

9/25/13

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION AND VARIANCE		
Associated Catholic Charities, Inc	*	BOARD OF APPEALS
- <i>Legal Owner, Petitioner/Appellant</i>		
2829 Lodge Farm Road	*	OF
15 th Election District	*	BALTIMORE COUNTY
7th Councilmanic District	*	CASE NO.: 13-103-SPHXA

* * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") as an Appeal from Administrative Law Judge's February 15, 2013 decision which granted a Petition for Special Hearing to approve the use of a former convent building as a boarding or rooming house and for issuance of a use permit and granted a request for variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) Pursuant to B.C. Z.R. sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft.

The ALJ dismissed, without prejudice, the Petition for Special Exception which was filed pursuant to 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building.

HEARING

The hearing was attended by Harry Wujek and Francis Taylor of the North Point Peninsula Civic Organization and Robert Zacherl, President of the School Board for St. Luke's Church, who testified against the petition in their individual and representative capacities.

Mary Ann O'Donnell, Director of Community Service for Associated Catholic Charities, Inc. ("ACC") Benton Berman, Program Coordinator of ACC, and Dale McArdle, Director of Housing Services for St. Luke Apartments testified in support of the petition. Ms. Mary Ann O'Donnell was the first witness. She described for the Board the program that will be implemented at the Hosanna House. Similar to other programs run by ACC, the Hosanna House will provide supportive housing to the homeless. The objective of the Hosanna House is to provide a stable living environment and to improve self esteem and health of its residents. She described the very stringent interview process to screen potential residents. HUD requirements demand that each resident must be certified as homeless and disabled. Most importantly, to address the concerns of the community, the Hosanna House will not accept residents convicted of violent crimes, sexual abuse or current drug users. In addition, there would also be a zero tolerance policy for any use of alcohol and drugs. The other concession made for the community is that only women over age 50 will be residents of Hosanna House. No children will live there.

Benton Berman also testified in support of the petition. He will be directly responsible for the oversight of Hosanna House, which will have between fourteen (14) to sixteen (16) female residents; all residents will undergo background checks. There will be a security system installed and residents will be made to volunteer in the community and be employed. Mr. Berman also testified that only one or two of the residents will have a car and the Hosanna House will have a van and provide a driver to all residents so they may get to their place of employment. Similar to other projects supervised by ACC, the premises will be monitored using current technology twenty four hours a day.

Dale McArdle, Director of Housing Services for St. Luke Apartments, a 125 Unit Complex for Low Income Seniors that shares a parking lot with Hosanna House, also testified in

favor of the petition. He testified that the Senior Apartments have been operating since 1995 and he welcomes the Hosanna House as a neighbor. He further testified that they have Seventy (70) parking spaces, of which only Thirty-Seven (37) residents have cars. He foresees no parking issues with the addition of the Hosanna House in that St. Luke's agreed to allow Hosanna House to use 33 parking spaces if needed. St. Luke's Apartments provides an access easement from St. Luke's property to Hosanna House.

David Martin was admitted as an expert in landscape architect, land planner and application of zoning regulations. Mr. Martin described the current lot as a 1.6 acre parcel, which is already improved and part of a larger complex which includes the St. Luke Church, St. Luke Senior Housing and the former pre-school. There will be minimal changes to the internal layout of the current improvements. Mr. Martin testified that the applicable zoning that best fits this project is that of a Boarding House. The Boarding House Regulations are found in 101.1 of BCZR.

Mr. Martin further testified that the project could also be considered a Community Residential Facility or a Community Care Center under the BCZR. He stated the analysis would be the same as found under Boarding House requirements and in his expert opinion would yield the same results. The final part of his testimony was to address the setback of the building, which was granted previous approval as a non-conforming use. The existing church contains no setback and the proposed project will have an Eighteen (18) foot setback. The building which will operate the Hosanna House was built in 1994. There are no plans to improve the exterior of the existing structure. He testified that the property is unique as it is an institutional campus and the facilities are inter-related with a connection to charitable programs of the Church. To require a Forty foot setback would create an undue hardship and practical difficulty as the existing

structure would need to be either moved or destroyed and rebuilt.

Kristopher Lindh-Payne, Director of Neighbor to Neighbor, Mary Gunning, Director of St. Jerome Headstart, Gary Quatmann, a resident of St. Luke Senior Apartments, Mary Chestnut of YWCA in Arbutus and Sherrie Watts, a resident of YWCA in Arbutus, all testified on behalf of the petition.

Francis Taylor of North Point Peninsula Council, Inc. was the first witness to testify against the petition. His primary concern was that the residents would be properly vetted and supervised. He further testified that in his opinion the project is not a Boarding House under BCZR, but should be considered an Assisted Living Project. There was no expert testimony provided by Appellant on this matter.

Harry Wujek was the second witness that opposed the project. He lives four (4) miles from the project and was concerned about parking and traffic problems. There was no expert testimony which supported his claim of traffic congestion or parking issues.

Robert Zacherl also testified against the petition. He is concerned that the project does not fit within the community because public transportation is inadequate and there are very few job opportunities for its residents.

THE LAW

1. Boarding House.

BCZR §101.1.A.2. provides in pertinent part:

BOARDING OR ROOMING HOUSE

A. A Building:

* * * *

2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption.

Section 408B of the BCZR specifies that Boarding or Rooming Houses are permitted in D.R. zones. Section 408B.1. provides the permitting procedure and regulations as follows:

§408B.1. Permit procedure; regulations.

Notwithstanding any provision in these regulations to the contrary, boarding or rooming houses are permitted in D.R. Zones, subject to the provisions of this section.

A. Upon application to the Department of Permits, Approvals and Inspections, the Director may issue a use permit for a boarding or rooming house under the following procedure:

* * * *

2. Notice and hearing.

* * * *

e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

- (1) Findings following the public hearing.
- (2) The character of the surrounding community and the anticipated impact of the proposed use on that community.
- (3) The manner in which the requirements of this section and Section 502.1 and other applicable requirements are met and any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the use will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of this section and Section 502.1 of these regulations.

Section 502.1 are the special exceptions standards and provide that:

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;

- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

2. Community Residential Facility.

The Zoning Commissioner's Policy Manual has a provision for "Community Residential Facilities for Other Special Populations" and states that:

* * * *

D. A Special Hearing may also be held to determine whether a facility can be considered a

Family: Any number of individuals lawfully living together as a single house-keeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

* * * *

E. Eligibility: For a Community Residential Facility to meet the definition of "family", the Zoning Commissioner must be satisfied that a sufficient number but not necessarily all of the following apply:

- i. A continuous and uninterrupted occupancy by residents;
- ii. The facility is used for treatment of residents only;
- iii. The residents must generally live and eat together as a family.

The term "family" is defined in BCZR, §101.1 as:

Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

3. Community Care Center.

A "Community Care Center" is also defined in BCZR, §101.1 as:

A small-scale facility, sponsored or operated by a private

charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization.

DECISION

The Petitioner proposes to operate a facility deemed as “permanent supportive housing” for women with disabilities. Several representatives from ACC testified that this is not a traditional “homeless shelter”, as tenants will have a lease and make rental payments. The plan is that eventually the tenants will be able to move on to market rate housing in the community. Testimony supported that homelessness is an especially acute problem in eastern Baltimore County, and that there is a strong need for such housing.

Originally, the Petitioner proposed to provide housing for men. After concerns were raised by the community, the Petitioner agreed to provide single gender housing for women 50 years of age and older only. Even after this concession several members of the community attended the hearing and opposed the petition, citing concerns with the proposed facility being located too close to the St. Luke’s preschool. Community members expressed concern about the safety of their children, and they believed parents would remove their children from the preschool, threatening its viability. That issue is now moot as the preschool has relocated.

The petition seeks approval for the proposed facility under three theories: (1) as a “boarding house” under BCZR §101.1 and §408B.1; (2) as a Community Residential Facility for Other Special Populations pursuant to the Zoning Commissioner’s Policy Manual; and (3) as a Community Care Center under BCZR, §101.1.

Having reviewed the exhibits and the testimony, we believe the proposed facility is

properly characterized as a “boarding house”, under BCZR, §101.1. The Petitioner provided this Board with ample evidence that the proposed use constitutes a “boarding house”, which is a building occupied, “for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption” B.C.Z.R. §101.1.” The Petitioner further provided evidence sufficient for issuance of a use permit for the boarding house B.C.Z.R. §408B by the testimony of Mr. Martin who provided the factual basis for each of the §502.1 factors for special exceptions.

Specifically, the testimony of Mr. Martin was that the proposed use would not be detrimental to the community as no new development would take place and the site conditions were appropriate for this use. As to the impact on roads, he testified that there are no alleys, no impact on traffic through intersections and parking on-site is minimal based on the 6 spaces needed. There is no potential hazard from fire or safety issues. The Baltimore County Fire Department reviewed the plans and required closing off the door between the former school and the facility. There was no impact on population as this is a small building with 14 residents on 1.6 acres and the use is similar to previous uses. The remaining portion of the site is wooded.

There is no impact on schools because the residents are not permitted to have children live at the facility. There is no impact on adequate light or air as it is a 2 story building with a small footprint which does not block the view or air circulation of any other building around it. The use is consistent with the DR 5.5 zoning classification as it will function as a single family home which permits this use by right. Because there is no new development, there is no new impact on impermeable surfaces and no impact on the environment as this use will function like previous uses of the building.

Mr. Martin clearly articulated that this facility would constitute a boarding house. He

testified that the structure was a single family dwelling that functioned as a boarding house, where communal kitchen and bathroom facilities are provided for the residents, each of whom would reside in separate bedrooms. This was the same floor plan and layout used by the assisted living facility which occupied this building from 1994 through 2011, at which point the building became vacant. Mr. Martin also testified that the building is served by a single water meter, which he indicated was further evidence the structure was operated and oriented as a single family dwelling. Mr. Martin further opined that the use would in no way be detrimental to the safety and welfare of the community.

We are very respectful of the community's concerns, however, we believe the Petitioner has addressed the communities concerns by restricting occupancy to women aged 50 and over. Also, we found especially convincing the testimony of Mr. Berman, who operates on behalf of Petitioner the Holden Hall facility in Baltimore City, a similar facility as Hosanna House. Mr. Berman testified about the stringent tenant selection procedures used by Petitioner, and noted that no problems have been experienced at Holden Hall. In fact, Mr. Berman stated that the Holden Hall facility, which is occupied by men only, is immediately adjacent to the Head Start program with over 100 children enrolled, and that the uses have peacefully and cooperatively coexisted for several years.

After considering all the testimony, we do not believe that the proposed Hosanna House facility would be detrimental to the health, safety or general welfare of the community, and would satisfy the requirements set forth in B.C.Z.R. 502.1, as articulated in *People's Counsel v. Loyola*, 406 Md. 54 (2008).

While we have found that the proposed use meets the definition of "boarding house", we believe it is appropriate to address the Petitioner's alternative use theories. With regard to the

Petitioner's request that the proposed use be approved as a "Community Residential Facility" for Other Special Populations" under the Zoning Commissioner's Policy Manual and specifically that the women residing at Hosanna House can be considered a "family" as that term is defined in BCZR, §101.1, we do not agree.

