALTIMORE, MD 21202
Tele: 410-547-5334

REVISIONS		KCW J.O.:
DATE	DESCRIPTION	2090436
		SCALE: 1" = 100'
		DESIGNED: DLK
		DRAWN: YN
		CHECKED: DLK
		DATE: April 28, 2010
		DWG. NO.: Z-101



PLAN Scale: 1" = 100'



GENERAL NOTES

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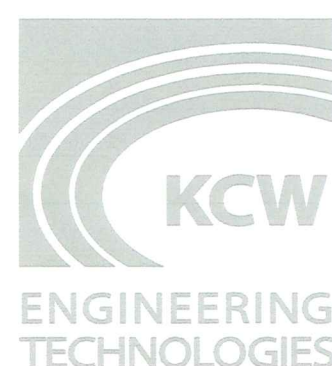
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SITE PLAN TO ACCOMPANY PETITION FOR ZONING SPECIAL EXCEPTION

EXISTING and NEW CEMETERY ST. JOSEPH CHURCH ~ FULLERTON 8420 BELAIR ROAD

BALTIMORE COUNTY, MARYLAND ELECTION DISTRICT 11, C-6



KCW Engineering Technologies, Inc.
810 Landmark Drive, Suite 215
Glen Burnie, MD 21061
Phone: 410.768.7700
Fax: 410.768.0200
www.kcw-et.com



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 No. 10749
Expiration Date 2-2022

OWNER / APPLICANT:
ST. JOSEPH'S, FULLERTON,
ROMAN CATHOLIC CONGREGATION, INC.
By: Most Rev. Denis J. Madden, Vicar
320 CATHEDRAL ST., BALTIMORE, MD 21202
Tel: 410-547-5334

REVISIONS

DATE	DESCRIPTION

KCW J.O.: 2090436
SCALE: 1" = 100'
DESIGNED: DLK
DRAWN: YN
CHECKED: DLK
DATE: April 28, 2010
DWG. NO.: Z-101