

IN RE: PETITION FOR SPECIAL HEARING *

SW Shawan Road, 1,136' W of c/line
of Weil Mandel Way
8th Election District
3rd Councilmanic District
(909 Shawan Road)

St. Mary's Orthodox Church
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2011-0322-SPH

* * * * *

OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by Father Theodore Daoud on behalf of St. Mary's Orthodox Church, the legal owner of the subject property. The Petition for Special Hearing was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a waiver pursuant to Section 500.6 of the B.C.Z.R.; Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107(a) (2), and 32-8-301 of the Baltimore County Code (B.C.C.) to permit grading and alteration of a 100 year flood plain for a proposed sanctuary addition. The subject property and requested relief are more fully described on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on this Petition were Father Theodore Daoud on behalf of the legal owner, and David Martin and Harry Phillips with Martin and Phillips, the engineering firm who is assisting the Church in this request. Also in attendance was Christopher Mudd, Esquire, attorney for the Petitioner. There were no Protestants or other persons present.

The Zoning Advisory Committee (ZAC) comments were made a part of the record of this case, none of which had any comments regarding the relief requested.

Testimony and evidence presented demonstrated that the subject site consists of 3.3 acres, more or less, and is zoned RC 4. The property is the home of the St. Mary's Orthodox Church. It is

ORDER RECEIVED FOR FILING

Date 6-16-11

By 27

located on Shawan Road across the street from the Hayfields Country Club. The church proposes to construct a 5,103 square feet sanctuary addition onto their existing Church building. The grading for the sanctuary addition extends into the 100 year floodplain due to the existence of a large gas utility line and easement that bisects this property. Because of this, the special hearing relief is necessary to allow some grading and part of the addition to exist in the floodplain.

Submitted into evidence as Petitioner's Exhibit 5 was a letter from Public Works, signed by William Korpman, Deputy Director, recommending that the waiver be granted as the impacts on this floodplain is virtually zero. Accordingly, I shall grant the waiver based on this recommendation.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 16th day of June, 2011, that the Petitioner's request for Special Hearing relief, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), for a waiver pursuant to Section 500.6 of the B.C.Z.R.; Section 3112.0 of the Building Code; and Sections 32-4-414, 32-4-107(a) (2), and 32-8-301 of the Baltimore County Code (B.C.C.) to permit grading and alteration of a 100 year flood plain for a proposed sanctuary addition, be and is hereby GRANTED, subject to the following:

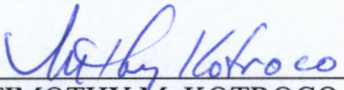
1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 6-16-11

By 

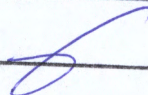
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 6-16-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 16, 2011

CHRISTOPHER D. MUDD, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2011-0322-SPH
Property: 909 Shawan Road

Dear Mr. Mudd:

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 the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 909 Shawan Road, Hunt Valley, MD, 21030-1308

which is presently zoned R.C. 4

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit grading and alteration of a 100-year flood plain for a proposed sanctuary addition.

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Date _____ Address _____ Telephone No. _____

City _____ By _____ State _____ Zip Code _____

Legal Owner(s):

Saint Mary's Orthodox-Catholic Church

Name - Type or Print _____

Signature _____

Fr. Theodore (ANTOUN) DAUD
Name - Type or Print _____

Signature _____

909 Shawan Road

Address _____ Telephone No. _____

Hunt Valley MD 21030-1308

City _____ State _____ Zip Code _____

Representative to be Contacted:

George Perdikakis

Name _____

936 Ridgebrook Road 410-316-7800

Address _____ Telephone No. _____

Sparks, MD 21152

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0322-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By _____ Date 4/29/11

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

April 27, 2011

ZONING DESCRIPTION

St. Mary's Orthodox Church
909 Shawan Road
Cockeysville, MD 21030

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

- 1) S26° 18' 46"W, 530.00', thence
- 2) N63° 41' 14"W, 266.81' thence
- 3) N34° 23' 14"W, 80.32', thence
- 4) N52° 36' 46"E, 143.14', thence
- 5) N18° 45' 40"E, 332.16', thence
- 6) S69° 26' 09"E, 318.64', back to the point of beginning

Containing 148,104 Square Feet or 3.4 Acres of Land more or less.