Based on the evidence presented, the residents will not be "living together as a single house-keeping unit..." While there may be one kitchen for the residents to share, they have separate individual bedrooms – much like an apartment with a toilet or kitchen. The residents will come and go from the facility for the purpose of employment or volunteer work and therefore by design, would not be operating as a family house-keeping unit. There was no requirement in this proposal for the residents to live and eat together as a "family" as that term is defined in the Zoning Commissioner's Policy Manual, §2.E iii. Further, we did not find evidence that the facility would be used solely for the purpose of "treatment of residents" as required by Zoning Commissioner Policy Manual, §2.E ii but rather as supportive housing. Accordingly, the facility is not eligible to be considered a Community Residential Facility.

Finally, the Petitioner contends that the proposed use could also be approved as a "Community Care Center" under BCZR, §101.1. We do not find, based on the evidence, that the proposed use meets this definition because, as testified to by Mr. Martin, although a Community Care Center is permitted by special exception in a DR 5.5 zone, it is not licensed by the State of Maryland. As a result, this theory has not been met.

Based on evidence and testimony, we also find that the variance relief for both setbacks and parking can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v Ward*, 102 Md. App. 691 (1995). The property has irregular dimensions, and contains an older, 2-story building that has historically been used for

communal living, first as a convent and then as an assisted living facility. These factors make the property unique. Petitioner would experience practical difficulty if relief were denied, given it would be unable to establish the Hosanna House operation and serve a vulnerable group of County residents. The Variance relief requested is modest (i.e., approving existing building setbacks and permitting a reduction in the number of required parking spaces) and will not have a detrimental impact upon the community.

ORDER

THEREFORE, IT IS ORDERED THIS 25th day of September, 2013, by the Board of Appeals of Baltimore County, that Petitioner's request pursuant to 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the former convent building as a boarding or rooming house, and for issuance of a use permit under B.C.Z.R. §408 B, be and his hereby **GRANTED** which shall be restricted to women ages 50 and older who qualify; and

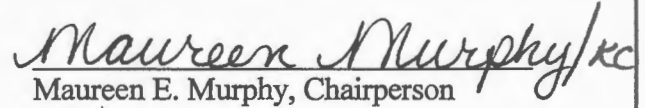
IT IS FURTHER ORDERED that Petitioner's request for Special Hearing to approve the use as "Community Residential Facility for Other Special Populations" such that the facility meets the definition of "family" under the Zoning Commissioner's Policy Manual is hereby **DENIED**; and

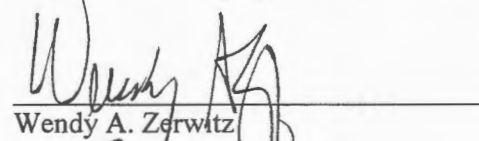
IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to 1B01.1.C.5. of the B.C.Z.R., to permit a community care center in the former convent building, be and is hereby **DENIED**; and

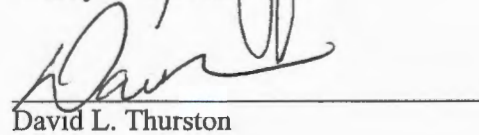
IT IS FURTHER ORDERED that Petitioner's request for Variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) pursuant

to sections 1B01.2.C.1. and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft., be and is hereby **GRANTED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairperson


Wendy A. Zerwitz


David L. Thurston

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Associated Catholic Charities 13-103-SPHXA

DATE: July 30, 2013

BOARD/PANEL: Maureen E. Murphy, Panel Chairman
 Wendy A. Zerwitz
 David L. Thurston

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Special Hearing to allow the former convent building to be used as a boarding house or rooming house; and
2. Petition for Variance to allow 6 parking spaces in lieu of the required 16; and front yard setbacks.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. The Board discussed that the proposed use of the property as a boarding or rooming house meets all the requirements of the law.
- The Board determined that the setback requests were granted in 1992 by the Zoning Commissioner at the time and no construction has occurred since. The Petitioner is not planning any construction and the setbacks are the same as they were under the previous use.
- The Board determined that due to the location and circumstances, the 6 parking spaces requested in lieu of the 16 required will be adequate.
- The Board discussed that there was no legally sufficient opposition to the request. There are Protestants in this matter but the Board determined the opposition to this matter was nominal.

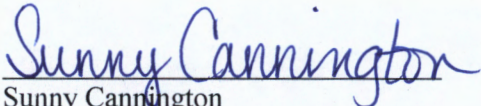
DECISION BY BOARD MEMBERS:

The Board determined that the requested relief meets the requirements of the statutes.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the requested relief.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 25, 2013

Patricia Malone, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

RE: *In the Matter of: Associated Catholic Charities, Inc – Legal Owner*
Case No.: 13-103-SPHXA

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Acting Administrator

Enclosure

c: Associated Catholic Charities, Inc./William J. McCarthy, Jr, Executive
North Point Peninsula Council, Inc./by Harry Wujek, Jr., President
Harry Wujek, Jr., Individually
Albert Walsh
Brenda Wilson
Sister Irene Pryle, SSND
Tricia Isennoch
Reverend Kristofer Lindh-Payne
Benton Berman

Francis H. Taylor
Victor and Valerie Appolonia
Gil Ziemski
Brian and Kimberly Sanner
Stu Hancock
Terri Kingeter
Dale McArdle

Justin Kirkpatrick
Robert Zacherl
Reverend Austin Murphy
Rosemary Olserholtzer
Fred Weinert
Christine Kay
David Martin

Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

APPEAL

**Petitions for Special Hearing, Special Exception and Variance
(2829 Lodge Farm Road)
15th Election District – 7th Councilmanic District
Legal Owners: Associated Catholic Charities, Inc.
Case No. 2013-0103-SPHXA**

Petitions for Special Hearing, Special Exception and Variance (Revised November 23, 2012)

Petitions for Special Hearing, Special Exception and Variance (November 5, 2012)

Zoning Description of Property

New Notice of Zoning Hearing (December 19, 2012)

Notice of Zoning Hearing (November 15, 2012)

Certificate of Publication (The Jeffersonian – January 10, 2013)

Certificate of Posting (January 11, 2013) by Robert Black

Entry of Appearance by People's Counsel (November 14, 2012)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Revised Site Plan
2. Point in Time Homeless
3. Mary Gunning - Head Start
4. Use Permit
5. Dale McArtle Letter
6. Zoning Case No. 92-80-XA
- 7A. Site Plan
- 7B. Aerial Photo
8. Martin CV
9. Plat
10. Building Floorplan
11. BCZR & ZCPM Extracts
12. My Neighborhood
13. SDAT – Lot 2

Protestant(s) Exhibits

1. Deed

Miscellaneous (Not Marked as Exhibits) – Letters

Administrative Law Judge Order (GRANTED W/CONDITIONS – February 15, 2013)

Request for Motion for Reconsideration from: (1) North Point Peninsula Community Council, (2) Our Lady of Hope / St. Luke School Board, and (3) St. Luke's Catholic Church Parish Council – March 18, 2013

Response to Motion for Reconsideration from Patricia A. Malone (March 20, 2013)

Administrative Law Judge Order on Motion (Denied – March 25, 2013)

Notice of Appeal on Motion – [Appealing Special Hearing and Variance – not Special Exception] - April 23, 2013 from Harry Wujek, Jr., (President, North Point Peninsula Council, Inc.) et al – (10 pages)

APPEAL

Petitions for Special Hearing, Special Exception and Variance
(2829 Lodge Farm Road)
15th Election District – 7th Councilmanic District
Legal Owners: Associated Catholic Charities, Inc.
Case No. 2013-0103-SPHXA

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 - ✓ Petitions for Special Hearing, Special Exception and Variance (November 5, 2012)
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 - ✓ Request for Motion for Reconsideration from: (1) North Point Peninsula Community Council, (2) Our Lady of Hope / St. Luke School Board, and (3) St. Luke's Catholic Church Parish Council – March 18, 2013
 - ✓ Response to Motion for Reconsideration from Patricia A. Malone (March 20, 2013)
 - ✓ Administrative Law Judge Order on Motion (Denied – March 25, 2013)
 - ✓ Notice of Appeal on Motion – [Appealing Special Hearing and Variance – not Special Exception] - April 23, 2013 from Harry Wujek, Jr., (President, North Point Peninsula Council, Inc.) et al – (10 pages)

RECEIVED
APR 25 2013
BALTIMORE COUNTY
BOARD OF APPEALS



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 25, 2013

Patricia A. Malone, Esquire
Venable, LLP
210 West Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

RECEIVED
APR 25 2013

BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2013-0103-SPHXA
Location: 2829 Lodge Farm Road

Dear Ms. Malone:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 23, 2013. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

MS:dlw

✓ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
Harry Wujek, Jr., President, North Point Peninsula Council, Inc., P.O. Box 444,
Fort Howard, MD 21052

APPEAL TO BOARD OF APPEALS

Case No. 2013-0103-SPHXA

2829 Lodge Farm Road

Page 2

Albert Walsh, 7519 North Point Road, Baltimore, MD 21219
Robert Zacherl, 8230 Rosebank Avenue, Baltimore, MD 21222
Justin Kirkpatrick, 2834 Lodge Farm Road, Baltimore, MD 21219
Gil Ziemski, 807 River Drive Road, Baltimore, MD 21219
Harry Wujek, Jr., 9005 Chesapeake Avenue, Baltimore, MD 21219
Francis H. Taylor, 7603 Iroquois Avenue, Baltimore, MD 21219
Brenda Wilson, 6809 North Point Road, Baltimore, MD 21219
Victor and Valerie Appolonia, 7001 North Point Road, Baltimore, MD 21219
Rev. Austin Murphy, 1727 Lynch Road, Baltimore, MD 21222
Sister Irene Pryle, 8001 N. Boundary Road, Baltimore, MD 21222
Fred Dvorak, III, and Gil Ziemski, St. Luke's Roman Catholic Congregation,
7517 North Point Road, Baltimore, MD 21219
Rosemary Oberholtzer, 7701 Wise Avenue, Dundalk, MD 21222
Tricia Isennock, 9000 Franklin Square Drive, Baltimore, MD 21237
Stu Hancock, 3 Milford Mill, Baltimore, MD 21208
Fred Weimert, 120 W. Pennsylvania Avenue, Baltimore, MD 21204
Rev. Kristofer Lindh-Payne, 2216 Pot Spring Road, Timonium, MD 21093
Terri Kingeter, 1200 Doragen Ct., Lutherville, MD 21093

RECEIVED

April 23, 2013

APR 23 2013

Lawrence S. Stahl, Managing Administrative Law Judge
105 W. Chesapeake Ave, Suite 103
Towson, Maryland 21214

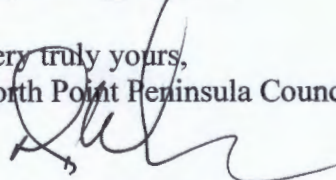
Re: PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
Associated Catholic Charities, Inc. - Legal Owner
2829 Lodge Farm Road
Case No.: 2013-103-SPHXA

Dear Mr. Stahl:

Please enter an appeal by the North Point Peninsula Council, Inc. and Francis H. Taylor, Harry Wujek, Jr., Justin Kirkpatrick, Albert Walsh, Valerie Appolonia, Victor Appolonia, Robert Zacherl, Brenda Wilson, and Gil Ziemski, Individually to the County Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated February 15, 2013 and the final Order on Motion for Reconsideration dated March 25, 2013, incorporating said Opinion. This appeal challenges the two parts (special hearing and variances) of the February 15, 2013 Opinion and Order, sustained on reconsideration, with respect to the grant of the special hearing to allow the former convent building to be used as a boarding house or rooming house, and with respect to the grant of variances for parking spaces (2) and for front yard setbacks.

Enclosed is our check in the amount of \$530.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
North Point Peninsula Council, Inc.


By Harry Wujek Jr., President
PO Box 444
Ft. Howard, MD 21052
410-477-3232

See Attached Signature Sheets for Appellants

cc: Patricia Malone, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204
People's Counsel for Baltimore County, The Jefferson Building, 105 West Chesapeake Avenue, Suite 204, Towson, MD 21204
Arnold Jablon, Director Zoning and Permits, County Office Bldg., 111 W. Chesapeake Avenue, Suite 105, Towson, MD 21204

Appellant
Case NO : 2013-103-SPHXA

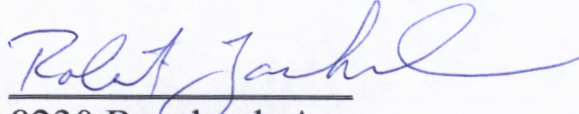
Albert Walsh

A handwritten signature in blue ink, appearing to read 'Albert Walsh', is written over a horizontal line.

7519 North Point Rd.
Baltimore Md. 21219
410-477-8193
Neighbor, Resident

Appellant
Case NO : 2013-103-SPHXA

Robert Zacherl



8230 Rosebank Ave

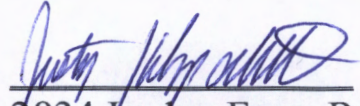
Baltimore Md. 21222

410-282-7015

President, Our Lady of Hope/St. Luke School Board

Appellant
Case NO : 2013-103-SPHXA

Justin Kirkpatrick



2834 Lodge Farm Rd

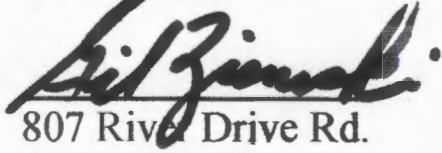
Baltimore Md. 21219

410-477-1655

Neighbor, Resident

Appellant
Case NO : 2013-103-SPHXA

Gil Ziemski



807 River Drive Rd.

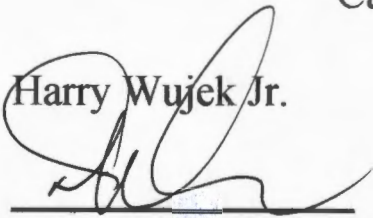
Baltimore Md. 21219

410-388-1998

Neighbor, Resident

mailed
c/o Notarized
NPRC
to

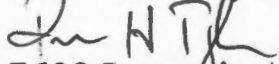
Appellant
Case NO : 2013-103-SPHXA

Harry Wujek Jr.


9005 Chesapeake Ave.
Baltimore Md. 21219
410-477-3232
Neighbor, Resident

Appellant
Case NO : 2013-103-SPHXA

Francis H Taylor



7603 Iroquois Ave

Baltimore Md. 21219

410-477-3784

Vice President, North Point Peninsula Council

Appellant
Case NO : 2013-103-SPHXA

Brenda Wilson

Brenda L. Wilson

6809 North Point Rd.

Baltimore Md. 21219

410-477-2277

Neighbor, Resident

Appellant
Case NO : 2013-103-SPHXA

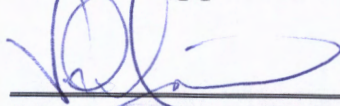
Victor Appolonia



7001 North Point Rd.
Baltimore Md. 21219
443-992-1804
Neighbor, Resident

Appellant
Case NO : 2013-103-SPHXA

Valerie Appolonia



7001 North Point Rd.
Baltimore Md. 21219
443-992-1804
Neighbor, Resident

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

No.

94604

Date:

4-23-13

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	866	000		6150				530.00

Total:

530.00

Rec

From:

Harry Wojcik, Jr., N. H. Penn. Council Inc.

For:

Appeal (2013-0103-SPHXA)
 21829 Lodge Farm Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRH

4/24/2013 4/23/2013 11:04:13 5

MD MONT MARYLAND REGS LRB

RECEIPT # 649714 4/23/2013 OFLH

5-500 ZONING VERIFICATION

CHNL 001604

Receipt Tot \$530.00

\$530.00 CR \$0.00 CR

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

3/25/13

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE *
(2829 Lodge Farm Road) *
Associated Catholic Charities, Inc. *
Legal Owner/Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0103-SPHXA

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is the Protestants' Motion for Reconsideration, which was timely filed in the above case. I have carefully reviewed the motion, and believe that the arguments contained therein were the same ones advanced by Protestants at the January 31, 2013 public hearing. As such, I will deny the motion.

A Motion for Reconsideration allows an agency to "reconsider an action previously taken and come to a different conclusion upon a showing that . . . some new or different factual situation exists that justifies the different conclusion." Calvert County v. Howlin Realty, Inc., 364 Md. 301, 325 (2001). I do not believe the Protestants have presented in the motion any "new or different factual situation."

I understand the concerns raised by the community, and they were articulated in an honest and open fashion at the hearing. But reasonable people can reach different conclusions on the same set of facts. An appeal to the County's Board of Appeals (rather than a Motion for Reconsideration) is the proper mechanism to seek de novo review of the February 15, 2013 Order in this case.

ORDER RECEIVED FOR FILING _____ By _____
Date 3-25-13 _____ Date _____
By Den _____ ORDER RECEIVED FOR FILING _____

THEREFORE, IT IS ORDERED this 25th day of March, 2013, by this Administrative Law Judge, that the Motion for Reconsideration be and is DENIED.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 3-25-13

By den



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 25, 2013

Patricia A. Malone, Esquire
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

MOTION FOR RECONSIDERATION

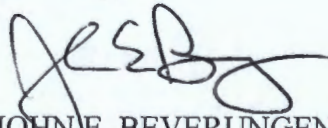
RE: Petitions for Special Hearing, Special Exception and Variance
Case No.: 2013-0103-SPHXA
Property: 2829 Lodge Farm Road

Dear Mrs. Malone:

Enclosed please find a copy of the decision rendered in the Motion for Reconsideration.

In the event any party finds the Motion for Reconsideration rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c: Rev. Austin Murphy, 1727 Lynch Road, Baltimore, Maryland 21222
Robert Zacherl, 8230 Rosebank Avenue, Baltimore, Maryland 21222
Sister Irene Pryle, 8001 N. Boundary Road, Baltimore, Maryland 21222
Francis Taylor, 7603 Iroquois Avenue, Baltimore, Maryland 21219
Harry Wujek, North Point Peninsula Council, P.O. Box 444, Fort Howard, Maryland 21052
Fred Dvorak, III, and Gil Ziemski, St. Luke's Roman Catholic Congregation, 7517 North Point Road, Baltimore, Maryland 21219

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

Patricia A. Malone
Of Counsel

t 410.494.6206
f 410.821.0147
pamalone@venable.com

HAND-DELIVERED

March 20, 2013

The Honorable John E. Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

MAR 20 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case No. 2013-0103-SPHXA

Dear Judge Beverungen:

On behalf of Petitioner Associated Catholic Charities, I am writing in response to the Motion for Reconsideration you have received in the above-referenced matter. As explained in more detail below, sufficient grounds have not been provided for you to reconsider your decision to approve the Hosana House proposal, and we ask that you promptly deny the motion.

1. Opponents first complaint is that the residents of Hosana House should not be permitted to utilize the six existing parking spaces located at the front of the house as this will cause any number of issues. One of the concerns they raise is that this use might impair the Church's ability to use an easement to access the rear of the property. This configuration of the parking lot and access drive, including the six spaces in question, was approved in 1992 (Case No. 92-80-XA) and has existed in this condition for more than twenty years. Whether these spaces are used by residents of St. Luke's Apartments (Lot 1), residents of Hosana House (Lot 3), or are left vacant, it has no impact on the Church's ability to access the rear of the Church (located on Lot 2). The Church only has an access easement; it has no right to utilize the parking spaces on Lot 1, so it should not be concerned with parking on that lot.

The owner of St. Luke's Apartments has given permission for these spaces to be used by the residents of Hosana House and has confirmed that the loss of these spaces will not impact the operation of St. Luke's. No evidence was presented to the contrary, and you properly approved the variance.

2. With regard to the front building setback, from a zoning perspective, the front of the building is determined by use of the building, not orientation to a public street. The

The Honorable John E. Beverungen

March 20, 2013

Page 2

front door of this building will face the parking spaces on the St. Luke's Apartments property. The setback variance was properly requested and granted.

3. The convent building on Lot 3 was in existence well before the 1992 approval and subdivision. When the project was reviewed and approved in 1992, Baltimore County did not require variance relief for the convent building, which indicates the setbacks were considered to be legally non-conforming. Regardless, Petitioner is not prohibited from requesting a variance.

4. Opponents wish to debate the enforceability of the private covenant contained in the Deed for Lot 3 (Hosana House) to the benefit of Lot 2 (the Church). I will not respond to their contentions in this forum. As you are aware, it is not within your jurisdiction to interpret or enforce a private agreement. Perry v. County Bd. of Appeals for Montgomery County, 211 Md. 294, 299-300, 127 A.2d 507 (1956); Chayt v. Maryland Jockey Club of Baltimore City, 179 Md. 390, 397-398, 18 A.2d 856 (1941); Mikolasko v. Schovee, 124 Md. App. 66, , 720 A.2d 1214 (1998). You were correct in ruling without consideration of this private covenant.

5. On the issue of "consideration," as Ms. Kay and Mr. Berman explained during their testimony, the residents of Hosana House will pay rent. There is no requirement under the Baltimore County Zoning Regulations as to the extent of consideration required, nor is there a condition that the boarding house operator profit from the lease.

6. Lastly, opponents have attempted to provide you with additional "evidence" not presented at the hearing to challenge the comparison of Hosana House to Holden Hall and to demonstrate that the proposed use will be detrimental to the community. Although we believe nothing in this letter should persuade you to reverse your decision, we do object to their attempt to present evidence and argument after the conclusion of the hearing. Information of this type was certainly ascertainable prior to the hearing and should have been presented at the hearing.

From the letters you received prior to the hearing, the testimony offered at the hearing, and the statements made in the Motion for Reconsideration, it is clear that the Opponents are not so much concerned with the property being occupied by someone, but, rather, they are concerned about "the characteristics of the residents" who will be occupying the property. The very "characteristics" of which the Opponents complain, however, are defined by federal law as a "handicap" or disability and entitle these individuals to protection against discrimination in housing choice on the basis of that handicap. As I indicated at the hearing, these stereotypes and prejudices are not legitimate grounds to deny the proposed use.

The Honorable John E. Beverungen

March 20, 2013

Page 3

That point aside, Associated Catholic Charities presented the strong and substantial evidence at the hearing to demonstrate its entitlement to the requested relief, and, based on this evidence, you agreed. This decision should not be disturbed.

For the above-stated reasons, we respectfully request that you deny the Motion for Reconsideration.

Very truly yours,



Patricia A. Malone

PAM/bl

cc: Peter Max Zimmerman, Esquire
Mr. Robert Zacherl
Mr. Harry Wujek, Jr.
Mr. Francis Taylor
Mr. Fred Dvorak, III
Mr. Gil Ziemski

JB 1-31-13

North Point Peninsula Community Council
Our Lady of Hope / St. Luke School Board
St. Luke's Catholic Church Parish Council

03/17/2013

Hon. John Beverungen
105 W. Chesapeake Ave Suite 103
Towson, Maryland 21204

RECEIVED

MAR 18 2013

Dear Judge Beverungen,

OFFICE OF ADMINISTRATIVE HEARINGS

On behalf of the above groups we are requesting a "Motion for

REconsideration" regarding :

Case No: 2013-0103-SPHXA

Property: 2829 Lodge Farm Rd.