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

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



8th Election District
3rd Councilmanic District

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

Item #0322

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

No. **65985**

Date: **4/29/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 4/29/2011 4/29/2011 14:22:32 5

REG WSD3 WALKIN RDOS LRB
 >> RECEIPT # 515783 4/29/2011 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 065985

Recpt Tot \$385.00
 \$385.00 CK \$.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				5385.00

Total: **16385.00**

Rec From:

For: **zoning hearing - case #2011-0322-SPH**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0322-SPH

909 Shawan Road

SW/s Shawan Road, 1136 feet west of the centerline of Weil Mandel Way

8th Election District-3rd Councilmanic District

Legal Owner(s): Saint Mary's Orthodox-Catholic Church

Special Hearing for a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit grading and alteration of a 100 year floodplain for a proposed sanctuary addition.

Hearing: Monday, June 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS

AND INSPECTIONS FOR

BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

05/187 May 19

276077

CERTIFICATE OF PUBLICATION

5/19/ 2011

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 5/19/ 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0322-SPH

RE: Case No.: _____

Petitioner/Developer: _____

St Mary's Orthodox-Catholic Church

June 6, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

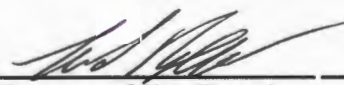
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

909 Shawan Road

May 20, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 **May 23, 2011**

(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 # 2011-0322-SPH

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

PLACE: Room 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY JUNE 6, 2011 AT 1:30 P.M.

REQUEST SPECIAL HEARING FOR A WAIVER PURSUANT TO

SECTION 500.6 BCZR, SECTION 3112.0 BUILDING CODE AND
SECTIONS 32-4-4M, 32-4-107 (A) (2), 32-8-301 BCC TO
PERMIT GRADING AND ALTERATION OF A 100 YEAR FLOODPLAIN
FOR A PROPOSED SANCTUARY ADDITION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

NO PARKING

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 19, 2011 Issue - Jeffersonian

Please forward billing to:
George Perdikakis
936 Ridgebrook Road
Sparks, MD 21152

410-316-7800

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0322-SPH

909 Shawan Road

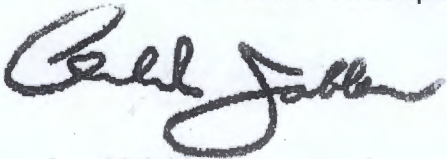
SW/s Shawan Road, 1136 feet west of the centerline of Weil Mandel Way

8th Election District – 3rd Councilmanic District

Legal Owners: Saint Mary's Orthodox-Catholic Church

Special Hearing for a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit grading and alteration of a 100 year floodplain for a proposed sanctuary addition.

Hearing: Monday, June 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 13, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0322-SPH

909 Shawan Road

SW/s Shawan Road, 1136 feet west of the centerline of Weil Mandel Way

8th Election District – 3rd Councilmanic District

Legal Owners: Saint Mary's Orthodox-Catholic Church

Special Hearing for a waiver pursuant to Section 500.6 BCZR, Section 3112.0 Building Code; and Sections 32-4-414, 32-4-107(a)(2), 32-8-301 BCC to permit grading and alteration of a 100 year floodplain for a proposed sanctuary addition.