The first issue that we would like to discuss is the variance that was granted allowing six parking spaces in lieu of the required sixteen. The existing parking spaces in question are built on a shared access road. This road is necessary for St. Luke's Place Senior Housing, St. Luke's School, and the proposed Hosanna House to operate. These six spaces should have never been allowed, by code, to be built within this access road boundary when the parking lot was created. The Parish Council President of St. Luke's Parish said that they do not agree to this use of their access road for parking. At present, parking at St. Luke's Place Senior Housing is utilized not only by the residents but by staff, visitors, family members, health care workers, social workers, clergy, County officials, other personal care providers, maintenance contractors and other contractors as needed. The impact on parking from the proposed Hosanna House project will be not only from the tenants, which could possibly add fourteen vehicles if they all drive, but will also come from two large capacity oversized transportation vans identified, facility staff, visiting Catholic Charity managers, counselors, maintenance workers, clergy, and health care workers. Additionally, visitors may include spouses, children, grandchildren, extended family members, etc. especially on holidays when parking is in the most demand. Six total spaces, minus two for the Hosanna House transportation vans; leaves four spaces for all those that we have identified. Will handicapped spaces also be required? This is totally inadequate parking and will have an adverse impact on the neighborhood. St. Luke's Catholic Church is very concerned that overflow parking will be a detriment to their mission and limited parking availability. This shared access road is necessary to the operation of all three facilities and to provide access for emergency personnel if needed.

With regard to the building, we question the front yard setback variance that was granted. Using the Baltimore County My Neighborhood web site property maps, we have confirmed that there is no actual building side that parallels Lodge Farm Rd. The building, having been built as a religious campus, was designed to front on the church/school entrance road as were the church, rectory and the school building. However, the side now identified as being the building front actually fronts the access road that was previously discussed. Using the maps measuring tool, we have determined by drawing a line parallel from the so called front wall to Lodge Farm Rd that it is approximately 400 ft to Lodge Farm Rd having to pass through the St Luke's Place parking lot and tertiary property. The wall now being considered as a side wall of Hosanna House contains a door and is approximately 225ft from Lodge Farm Rd and does not require crossing another property line to get to Lodge Farm Rd. This is the wall that is the front of the building in our opinion and if this is determined to be correct, will have a significant impact on the setback variance and meeting setback requirements.

The property was sold to Catholic Charities and then subdivided to create Hosanna House. There should have been a variance for that sub division to take place. If that is the case, it is improper to issue a variance on a variance.

The Restrictive Covenant in the deed from St Luke's Catholic Church to Associated Catholic Charities dated November 9, 1993 limits the use of the facility to housing for elderly residents. Although the ownership of the parish property is now listed as "St Luke's Roman Catholic Congregation" and not as the Catholic Archbishop of Baltimore, the intent was that this Restrictive Covenant would apply as long as the property remained a Catholic religious campus. There have been several Archbishops of Baltimore since this agreement was signed. Expanding on the properties joint relationship, the Catholic Archbishop of Baltimore is the owner only by virtue of being the religious leader of the Catholic Archdiocese of Baltimore. This is the entity that has the ultimate authority of Church assets. A December 5, 2012 Catholic Review article also names Archbishop Lori, Archbishop of Baltimore, as the Catholic Charities Board Chairman. To further prove the relationship between the Archdiocese, Catholic Charities and the Parishes, one only has to note the fundraising campaigns mandated by the Archbishop to Parishes that provides funding to Catholic Charities. There has been no actual change in ownership as purported. Permission from the Archbishop of Baltimore is required before any portion of the property could be sold by the congregation. This is not housing for the elderly as required.

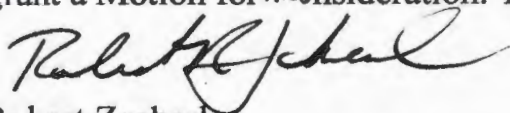
We would like to challenge the ruling that the proposed use of this facility constitutes a boarding house. Using language in the Opinion and Order pertaining to this request, a "boarding house" is a building occupied, "for compensation". It has been stated by the applicant that current employment rates of persons living at another homeless facility in Baltimore City, to which this facility is being compared, is approximately 40%. Much of this is part time employment. It has also been stated that residents will be required to pay 30% of their rent. It is overly optimistic, in our opinion, to set the employment goal of these residents so high given the high unemployment rate and economic decline in the area. We believe that this probable inability of residents to pay compensation for housing does not fulfill the requirement for a boarding house designation.

The above mentioned facility, Holden Hall, is listed on a City web site under Mental/Behavioral Health rather than senior housing which would not make it comparable to this proposal. The Holden Hall comparison also does not adequately reflect the uniqueness and different geographical and demographic characteristics of the regions. Holden Hall is located in Baltimore City zip 21230 that has a population of 33,000 people as compared to 9,000 in the Baltimore County community of zip 21219. There are 79% of housing units in zip 21219 that are detached housing as compared to only 7% in zip 21230. There is no public transportation where Hosanna House will be located in zip 21219. The nearest public transportation is 2.3 miles away from that location in the Industrial Enterprise Zone. Zip 21230 has public transportation. The median home price in zip 21219 is \$145,000 compared to \$72,000. for zip 21230. These figures were taken from a 2013 data site and are accurate to the best of our knowledge. There are curbs, gutters, and sidewalks for use by residents in zip 21230. There are limited sidewalks and public works infrastructure for the residents to be guaranteed a safe pedestrian experience in zip 21219. On March 14, 2013 a 77 year old male pedestrian was killed along North Point Rd, the main access into the community. There is a homeless problem in zip 21230. There is not a homeless problem in zip 21219. These are very dissimilar locations with dissimilar demographics.

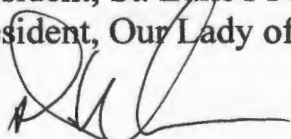
Lastly we would challenge that the granted special exception that will allow for this proposed housing does not meet the guidelines set in 502.1. The following excerpts are taken from the Catholic Charities Holden Hall web page. Residents are characterized as having "issues that caused or contributed to homelessness and poverty, including medical and mental health issues, arrested or impaired social development, addiction, unemployment or under employment and medical and/or mental health issues that render them unable to live independently". It is very

fortunate that Holden Hall has had a mostly positive experience. However, in light of the fact that the comparison with Holden Hall was used to justify the Hosanna House and that the same screening criteria will apply, the characteristics of residents as described on the Holden Hall web site makes this an inappropriate location for this facility. A preschool, religious education center, community food pantry, social hall and church, all used by youth and other vulnerable citizens, is not the appropriate neighbor for this facility. Section 502.1 A. has not been satisfied in our opinion and this facility will be detrimental to the health, safety, or general welfare of the locality involved.

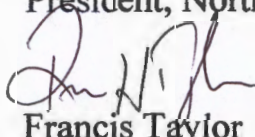
In conclusion, any or all of the above comments should be considered to grant a Motion for ~~Re~~consideration. Thank you.



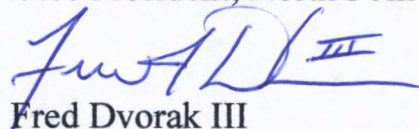
Robert Zacherl
President, St. Luke's Parish Council
President, Our Lady of Hope/St Luke School Board



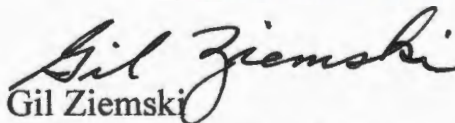
Harry Wujek Jr.
President, North Point Peninsula Council



Francis Taylor
Vice President, North Point Peninsula Council



Fred Dvorak III
Corporator, St. Luke's Roman Catholic Congregation



Gil Ziemski
Corporator, St. Luke's Roman Catholic Congregation

c: Rev. Austin Murphy
Patricia Malone, Esq.
Peter Max Zimmerman, Esq.
Sr. Irene Pryle
Councilman John Olszewski Sr.

2/15/17

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE
(2829 Lodge Farm Road) *
15th Election District
7th Councilmanic District
Associated Catholic Charities, Inc.
Legal Owner/Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0103-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Patricia A. Malone, Esquire, on behalf of the legal owner, Associated Catholic Charities, Inc. The Petition for Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to: (1) authorize the continuation of the existing non-conforming building setbacks; (2) approve use of the former convent building as a boarding or rooming house; and (3) confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family".

A Petition for Special Exception was filed pursuant to § 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building.

Finally, a Petition for Variance was filed pursuant to the B.C.Z.R. as follows: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; (3) If necessary, pursuant to B.C.Z.R. sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft.

ORDER RECEIVED FOR FILING

Date

2-15-13

By

Aln

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Christine Kay, Benton Berman, and Dale McArdle on behalf of Associated Catholic Charities, Inc. Patricia A. Malone, Esquire, appeared as counsel and represented the Petitioner. Several members of the community attended the hearing and opposed the Petitions. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment received was from Department of Planning, which did not oppose the Petitions, and did not believe the project would cause any traffic congestion.

SPECIAL HEARING

The Petitioner proposes to operate a facility known as "permanent supportive housing" for people with disabilities. Representatives from Catholic Charities testified this is not a "homeless shelter," as that term is commonly understood. Rather, the facility would have 14-16 tenants, each of whom will have a lease and make rental payments. The hope is that eventually the tenants will be able to move on to market rate housing in the community. Representatives from the Petitioner testified that homelessness is an especially acute problem in eastern Baltimore County, and that there is a strong need for such housing.

Originally, the Petitioner proposed to provide housing for men only. After concerns were raised by the community, the Petitioner agreed (in what was described as a "concession") to provide single gender housing for women 50 years of age and older. Even so, several members

ORDER RECEIVED FOR FILING

Date

2/15/13

By

DLH

of the community attended the hearing and opposed the petitions, citing concerns with the proposed facility being located adjacent to the St. Luke's preschool, attended by approximately 40 children. Community members expressed concern about the safety of their children, and they believed parents would remove their children from the preschool, threatening its viability.

The petition for Special Hearing, which is akin to a complaint for declaratory judgment, seeks approval for the proposed facility under two theories: (1) as a "boarding house"; or (2) as a residence for a "family" as that term is defined in the B.C.Z.R. Under the regulations (in particular, based on the definition of "family") these terms are mutually exclusive. Having reviewed the exhibits and the testimony, I believe the proposed facility is properly characterized as a "boarding house," which is a building occupied, "for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption" B.C.Z.R. §101.1. The approval process for a boarding house is set forth in B.C.Z.R. §408B.

Mr. Martin, a landscape architect admitted as an expert, opined that this facility would constitute a boarding house. He testified that the structure was a single family dwelling that functioned as a boarding house, where communal kitchen and bathroom facilities are provided for the residents, each of whom would reside in separate bedrooms. This was the same floor plan and layout used by the assisted living facility which occupied this building from 1994 through 2011, at which point the building became vacant. Mr. Martin also testified that the building is served by a single water meter, which he indicated was further evidence the structure was operated and oriented as a single family dwelling. Mr. Martin further opined that the use would in no way be detrimental to the safety and welfare of the community.

ORDER RECEIVED FOR FILING

Date 2/15/13

By Sen

I am not unmindful of the community's concerns, and wholeheartedly agree that a more searching inquiry is required in scenarios where children are at issue. Just the same, I believe the Petitioner tried to ameliorate some of the concerns by restricting occupancy to women aged 50 and over. The Petitioner also indicated it would remove the existing breezeway connecting the convent building to the St. Luke's preschool, construct privacy fencing between the buildings and eliminate an existing exit door in the former convent, to physically separate Hosanna House from the preschool. In addition, I found especially convincing the testimony of Mr. Berman, who operates on behalf of Petitioner the Holden Hall facility in Baltimore City, which is similar to the proposed facility. Mr. Berman testified about the stringent tenant selection procedures used by Petitioner, and noted that only very minor problems have been experienced at Holden Hall. In fact, Mr. Berman stated that the Holden Hall facility, which is occupied by men only, is immediately adjacent to the Head Start program with over 100 children enrolled, and that the uses have peacefully and cooperatively coexisted for several years. See Exhibit 3.

In light of this testimony, I do not believe that the proposed Hosanna House facility (a boarding or rooming house under B.C.Z.R.) would be detrimental to the health, safety or general welfare of the community, and would satisfy the requirements set forth in B.C.Z.R. §502.1, as articulated in Peoples Counsel v. Loyola.

Based on evidence presented, also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

The property has irregular dimensions, and contains a 2 story building that has historically been used for communal living, first as a convent and then as an assisted living facility. These factors make the property unique. Petitioner would experience a practical

ORDER RECEIVED FOR FILING

Date 2/15/13
By Den

difficulty if relief were denied, given it would be unable to establish the Hosanna House operation and serve a vulnerable group of County residents. The Variance relief requested is modest (i.e., approving existing building setbacks and permitting a reduction in the number of required parking spaces) and will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 15th day of February, 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve use of the former convent building as a boarding or rooming house, and for issuance of a use permit under B.C.Z.R. §408 B, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Special Exception filed pursuant to § 1B01.1.C.5 of the B.C.Z.R., to permit a community care center in the former convent building, be and is hereby DISMISSED without prejudice.

IT IS FURTHER ORDERED that Petitioner's request for Variance relief: (1) To permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; (2) To amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use; and (3) pursuant to sections 1B01.2.C.1.a and 307.1, to approve the existing front yard setbacks of 20 ft. and 18 ft., respectively, in lieu of the required 40 ft. and 20 ft., be and is hereby GRANTED

The relief granted herein shall be subject to the following:

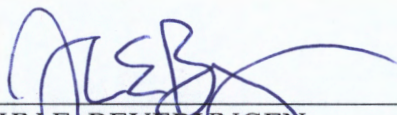
1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Residency at the proposed Hosanna House shall be restricted to women ages 50 and over.

ORDER RECEIVED FOR FILING

Date 2/15/13
By SLN

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 2/15/13

By sln



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 15, 2013

Patricia A. Malone, Esquire
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

RE: Petitions for Special Hearing, Special Exception and Variance
Case No.: 2013-0103-SPHXA
Property: 2829 Lodge Farm Road

Dear Mrs. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

Enclosure

c: Rev. Austin Murphy, 1727 Lynch Road, Baltimore, Maryland 21222
Robert Zacherl, 8230 Rosebank Avenue, Baltimore, Maryland 21222
Sister Irene Pryle, 8001 N. Boundary Road, Baltimore, Maryland 21222
Brian and Kimberly Sanner, 4227 Riversedge Way, Baltimore, Maryland 21222
Francis Taylor, 7603 Iroquois Avenue, Baltimore, Maryland 21219
Rosemary Oberholtzer, 7701 Wise Avenue, Dundalk, Maryland 21222
Tricia Isennock, 9000 Franklin Square Drive, Baltimore, Maryland 21237
Stu Hancock, 3 Milford Mill, Baltimore, Maryland 21208
Fred Weimert, 120 W. Pennsylvania Avenue, Baltimore, Maryland 21204
Rev. Kristofer Lindh-Payne, 2216 Pot Spring Road, Timonium, Maryland 21093
Terri Kingeter, 1200 Doragen Ct., Lutherville, Maryland 21093



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 2829 Lodge Farm Road which is presently zoned DR 5.5
Deed Reference 10968 / 253 10 Digit Tax Account # 2 2 0 0 0 1 2 6 1 9
Property Owner(s) Printed Name(s) Associated Catholic Charities, Inc.

CASE NUMBER 2013-0103-SPHXA **REVISED** Filing Date 11/23/12 Estimated Posting Date 12/2/12 Reviewer JS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

see attached

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

see attached

3. ☒ 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 below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To Be Presented At Hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Patricia A. Malone

Name- Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500, Towson, MD
Mailing Address City State

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Legal Owners:

Associated Catholic Charities, Inc. / William J. McCarthy, Jr., Exec. Dir.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature # 2

320 Cathedral Street Baltimore MD
Mailing Address City State

21201 / 410-547-5490 /
Zip Code Telephone # Email Address

Representative to be contacted:

Patricia A. Malone

Name - Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500 Towson, MD
Mailing Address City State

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Amended Language for Zoning Petition

**Associated Catholic Charities, Inc.
Lodge Farm Road**

Petition for Special Hearing:

Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.

Petition for Special Hearing, pursuant to BCZR Sections 408B and 500.7, to approve use of the former convent building as a boarding or rooming house.

In the alternative, Petition for Special Hearing, pursuant to BCZR Section 500.7, to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family."

Petition for Special Exception:

In the alternative, Petition for Special Exception, pursuant to BCZR Section 1B01.1.C.5, to permit a community care center in the former convent building.

Petition for Variance:

Petition for Variance, pursuant to BCZR Section 307.1, (or Petition for Special Hearing) to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces.

Petition for Variance, pursuant to BCZR Section 307.1, (and Petition for Special Hearing) to amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use.

If necessary, Petition for Variance, pursuant to Sections 1B01.2.C.1.a and 307.1, to approve the existing front and side yard setbacks of 20 feet and 18 feet, respectively, in lieu of the required 40 feet and 20 feet.

Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:
address 2829 Lodge Farm Road which is presently zoned DR 5.5
Deed Reference 10968 / 253 10 Digit Tax Account # 2 2 0 0 0 1 2 6 1 9
Property Owner(s) Printed Name(s) Associated Catholic Charities, Inc.

CASE NUMBER 2013-0103-SP4X4 Filing Date 11/5/12 Estimated Posting Date 11/18/12 Reviewer JS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

see attached

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

see attached

3. ☒ 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 below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To Be Presented At Hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address _____ City _____ State _____

Zip Code _____ / Telephone # _____ / Email Address _____

Attorney for Petitioner:

Patricia A. Malone

Name- Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500, Towson, MD
Mailing Address _____ City _____ State _____

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Legal Owners:

Associated Catholic Charities, Inc. / William J. McCarthy, Jr., Exec. Dir.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

320 Cathedral Street Baltimore MD
Mailing Address _____ City _____ State _____

21201 / 410-547-5490 /
Zip Code Telephone # Email Address

Representative to be contacted:

Patricia A. Malone

Name - Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500 Towson, MD
Mailing Address _____ City _____ State _____

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Petition for Special Hearing:

Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.

Petition for Special Hearing, pursuant to BCZR Sections 408B and 500.7, to approve use of the former convent building as a boarding or rooming house.

In the alternative, Petition for Special Hearing, pursuant to BCZR Section 500.7, to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family."

Petition for Special Exception:

In the alternative, Petition for Special Exception, pursuant to BCZR Section 1B01.1.C.5, to permit a community care center in the former convent building.

Petition for Variance:

Petition for Variance, pursuant to BCZR Section 307.1, (or Petition for Special Hearing) to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces.

Petition for Variance, pursuant to BCZR Section 307.1, (and Petition for Special Hearing) to amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use.

Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

MARTIN

MARTIN
&
PHILLIPS

PHILLIPS

&

DESIGN ASSOCIATES, INC.

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

October 26, 2012

ZONING DESCRIPTION

Lot 3, St. Luke's Church Property – S.M. 0064 / Folio 0094
2829 Lodged Farm Road
Baltimore, MD 21219

Beginning for the description of the subject Lot 3 as platted in Liber 64 / Folio 94 - St. Luke's Church Property, at a point at the centerline intersections of North Point Road (50') and Lodge Farm Road (50') thence S40° 28' 48" W, 523.94 feet more or less to a point of beginning at the northeast corner of the subject property thence the following courses:

- 1) S46° 12' 01"E, 262.50' thence,
- 2) S48° 43' 17"W, 64.60' thence
- 3) S53° 52' 09"W, 118.49' thence
- 4) S67° 10' 13"W, 128.41' thence
- 5) N21° 04' 46"W, 67.05' thence
- 6) N46° 12' 01"W, 161.66' thence
- 7) N43° 47' 59"E, 271.13' back to the point of beginning.

Containing 71,579.20 Square Feet or 1.6432 Acres of Land more or less.

The above bearings are based on the Baltimore County Metropolitan District Grid Meridian System which was the basis of the recorded plat referenced above.

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

3-0103-SPHX4



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/neighbor 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: 2013-0103-SPHXA
Petitioner: ASSOCIATED CATHOLIC CHARITIES, INC.
Address or Location: 2829 LODGE FARM RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA LUKASEVICH
Address: 210 W. PENNSYLVANIA AVE.
STE. 500
TOWSON, MD 21204
Telephone Number: 410-494-6200

**CASHIER'S
VALIDATION**

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

No. **91696**

Date: **11/23/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

11/27/2012 11/27/2012 09:17:22 2

REG MS02 MAIL JEVA JEE

>>RECEIPT # 803307 11/27/2012 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 091696

Recpt Tot \$250.00

\$250.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 250.00

Total: **\$ 250.00**

Rec From: **ASSOCIATED CATHOLIC CHARITIES**

For: **2013-0103-SPHX (REVISED)**

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: # 2013-0103-SPHXA

2829 Lodge Farm Road

SE/s of Lodge Farm Road, 380 ft. SW of intersection with centerline of North Point Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Associated Catholic Charities, Inc.

Special Hearing: to authorize the continuation of the existing non-conforming building setbacks; to approve use of the former convent building as a boarding or rooming house; to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family." **Special Exception:** to permit a community care center in the former convent building. **Variance:** to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; to amend the prior relief in Case 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use. Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

Hearing: Thursday, January 31, 2013 at 10:00 a.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.

1/066 Jan. 10

897148



501 N. Calvert Street, Baltimore, MD 21278

January 10, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 10, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

2013-0103-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Associated Catholic Charities, Inc.

January 31, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
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: _____

2829 Lodge Farm Rd

January 11, 2013

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

Sincerely,

January 11, 2013

(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)





KEVIN KAMENETZ
County Executive

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

November 15, 2012

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 NUMBER: 2013-0103-SPHXA

2829 Lodge Farm Road

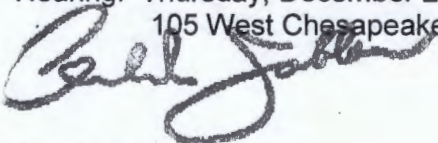
SE/s of Lodge Farm Road, 380 ft. SW of intersection with centerline of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Associated Catholic Charities, Inc.