Hearing: Monday, June 6, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: George Perdikakis, 936 Ridgebrook Road, Sparks 21152
Fr. Theodore Daoud, 909 Shawan Road, Hunt Valley 21030-1308

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 21, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2011-0322-SPH
Petitioner: ST. MARY'S ORTHODOX CATHOLIC CHURCH
Address or Location: 909 SHAWAN RD, COCKEYSVILLE, MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: GEORGE PERDIKAKIS
Address: 936 RIDGEBROOK RD.
SPARKS, MD 21152

Telephone Number: 410-716-7800

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 26, 2011

Fr. Theodore Daoud
909 Shawan Road
Hunt Valley, MD 21030-1308

RE: Case Number 2011-0322SPH, 909 Shawan Road

Dear Fr. Daoud,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 2011. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
George Perdikakis, 936 Ridgebrook Road, Sparks, MD 21152



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 5-16-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

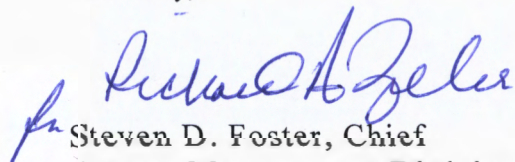
RE: Baltimore County
Item No. 2011-0322-SPH
Special Hearing
Fr. Theodore Daoud
909 Shawan Road

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0322-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 9, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **May 9, 2011**

Item No.:

Administrative Variance: 2011-0319A, 2011-0321A

Special Hearing: 2011-0152-SPHA, 2011-0320-SPH, 2011-0322-SPH, 2011-0325-SPH

Variance: 2011- 0152-SPHA, 2011-0323-SPHXA

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

6/6 1:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: May 31, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 900 Shawan Road

INFORMATION:

Item Number: 11-322

Petitioner: Saint Mary's Orthodox- Catholic Church

Zoning: RC 4

Requested Action: Special Hearing

RECEIVED

MAY 31 2011

OFFICE OF ADMINISTRATIVE HEARINGS

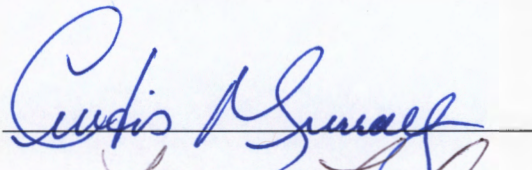
SUMMARY OF RECOMMENDATIONS:

The subject property is on a portion of Shawan Road that is a Baltimore County designated scenic route. Architectural elevations were submitted as part of the prior zoning case 07-134SPH. The Office of Planning reviewed and approved updated elevations on May 27, 2011.

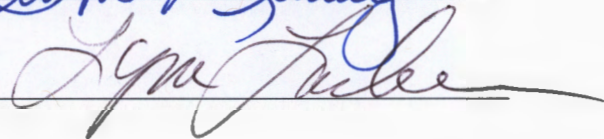
The Office of Planning defers to the Department of Public Works for comment on the petitioner's request for a waiver to permit grading and alteration of a 100-year flood plain for a proposed sanctuary addition.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works

William Korman, Deputy Director, for

DATE: May 26, 2011

SUBJECT: Case No. 2011-0322-SPH
Special Hearing for grading and alteration of a 100-year riverine
floodplain.
St. Mary's Orthodox Church 909 Shawan Road

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves grading in the 100-year riverine floodplain to allow construction of an addition to the existing church. The impact of the grading on the 100-year water surface elevations is virtually zero as shown in the floodplain study dated 5/16/2011 by Martin & Phillips.

This office recommends approval of the waiver.

ECA/DLT/s

CC: David Martin, Martin & Phillips; Dennis Kennedy, Chief, Development Plan Review Bureau; Peter M. Zimmerman, Peoples' Counsel

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
909 Shawan Road; SW/side of Shawan Rd. * ZONING COMMISSIONER
1136 ft. W/of centerline Weil Mandel Way *
8th Election & 3rd Councilmanic District *
Legal Owner(s): Fr. Theodore Daoud * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-0322-SPH

* * * * *

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 06 2011

M. J.

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 6th day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to Fr. Theodore Daoud, Saint Mary's Orthodox-Catholic Church, 909 Shawan Road, Hunt Valley, Maryland 21030-1308, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - RE: 2011-0322-SPH - 909 Shawan Rd. - 6/6 @ 1:30 PM

From: "Whitmore, Kedrick N." <KNWhitmore@Venable.com>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>
Date: 6/3/2011 3:06 PM
Subject: RE: 2011-0322-SPH - 909 Shawan Rd. - 6/6 @ 1:30 PM

Yes, Chris Mudd will handle the case.