Special Hearing to authorize the continuation of the existing non-conforming building setbacks; to approve use of the former convent building as a boarding or rooming house; to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family." Special Exception to permit a community care center in the former convent building. Variance to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; to amend the prior relief in Case 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use. Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

Hearing: Thursday, December 27, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Patricia Malone, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
William McCarthy, Jr., 320 Cathedral Street, Baltimore 21201

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 7, 2012.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 6, 2012 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable

210 W Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2013-0103-SPHXA

2829 Lodge Farm Road

SE/s of Lodge Farm Road, 380 ft. SW of intersection with centerline of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Associated Catholic Charities, Inc.

Special Hearing to authorize the continuation of the existing non-conforming building setbacks; to approve use of the former convent building as a boarding or rooming house; to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family." Special Exception to permit a community care center in the former convent building. Variance to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; to amend the prior relief in Case 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use. Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

Hearing: Thursday, December 27, 2012 at 10:00 a.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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 10, 2013 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable

210 W Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2013-0103-SPHXA

2829 Lodge Farm Road

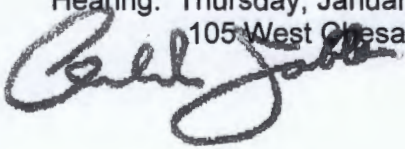
SE/s of Lodge Farm Road, 380 ft. SW of intersection with centerline of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Associated Catholic Charities, Inc.

Special Hearing to authorize the continuation of the existing non-conforming building setbacks; to approve use of the former convent building as a boarding or rooming house; to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family." Special Exception to permit a community care center in the former convent building. Variance to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; to amend the prior relief in Case 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use. Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

Hearing: Thursday, January 31, 2013 at 10:00 a.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

December 19, 2012

NEW 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 NUMBER: 2013-0103-SPHXA

2829 Lodge Farm Road

SE/s of Lodge Farm Road, 380 ft. SW of intersection with centerline of North Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Associated Catholic Charities, Inc.

Special Hearing to authorize the continuation of the existing non-conforming building setbacks; to approve use of the former convent building as a boarding or rooming house; to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family." Special Exception to permit a community care center in the former convent building. Variance to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces; to amend the prior relief in Case 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use. Regardless of the use category, the residents would be restricted to seniors 60 years of age or older.

Hearing: Thursday, January 31, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the hearing location information.

Arnold Jablon
Director

AJ:kl

C: Patricia Malone, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
William McCarthy, Jr., 320 Cathedral Street, Baltimore 21201

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 11, 2013.**
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

and PP
reassigned
6/27 @ 10 to

April 30, 2013

NOTICE OF ASSIGNMENT

CASE #: 13-103-SPHXA **IN THE MATTER OF: Associated Catholic Charities, Inc.**
Legal Owner /Petitioner
2829 Lodge Farm Road / 15th Election District; 7th Councilmanic District

Re: Appeal regarding only the following:

- 1) Petition for Special Hearing requesting to allow the former convent building to be used as a boarding house or rooming house and
- 2) Petition for Variance for parking spaces and front yard setbacks.

2/15/13 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED with restrictions.

3/17/13 Motion for Reconsideration filed by Robert Zacherl, Harry Wujek, Jr., Francis Taylor, Fred Dvorak, III and Gil Ziemski, Protestants.

3/25/13 Order on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: TUESDAY, JUNE 4, 2013, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

Page 2

Distribution List

c: Counsel for Applicant/Petitioner/Owner : Patricia Malone, Esquire
Venable, LLP

Applicant/Petitioner/Owner : Associated Catholic Charities, Inc.
William J. McCarthy, Jr, Executive

Appellants: : Harry Wujek, Jr., Individually
Francis H. Taylor
Justin Kirkpatrick
Albert Walsh
Victor and Valerie Appolonia
Robert Zacherl
Brenda Wilson
Gil Ziemski
North Point Peninsula Council, Inc.
by Harry Wujek, Jr., President

Reverend Austin Murphy
Sister Irene Pryle, SSND
Brian and Kimberly Sanner
Rosemary Olserholtzer
Tricia Isennoch
Stu Hancock
Fred Weiniert
Reverend Kristofer Lindh-Payne
Terri Kingeter
Christine Kay
Benton Berman
Dale McArdle
David Martin

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 22, 2013

NOTICE OF POSTPONEMENT AND RE-ASSIGNMENT

CASE #: 13-103-SPHXA IN THE MATTER OF: Associated Catholic Charities, Inc.
Legal Owner /Petitioner
2829 Lodge Farm Road / 15th Election District; 7th Councilmanic District

Re: Appeal regarding only the following:

- 1) Petition for Special Hearing requesting to allow the former convent building to be used as a boarding house or rooming house and
- 2) Petition for Variance for parking spaces and front yard setbacks.

2/15/13 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED with restrictions.

3/17/13 Motion for Reconsideration filed by Robert Zacherl, Harry Wujek, Jr., Francis Taylor, Fred Dvorak, III and Gil Ziemiński, Protestants.

3/25/13 Order on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was DENIED.

This matter was to be heard on Tuesday, June 4, 2013 and has been postponed. The matter has been re-assigned to the following date and time:

RE-ASSIGNED FOR: THURSDAY, JUNE 27, 2013, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

Please note that no further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

Page 2

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Francis H. Taylor
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Albert Walsh
Victor and Valerie Appolonia
Robert Zacherl
Brenda Wilson
Gil Ziernski, c/o NPPC
North Point Peninsula Council, Inc.
by Harry Wujek, Jr., President

Reverend Austin Murphy
Sister Irene Pryle, SSND
Brian and Kimberly Sanner
Rosemary Olserholtzer
Tricia Isennoch
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Fred Weiniert
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Andrea Van Arsdale, Director/Department of Planning
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Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 28, 2013

NOTICE OF DELIBERATION

CASE #: 13-103-SPHXA IN THE MATTER OF: Associated Catholic Charities, Inc.
Legal Owner /Petitioner
2829 Lodge Farm Road / 15th Election District; 7th Councilmanic District

Re: Appeal regarding only the following:

- 1) Petition for Special Hearing requesting to allow the former convent building to be used as a boarding house or rooming house and
- 2) Petition for Variance for parking spaces and front yard setbacks.

2/15/13 Opinion and Order issued by Administrative Law Judge wherein the requested relief was GRANTED with restrictions.

3/17/13 Motion for Reconsideration filed by Robert Zacherl, Harry Wujek, Jr., Francis Taylor, Fred Dvorak, III and Gil Ziemski, Protestants.

3/25/13 Order on Motion for Reconsideration issued by Administrative Law Judge wherein the Motion was DENIED.

Having concluded this matter on 6/27/13 a public deliberation has been scheduled for the following:

DATE AND TIME : TUESDAY, JULY 30, 2013, AT 9:30 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Krysundra "Sunny" Cannington
Legal Secretary and Acting Administrator

Continued on Page 2

Page 2

Distribution List

c: Counsel for Applicant/Petitioner/Owner : Patricia Malone, Esquire
Venable, LLP

Applicant/Petitioner/Owner : Associated Catholic Charities, Inc.
William J. McCarthy, Jr, Executive

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Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

January 23, 2013

Associated Catholic Charities, Inc.
William J. McCarthy, Jr. Executive Director
320 Cathedral Street
Baltimore MD 21201

RE: Case Number: 2013-0103 SPHXA, Address: 2829 Lodge Farm Road

Dear Mr. McCarthy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 23, 2012. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

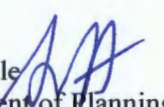
c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 25, 2013

FROM: Andrea Van Arsdale 
Director, Department of Planning

SUBJECT: 2829 Lodge Farm Road

INFORMATION:

Item Number: 13-103

Petitioner: Associated Catholic Charities, Inc.

Zoning: DR 5.5

Requested Action: Special Hearing, Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

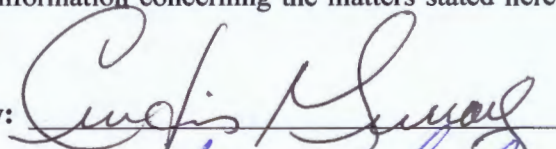
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is proposing the reuse of a former convent building for a boarding or rooming house or, in the alternative, a community residential facility or a community care center. The number of proposed beds is 16.

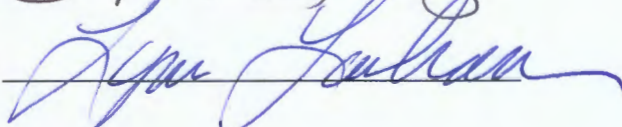
No enlargement of the existing building is proposed. The building is situated in close proximity to St. Luke's Place Senior Housing and St. Luke's Church. The building is well buffered and not highly visible from the surrounding residential community.

Vehicular access to the site is provided via North Point Road (a minor arterial) and Lodge Farm Road (a collector road). The site is not within a deficient traffic shed per the current 2012 or projected 2013 Basic Services Transportation Map. It is the opinion of the Department of Planning that the proposed facility will not create any traffic congestion.

On a recent site visit, ample off-street parking was available in the adjacent parking lot for St. Luke's Place. Also, recent Baltimore County GIS orthophotos (2011 and 2008) show ample available spaces in that parking lot. As such, the Department of Planning does not oppose the petitioner's requests associated with the proposed facility.

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

Prepared by: 

Division Chief:
AVA/LL: CM 

RECEIVED

JAN 28 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-6-12

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

RE: Baltimore County

Item No 2013-0103-SPHXA

Special Hearing Special Exception
Variance.

Associated Catholic Charities, Inc.
Wm. J. McCarthy, Executive Dir.
2829 Lodge Farm Road.

Dear Ms. Lewis:

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. 2013-0103-SPHXA.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 5, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 17, 2012
Item Nos. 2013-0103, 0116, 0119, 0122 and 0123.

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

DAK:CEN
Cc: file

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

Date: 11-15-12

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

RE: Baltimore County
Item No 2013-0103-SPHXA
Special Hearing Special Exception
Variance
Associated Catholic Charities Inc.
Wm. J. McCarthy Exec. Dir.

Dear Ms. Lewis:

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. 2013-0103-SPHXA.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE : November 15, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 26, 2012
Item Nos. 2013-0100, 0102 ,0103, 0104 and 0105.

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

DAK. CEN
cc: File

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
SPECIAL EXCEPTION AND VARIANCE		
2829 Lodge Farm Road; SE/S Lodge Farm	*	OF ADMINSTRATIVE
Road, 380 SW c/line North Point Road		
15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Associated Catholic Charities		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-103-SPHXA

* * * * *

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.

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

RECEIVED

NOV 14 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 2012, a copy of the foregoing Entry of Appearance was mailed to Patricia Malone, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DELEGATE JOHN A. OLSZEWSKI, JR.
6th Legislative District
Baltimore County

Economic Matters Committee

Chair
Baltimore County Delegation



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 305
Annapolis, Maryland 21401
410-841-3458 · 301-858-3458
800-492-7122 Ext. 3458
Fax 410-841-3123
John.Olszewski@house.state.md.us

District Office
7701 Wise Avenue
Baltimore, Maryland 21222
410-282-1733

December 27, 2012

Director Arnold Jablon
Attn: Zoning Office
111 W. Chesapeake Ave
Room 111
Towson, MD 21204

Dear Director Jablon:

I am writing to you in reference to case number 2013-0103, to address the zoning of the proposed Hosanna House in the Edgemere community. On behalf of my constituents in the 6th District, I must urge you not to grant Catholic Charities the permits and zoning requirements necessary to move forward with this project.