Thank you.

Kedrick N. Whitmore, Esq. | Venable LLP
t 410.494.6204 | f 410.821.0147 | m 703.598.7266
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

KNWhitmore@Venable.com | www.Venable.com

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Friday, June 03, 2011 1:41 PM
To: Whitmore, Kedrick N.
Subject: 2011-0322-SPH - 909 Shawan Rd. - 6/6 @ 1:30 PM

Hi Ked,

Is your firm planning to enter their appearance for this case? Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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Account Identifier:

District - 08 Account Number - 2000000152 ✓

Owner Information

Owner Name: SAINT MARYS
ORTHODOX-CATHOLIC CHURCH
Use: EXEMPT COMMERCIAL
Mailing Address: 909 SHAWAN RD
HUNT VALLEY MD 21030-1308
Principal Residence: NO
Deed Reference: 1) /06831/ 00589
2)

Location & Structure Information

Premises Address
SHAWAN RD
0-0000
Legal Description
3.4601 AC SS SHAWAN
1000 NW I-83 EXPRESSWAY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0042	0013	0471		0000				2	Plat Ref:

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
			01

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	87,000	87,000		
Improvements:	547,400	547,400		
Total:	634,400	634,400	634,400	634,400
Preferential Land:	0			0

Transfer Information

Seller: SUTTON MILDRED M	Date: 11/29/1984	Price: \$50,000
Type: ARMS LENGTH IMPROVED	Deed1: /06831/ 00589	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	700	634,400.00	0.00
State	700	634,400.00	0.00
Municipal	700		0.00

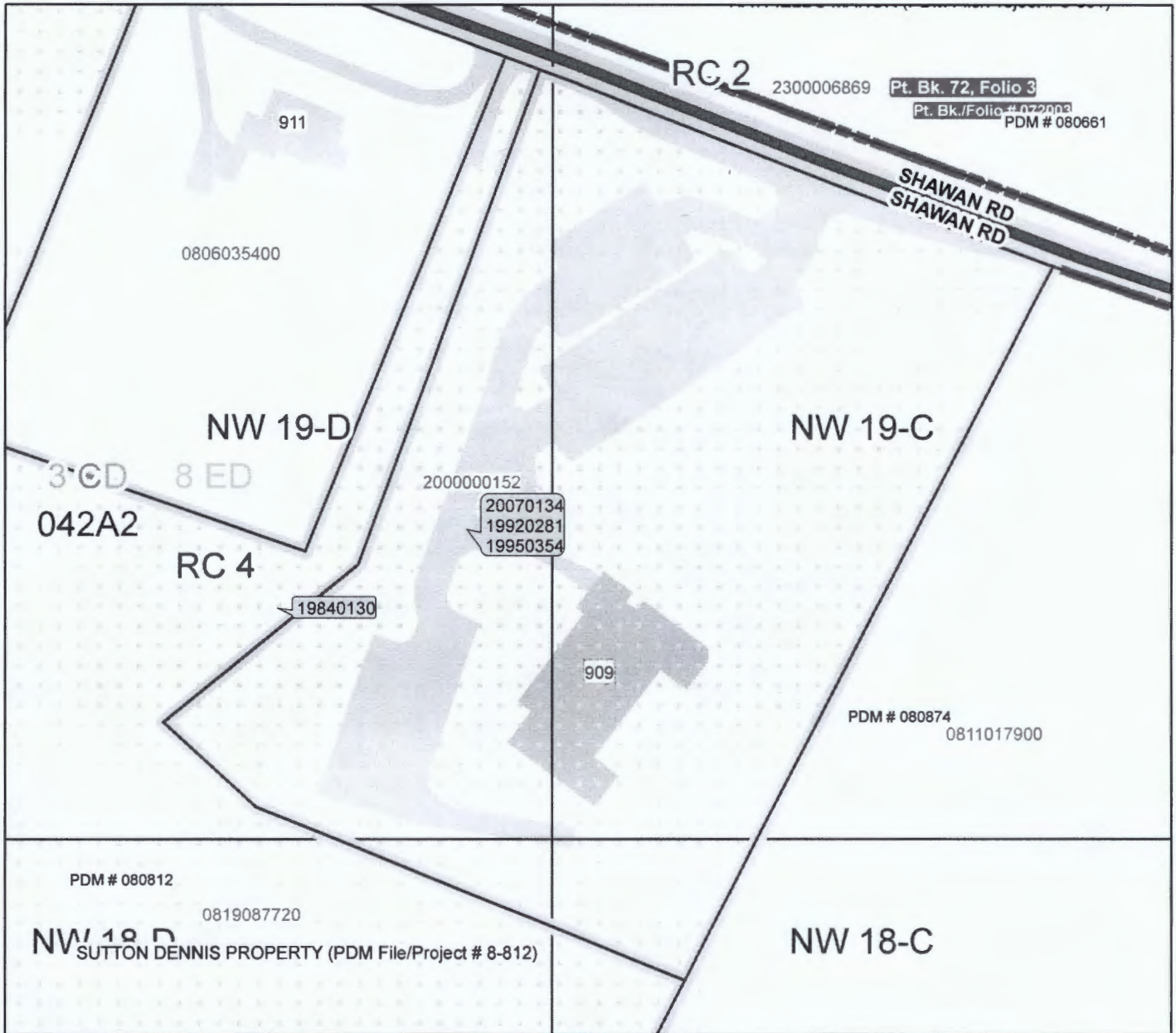
Tax Exempt:
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

Special Tax Recapture:
* NONE *

CASE NAME ST. MARY'S CHURCH
CASE NUMBER 2011-322-SPIA
DATE 6/6/11

[illegible]

909 Shawan Road



Publication Date: April 27, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200
Feet

1 inch = 100 feet

Item #0322

Baltimore County - My Neighborhood



PETITIONER' S

EXHIBIT NO. 2

MARTIN



&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

CURRICULUM VITAE**DAVID L. MARTIN, L.A.**

**Martin & Phillips Design Associates, Inc., Principal
Director of Land Planning / Landscape Architecture**

Professional Registration: Landscape Architect
Maryland - No. 776
Pennsylvania - No. 573-E

Education:

The Pennsylvania State University
Bachelor of Science Landscape Architecture - 1971

Professional Affiliations:

American Society of Landscape Architects, Member
Urban Land Institute, Member

Professional practice includes 40 years of land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and expert witness testimony regarding land use and zoning issues. Mr. Martin has been practicing in the Greater Baltimore Metropolitan region since 1987 and has been qualified as an expert in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County, Howard County, Harford County, Cecil County, Bel Air, Aberdeen, Havre de Grace, Perryville, Port Deposit and Federal District Court of Baltimore.

Prior to his relocation to Maryland, Mr. Martin practiced landscape architecture and land planning in Pennsylvania, Florida, Massachusetts, Alabama, The Commonwealth of the Bahamas and Jamaica.

As President of Martin & Phillips Design Associates, Inc. Mr. Martin supervises community planning, site development, subdivision development plans, and master planning efforts. He also offers zoning testimony and interpretation on land planning issues before zoning commissioners, boards of appeals, planning commissions, and elected bodies. Mr. Martin facilitates community input meetings, and presents Development Plans in Baltimore County and oversees the preparation of special exception and variance plan requests. He also directs the design of parks, amenity features, lighting plans and landscape plans associated with residential, commercial and institutional projects.

Significant projects include Developments of Regional Impact (DRI) in the State of Florida including: Palm Coast, Florida - 10,000 acre master plan, Beverly Hills, Florida - 6,500 acre master plan, and Doral Park, Florida - 2000 acre master plan. Representative local projects include: Hollywoods, Monmouth Meadows, Greenbriar, Bainbridge Development, Forge Landing, Owings Mills Commerce Center, The Avenue at Whitmarsh, Cedar Lane Farms P.U.D., Westwicke, Beaverbrook, Biddison Property, Bridle Ridge, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Powell Property, and Baker Property, Highlands Corporate Park, Preston Gateway North Industrial Park, Catholic Charities Senior Housing at the Village Crossroads and the Brandywine PUD.