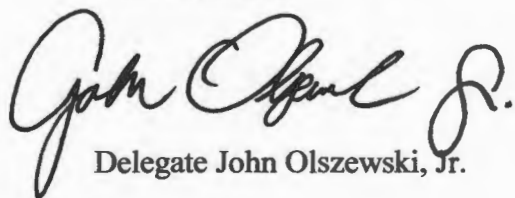
The Edgemere community has spoken loud and clear; they do not support this project. The Hosanna House poses a major threat to the sustainability of the preschool located directly next to the proposed location. Parents have threatened to remove their children if this project moves forward, which will no doubt impact the livelihood of the preschool and negatively impact the surrounding area. In addition, other factors make this location less than ideal for the proposed use of the Hosanna House. Edgemere is a small community that is inaccessible by public transportation. St. Luke Roman Catholic Church, whose former convent will be the new residency of the Hosanna House, is located in the middle of a residential area. Within walking distance of this location there is an assisted living facility for seniors, an elementary school and a high school. The proximity of this facility to at risk populations highly justifies the denial of zoning permits by the county.

While I commend the efforts of Catholic Charities and appreciate their commitment to our area, this shelter will not tackle the fundamental problem of homelessness in eastern Baltimore County. Our communities require a much more comprehensive approach to homelessness and the needs of our neighbors. To that end, I have written extensively (one such writing is attached) in public forums and to the County Executive about my proposal to leverage the vacant Diamond Point Shopping Center on Eastern Avenue to locate a vast array of services, pulling them from existing locations in and around neighborhoods and shopping centers. Diamond Point was intended to be one alternative and an example of what could be possible, but the bigger point was the need to develop a comprehensive homelessness plan so that we avoid these types of individual case problems such as the proposed Hosanna House.

Indeed, Hosanna House is neither the right place, nor the right endeavor to tackle the problems in our communities, and I strongly urge you to take these points into consideration when deciding the fate of the Hosanna House and disallow the project from moving forward in the Edgemere community.

Please do not hesitate to contact me with any questions you may have. Thank you for your service to Baltimore County.

Best Regards,

A handwritten signature in black ink, appearing to read "John Olszewski, Jr.", written in a cursive style.

Delegate John Olszewski, Jr.

Olszewski Jr. 'Dusts Off' a Proposal to Address Homelessness

Published October 20, 2012

Recent discussion about the Catholic Charities of Baltimore's proposal to co-locate housing for the homeless alongside the preschool and senior housing complex near St. Luke's Church in Edgemere has again brought the issue of homelessness in Eastern Baltimore County into focus.

While we should be able to agree that the issue merits our attention, we should also agree to approach the challenge in a thoughtful and comprehensive way. I do not support what has become an ad hoc way of placing social services. That is why I formally developed and submitted a plan to the Baltimore County administration urging the creation of a comprehensive service site away from major commercial and residential corridors.

We have an obligation to identify solutions to the pressing challenges we face as a community. Indeed, finding the right housing and rehabilitation options are critical if we ever hope not only to meet the needs of the homeless, but also to end their dependency on government services and return them to being productive citizens.

Aiding the less fortunate members of our community must be done thoughtfully. Haphazardly placing resources for people in need throughout a community, near residential housing, near daycares, and in our commercial districts, for example, is neither thoughtful nor productive.

For example, diverting social services, including those for the homeless, away from places like our shopping centers and places of commerce makes sense and can add vibrancy to a commercial district. It can also help us avoid the placement of services near vulnerable populations such as young children.

The good news is that there are ways that we can remove these sporadic social services from key residential and commercial areas while still helping those in need.

My proposal would leverage the essentially vacant Diamond Point Shopping Center, relatively far removed from other commerce and residential housing, as an effective location to provide services for both Dundalk and Essex residents in need. The property is slated for auction in early November.

Diamond Point's substantial space could allow for multiple services to be provided there, including the type of services envisioned by Hosanna House. Under this scenario, rather

than simply providing shelter from homelessness, individuals receiving shelter would have access to effective job training and counseling services all in one location.

Rather than have a patchwork of services in commercial districts and among residential communities, we should create a comprehensive location that would best serve those in need—something research has confirmed has the most positive benefits for the disadvantaged.

The need to provide services should not condone placing those services anywhere; likewise, the rational desire to keep services out of certain locations should not keep services from being provided altogether. Using Diamond Point or another suitable location, to create opportunities to remove services from our business and residential corridors and place them into a comprehensive center, reflects this reality.

Creating a location with comprehensive services is best for people in need, as well as for our communities. While it may not be easily accomplished, we can meet the needs of our neighbors while growing robust commercial and residential areas with the coordinated efforts of our government, church, and community leaders.

About this column: John A. Olszewski, Jr., Democrat, District 6, Baltimore County, reaches out to voter about issues before the General Assembly.

BOARD OF APPEALS OF BALTIMORE COUNTY
Jefferson Building
Second Floor, Suite 203
104 West Chesapeake Avenue
Towson, Maryland, 21204

MAY 8, 2013

Attn: Theresa R. Shelton, Administrator

CASE #: 13-103-SPHXA IN THE MATTER OF: Associated Catholic Charities, Inc.
Legal Owner/Petitioner
2829 Lodge Farm Road/ 15th Election District; 7th Councilmanic District

Re: Appeal regarding only the following:

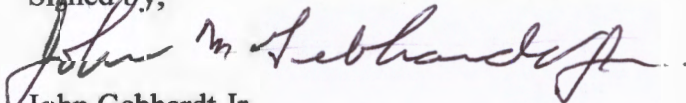
- 1) Petition for Special Hearing requesting to allow the former convent building to be used as a boarding house or rooming house and
- 2) Petition for Variance for parking spaces and front yard setbacks.

In accordance with Rules of Practice and Procedure of County Board of Appeals Rev. Eff. 5/30/05; Rule 8. Special rule pertaining to persons appearing before the board as representatives of civic or improvement associations.

The Resident's Association of St. Luke's Place, formed on July 13, 1994, and currently consisting of 129 members [all residents of St. Luke's Place, 2825 Lodge Farm Road/ 15th Election District; 7th Councilmanic District] at it's monthly meeting on Wednesday, May 08, 2013 passed a resolution [one dissenting vote] stating the association's position of approval of the 2/15/13 Opinion and Order issued by Administrative Law Judge wherein the requested relief was granted with restrictions. The association also passed a motion to approve and authorize three current members of the board of directors to represent the association at the Appeal Hearing on Thursday, June 27, 2013, at 10:00 AM, Hearing Room #2. Those members of the board were Mr. John Gebhardt Jr., president; Carol L. Bayle, vice president and Mr. Gary T. Quatmann, treasurer, all residents of St. Luke's Place.

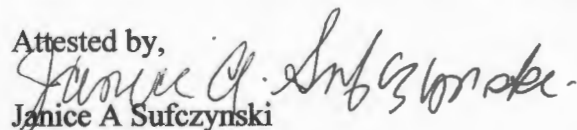
Several members of the association have grand children, great grand children, nephews and nieces attending the local schools. Many members of the association are active congregants in the surrounding churches. Members also participate in many local events held by the local churches, school alumni and the volunteer fire company. Many members are lifelong residents of the Edgemere, Sparrows Point and North Point communities.

Signed by,



John Gebhardt Jr.
President
The Resident's Association of St. Luke's Place

Attested by,



Janice A Sufczynski
Secretary
The Resident's Association of St. Luke's Place

RECEIVED
JUN 18 2013

BALTIMORE COUNTY
BOARD OF APPEALS



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 22, 2013

North Point Peninsula Council, Inc.
Harry Wujek, Jr., President
P.O. Box 444
Fort Howard, Maryland 21052

RE: In the Matter of: Associated Catholic Charities, Inc., Legal Owner /Petitioner
Case No.: 13-103-SPHXA

Dear Mr. Wujek, Jr.:

This letter will acknowledge receipt of your hand delivered letter dated May 17, 2013 wherein you request a postponement of the subject case scheduled for hearing on Tuesday, June 4, 2013 @ 10:00 a.m., indicating that more time was needed in order to obtain Counsel.

Your request for postponement is granted at this time, and this matter has been reassigned to a hearing date of Thursday, June 27, 2013 at 10:00 a.m, which should provide ample time to obtain different Counsel.

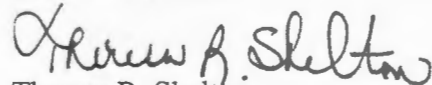
It is to be noted that this postponement has been granted over the objection of Associated Catholic Charities. This office received a hand delivered letter dated May 21, 2013 from Petitioner's Counsel, Patricia A. Malone, Esquire, stating the reasons for this objection.

Please note that no further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

Enclosed is a copy of the Notice of Postponement and Reassignment.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Theresa R. Shelton
Administrator

Encl.: Notice of Postponement and Reassignment

c (w/Encl.): Patricia A. Malone, Esquire
Associated Catholic Charities

Patricia A. Malone
Of Counsel

t 410.494.6206
f 410.821.0147
pamalone@venable.com

May 21, 2013

Theresa R. Shelton, Administrator
County Board of Appeals for
Baltimore County
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 13-103-SPHXA

Dear Mrs. Shelton:

On behalf of Associated Catholic Charities, I am writing to respond to the postponement request submitted by the North Point Peninsula Community Coordinating Council in the above-referenced matter. Catholic Charities objects to a postponement of the hearing scheduled for June 4, 2013, and asks that the Board keep the hearing date as scheduled.

Opponents filed a similar request at the Administrative Hearing level, which was granted, and they, then, sought further delay by filing a Motion for Reconsideration, which was denied. Timing up to this point has been in Opponents' control, so, for them to say they are not ready to go forward is disingenuous. Catholic Charities is eager to move forward with the project, so that it can begin serving those in need.

Thank you for your consideration of our position.

Very truly yours,



Patricia A. Malone

PAM/bl

cc: Mr. Harry Wujek, President
Peter Max Zimmerman, Esquire

RECEIVED
MAY 21 2013
BALTIMORE COUNTY
BOARD OF APPEALS

Page 1 of 2

**Theresa Shelton - Re:
Postponement request**

From: Peter Zimmerman
To: Shelton, Theresa
Date: 5/21/2013 11:00 AM
Subject: Re: Postponement
request

Theresa, No objection. Peter Max
Zimmerman



>>> Theresa Shelton 5/21/2013
10:59 AM >>>
Good Morning:

Attached is a hand delivered
postponement request on the matter
scheduled for June 4, 2013. Do you
have any objection to the granting of
this request?

Thank you.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore
County



Eastern Family Resource Center
9100 Franklin Square Drive Rm 204
Baltimore, MD 21237

Phone 443-777-2300
Fax 443-777-2311

January 25, 2013

Dear Administrative Law Judge,

This letter is to support providing permanent housing to senior homeless women in Edgmore. It would not only improve their health and hygiene but it would stabilize their lives. Homelessness can be caused by several factors including loss of income or employment, lack of mental healthcare, victim of domestic violence, being a veteran, or substance abuse problems. If given stable supportive housing there would be a reduction in the overall homeless population and it would reduce the shelter population. A shelter is not an appropriate environment for a senior because of too many sick children, inability to rest when needed, and increased social stressors from others.