Mr. Martin has prepared numerous comprehensive-zoning petitions in Baltimore County during the 1992, 1996, 2000, 2004 and 2008 CZMP processes and has a thorough understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He also served on an ad-hoc committee that authored the Service Employment (SE) Zone of Baltimore County and the Public Affairs Committee for NAIOP. He has extensive experience dealing with all of the Baltimore Regional Area County's development regulations.

MARTIN



&

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LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

CURRICULUM VITAE

HARRY PAUL PHILLIPS, P.E.

Phillips & Phillips Design Associates, Inc., Principal

Director Engineering Services

Professional Registration: Professional Engineer
Maryland - No. 0025847

Education:

Professional Affiliations:

American Society of Civil Engineers, Member

PROFESSIONAL EXPERIENCE:

Professional practice includes 23 years of civil engineering for land development projects. Mr. Phillips has been practicing in the Greater Baltimore Metropolitan region since 2000 and is a licensed professional engineer in the State of Maryland.

As a Principal of Martin & Phillips Design Associates, Inc. Mr. Phillips supervises and directs all aspects of civil engineering work for the firm including: design of stormwater management, preparation of floodplain studies, site grading, sanitary sewer design, water design, storm drain design, and roadway design.

Significant projects include: Owings Mills Corporate Park, Preston Gateway North Industrial Park, Dorsey Ridge Apartments, Commerce Drive Corporate Park, MDOT, Beltway Business Community, Meadow Ridge Office Park, Curtis Commerce Center, Brandywine PUD, 11100 Bevans Lane, Perry Hall Market Place Residential, Highgate,

Mr. Phillips has prepared numerous floodplain studies and waterway analysis for development projects in the greater Baltimore area including Baltimore Business Park, Commerce Drive Business Park, Highgate Townhomes, Dorsey Ridge Apartments, Catholic Charities Senior Housing at the Village Crossroads, and UMBC Corporate Park.

Mr. Phillips has been qualified as an expert in the field of civil engineering before the Anne Arundel County Hearing Examiner.

PETITIONER' S

EXHIBIT NO. 4

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director,
Department of Permits, Approvals and Inspections

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works

William Kypman, Deputy Director, for

DATE: May 26, 2011

SUBJECT: Case No. 2011-0322-SPH
Special Hearing for grading and alteration of a 100-year riverine
floodplain.
St. Mary's Orthodox Church 909 Shawan Road

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

The waiver involves grading in the 100-year riverine floodplain to allow construction of an addition to the existing church. The impact of the grading on the 100-year water surface elevations is virtually zero as shown in the floodplain study dated 5/16/2011 by Martin & Phillips.

This office recommends approval of the waiver.

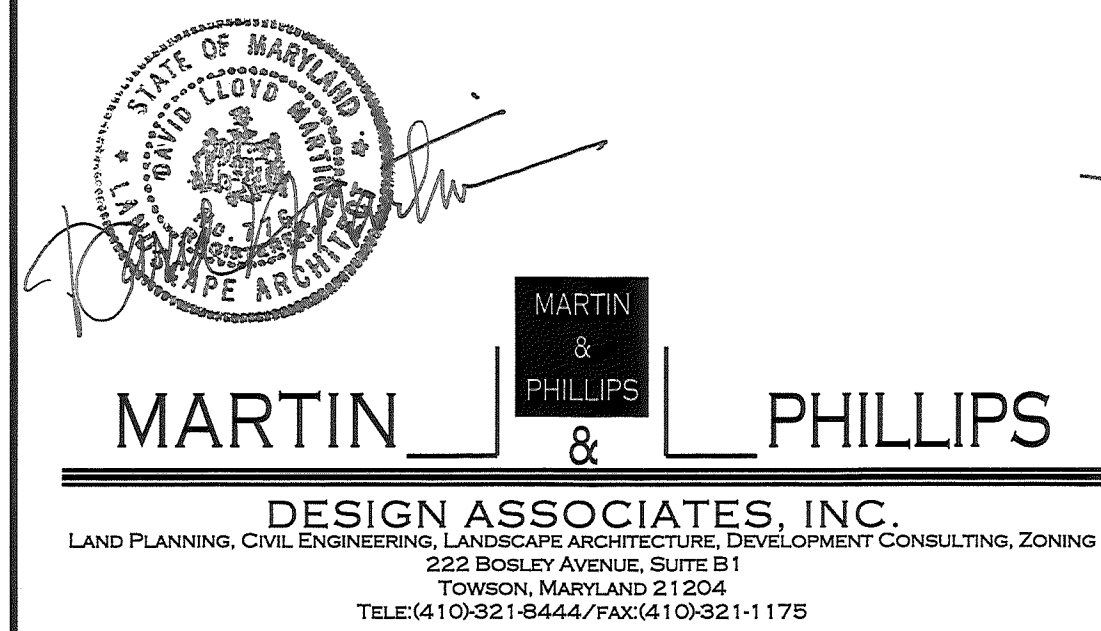
ECA/DLT/s

CC: David Martin, Martin & Phillips; Dennis Kennedy, Chief, Development Plan Review Bureau; Peter M. Zimmerman, Peoples' Counsel

PETITIONER'S

EXHIBIT NO. 5

-
- AMENDED SEPTIC RESERVE EASEMENT: LIBER 0022282/531
- ABANDONED EASEMENT LIBER 0022234 / 616
- TM 42 P. 50
Account Number - 0819087720
SUTTON DENNIS KEITH
SUTTON CAROL SUE
818 SHAWAN RD
COCKEYSVILLE MD 21030
DEED REF: 15584/436
ZONED: RC4
- TM 42 P. 51
Account Number - 0811017900
KEMP NICHOLAS BOSLEY MERRYMAN, JR
1971 KIMBERWICK RD
MEDIA PA 18063
DEED REF: 14309/520
ZONED: RC4
- DEED REF 3802/056 & 4071/476
- PROPOSED 15' x 14' x 14' CYPRESS
- PROPOSED SANCTUARY ADDITION
50' MAX HEIGHT
EXCLUDING SPIRES
BELFRIES, CUPOLAS,
DOMES, ETC. PER SECTION
300.1 & 300.2 OF BCZR
- EXISTING WING TO BE REMOVED
- PROPOSED DUMPSTER ENCLOSURE
- AREA OF PROPOSED FILL: 5,135 S.F.
- POINT OF BEGINNING
N 666,550.89
E 1,403,422.54
- SHAWAN ROAD
- TO C WELL MIDDLE WAY
- K.J. Wells
Floodplain Line
- FLOODPLAIN STUDY PREPARED BY:
K.J. WELLS, INC.
- PLAN TO ACCOMPANY
A SPECIAL HEARING
FOR
ST. MARY'S ORTHODOX CHURCH
SHAWAN ROAD, HUNT VALLEY
- OWNER
ST. MARY'S ORTHODOX CATHOLIC CHURCH
909 SHAWAN RD.
COCKEYSVILLE, MD 21030
- PETITIONER'S
EXHIBIT NO.
- SCALE: 1"=30'
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
- PLAN DATE: APRIL 20, 2006
- REVISION NOTE:
THIS PLAN HAS BEEN REVISED NOVEMBER 30, 2006 BY MARTIN & PHILLIPS.
THE BASE INFORMATION WAS PROVIDED BY GW STEPHENS, HUNT VALLEY.
- MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TEL: (410) 321-8444 / FAX: (410) 321-1175



REVISION NOTE:
THIS PLAN HAS BEEN REVISED NOVEMBER 30, 2006 BY MARTIN & PHILLIPS.
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PLAN TO ACCOMPANY
A SPECIAL HEARING
FOR
ST. MARY'S ORTHODOX CHURCH
SHAWAN ROAD, HUNT VALLEY
OWNER
ST. MARY'S ORTHODOX CATHOLIC CHURCH
909 SHAWAN RD.
COCKEYSVILLE, MD 21030

PEPPER
EXHIBIT NO. _____

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

PLAN DATE: APRIL 20, 2008