Seniors are at higher risk of declining health due to age and slowed healing time. They are easily stressed and often suffer from depression. Supportive housing can decrease stress and mental strain caused from homelessness. The senior patients I have seen at Healthcare for the Homeless Baltimore County moods and demeanor improved after receiving housing. Homeless persons have increasingly poor health (mental and physical) due to lack of healthcare or insurance, lack of housing, lack of food and income. Stable housing would cause happiness, increase self worth and give a sense of pride to a homeless senior.

It is know that Catholic Charities has a variety of programs to assist people stricken by poverty. Homeless seniors would absolutely benefit from this permanent housing that is being offered. Any working individual is one paycheck away from homelessness. Housing and healthcare are human rights, why should the homeless be excluded?

Sincerely,

Tanika V. Martin PA-C and Healthcare for the Homeless Baltimore County staff

**North Point Peninsula Council
P. O. Box 444
Fort Howard, Maryland 21052**



Mr. Arnold Jablon, Director
Baltimore County Department of Permit
and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Ref: Zoning Hearing
Case #2013-0103PHXA

Dear Mr. Jablon:

The reference case, zoning hearing for the Catholic Charities Hosanna House Project, has been scheduled for December 27, 2012, at 10 am in room 205 of the Jefferson Building, 105 W. Chesapeake Avenue, Towson, Maryland 21204.

This date occurs during the religious week of Christmas for Catholics. Accordingly, we are requesting a postponement of this zoning hearing to January 31, 2013, at the same time and place above.

This date has been discussed and agreed to with Ms. Patricia A. Malone, attorney for Catholic Charities.

Thank you for your consideration and approval of this request.

Sincerely,

Harry Wujek
President
North Point Peninsula Council



May 17, 2013

Ms. Theresa R. Shelton, Administrator
Board of Appeals of Baltimore County
Jefferson Building
2nd Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Ref: Case No. 13-103-SPHXA

Dear Ms. Shelton:

We are in receipt of your notice of assignment for the reference case on June 4, 2013 at 10 a.m. in meeting room No. 2, Suite 206 of the Jefferson Building.

We respectfully request a postponement of the meeting to a later date. The attorney that we engaged for this evidentiary meeting has declined due to conflict of schedules.

We are in the process of engaging another attorney to represent the appellants in the reference case.

Thank you in advance in consideration of this request. If required, I can be reached at 410-477-3232 or 410-382-2381 or E-Mail – The Wuj@Comast.Net.

Sincerely,

Harry Wujek
President
North Point Peninsula Council

Cc: Patricia A. Malone, Esquire
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204

Peter Max Zimmerman, Esquire
Baltimore County Peoples Council
Jefferson Bldg., Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

MAY 21 2013

**BALTIMORE COUNTY
BOARD OF APPEALS**



RECEIVED
JUL 22 2013
BALTIMORE COUNTY
BOARD OF APPEALS

July 17, 2013

The Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

Reference: Case No. 13-103-SPHXA

Dear Honorable Judge Maureen Murphy:
Dear Honorable Judge Wendy Zerwitz:
Dear Honorable Judge David L. Thurston:

After much reflection on the hearing held on June 27, 2013 relative to the above case, I felt it necessary to write this letter to all of you to point out certain circumstances surrounding the Catholic Charities Proposal for Hosanna House here in our Edgemere Community.

First of all, on behalf of our team of three, all volunteers, I want to thank you all for your consideration, patience and guidance extended to us novices in this venue.

It should be noted that at the June 27 hearing most of the people on the Associated Catholic Charities side of the room (The Petitioner) were on the clock. Those of us on the other side of the room are all Volunteers and not paid. Those individuals who don't support this project are working to support their families and could not practically attend this hearing given the day of the week and time of day.

As I believe, I stated at the beginning of the hearing that it was more about common sense than it was about the law and we know the law is important.

We of the North Point Peninsula Council, Inc. (NPPC) were invited and brought into this issue by the current clergy of the St. Luke's Parish who represent the parishioners who wanted us to join them in opposing the project.

Prior Pastors (3) of the St. Luke's Parish also opposed the project. They have since been relocated to other parishes or retired. The current Pastor Rev. Austin Murphy has been the Pastor of the St. Luke's Church and parish for approximately nine months and attended the initial hearing on this project and voiced his opposition.

Councilman, John Olszewski, Sr. from our District initially supported the project but he withdrew his support once it became obvious that the community opposed the project.

When we were invited by Pastor Murphy to get involved in the project and to help stop it we reluctantly but happily did so for we felt it was in the best interest of the community. We took on this challenge even though we had no experience in these matters.

Shortly after we began our research information resources vanished. We were advised early on in the process at meetings with Catholic Charities that our input was appreciated and would be taken into consideration when the decision was made for the project.

Telephone calls, e-mails to the Archdiocese Hierarchy were not responded to. All opportunity for consideration, discussion and to air the concerns of the community were not allowed to be heard. No consideration for the community was ever expressed. Big Brother the Archdiocese has once again put down the big hammer.

At this point we determined that we needed the expertise of an attorney in these matters. We reached out to Mr. Peter Max Zimmerman, Baltimore County Peoples Council for his assistance and direction but he could not officially represent us in this case. We then reached out to other attorneys and all three declined to represent us and we believe for lack of funding.

As a result of the potential opening of Hosanna House for the homeless the parents of the pupils (40+) of the adjacent day care center began to remove their children from the school which is less than 20 ft. from Hosanna House. These children and families have been inconvenienced and their lives disrupted for no other reason then to make room for 14 homeless people. It should be noted that according to Baltimore County Census of the Homeless there are no such individuals currently in 21219 or 21052 – Edgemere and Fort Howard on the North Point Peninsula. In our belief this is a misguided sense of priority.

At the hearing we asked Mr. Benton Burnham of the Associated Catholic Charities if he had a list of people he would consider for housing at Hosanna House and if any of them currently listed 21219 or 21052 as their area of origin. If he were to use these two zones as a base of reference for the potential residents theoretically he would find no applicants. This then would mean he would need to import homeless from other areas since according to Baltimore County Census there is no homeless in 21219 or 21052. It may be possible that we have no homeless in our community for they do not feel that it meets their needs or lifestyle. Or perhaps it supports our philosophy of taking care of our own.

We should also note that the deed to this property contains a COVENANT which states that the "property hereunder shall at all times be used exclusively as a housing facility for elderly residents." The proposed facility is to be for women 50 years of age or older. We do not believe 50 years of age can be described as elderly and Baltimore County defines elderly as 60 and over.

I believe you announced at the beginning of the hearing that the proceedings would be "Denovo." I understood this to mean that the hearing would essentially begin "all over" and accordingly the COVENANT would be considered. If this is the case and the COVENANT applies then the Hosanna House does not meet this requirement.

This property is owned by the Archdiocese of Baltimore and is headed by the Archbishop and Catholic Charities, is administered by the Chairman of the Board who is the Archbishop. In this case it would seem that the Archbishop is in conflict with himself on the covenant and should be on the side of the people.

The following is a quote from Mr. William J. McCarthy, Jr., Associated Catholic Charities Executive Director and was published in the Catholic Review on May 23, 2013.

"Catholic Charities' operating philosophy – recognizing the inherent dignity and worth of every person and cherishing the divine in every person – drives the why of what we do and how we go about that work," he said. "That respect and dignity of the person really starts at the door, and I think it's a hallmark of how we go about our work and helps us deliver effective outcome for the people."

I guess it depends on what side of the door you are standing. Closing the door on 40 day care children and their families in favor of 14 homeless people of unknown origin does not seem to be an effective outcome for the other people involved – the children.

If you check the crime statistics for our community you would find that we are among the lowest levels of crime in Baltimore County. According to police reports we do not have a crime problem.

It seems that Baltimore County can always find an undesirable project for our community, be it a Trash Dump, Recycling Plant, Dredge Disposal Facility, to name a few. We are always in the defensive posture when it comes to these types of "improvements." All of the above are undesirable and so is Hosanna House.

Real improvements to our community such as a Senior Housing Condominium Facility were squashed by rezoning the property to a level which did not permit such a use. The project land area was approximately 34 acres and only 4-5 acres would have been used by the developer and the balance of the land was to be donated to Baltimore County. Subsequent transactions buying and selling the property resulted in Baltimore County paying approximately \$1 million for property which could have been obtained for free with the Senior Condominium deal.

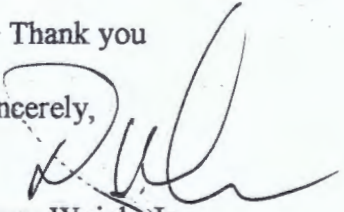
Creating this Hosanna House will be a disturbance of the peace of mind and tranquility for all who live on the North Point Peninsula. There are other solutions to this dilemma namely the creation of a homeless shelter, drug rehabilitation, training, etc. facility at "Diamond Point Park" on Eastern Boulevard as suggested by Delegate John Olszewski, Jr. from our District. This location has more of the amenities conducive to such a homeless facility than Hosanna House namely transportation, shopping, recreation and proximity to a major shopping mall.

Finally, it needs to be mentioned; the fact that the reduced market values of the homes in close proximity to Hosanna House is possible. Perception is as we all know reality.

In conclusion, we respectfully request that the Board consider this letter in its deliberation for a decision on this case and not approve the petitioners request to implement Hosanna House.

Thank you

Sincerely,



Harry Wujek, Jr.
President

**St. Luke's Church
7517 North Point Road
Baltimore, Maryland 21219-1499
410-477-5200**

RECEIVED
JUN 24 2013
**BALTIMORE COUNTY
BOARD OF APPEALS**

June 21, 2013

County Board of Appeals for
Baltimore County
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 13-103-SPHXA

Dear Board Members:

I am writing in my capacity as the Pastor of St. Luke's Church in Edgemere. St. Luke's Church is located directly next to the property that is the subject of Case No. 13-103-SPHXA. I have recently spoken with some of the Appellants of this case, and I wish to offer some considerations that may very well be of mutual benefit to both Catholic Charities and the concerned community members.

The St. Luke's Church property formerly consisted of 14± acres improved with a church/school building, a rectory, and a convent. In 1992, the property was subdivided into four lots, only one which was retained for use by St. Luke's Church. Two lots, Lots 1 and 3, were conveyed to Associated Catholic Charities (ACC). On Lot 1, ACC built an affordable senior housing project. Lot 3 contained the convent building, and ACC repurposed the building for use as an assisted living facility for low-income individuals. This use continued until sometime in 2011.

Last year, I met many times with representatives from ACC to discuss the intended reuse of the former convent building. I was concerned about ACC's plans for the building because the convent building is located in close proximity to the church's building on the adjacent lot. The two buildings share a side yard, and the portico, which covers the sidewalk connecting the two properties. At each end of the portico is an entrance door into the neighboring building. This setup gives the appearance, at least, of free access between the buildings. Concerns centered, particularly, on the security of the children at the school, given the nature of the population served by ACC.

This concern prompted me to ask ACC for certain concessions. After discussions with ACC and the Archbishop of Baltimore, ACC agreed to change the program to serve women (rather than men) over 50 years of age. Second, I asked ACC to create some sort of physical barrier between the two buildings. ACC agreed to have its consultant look at options for creating some separation between the buildings. At the hearing before the Administrative Law Judge, ACC introduced a revised plan showing removal of the portico, elimination of the entry door facing the church/school building, and fencing along the property line between the buildings. The Administrative Law Judge approved that plan.

Since the Administrative Law Judge's decision, a significant change at St. Luke's Church has occurred, causing me to re-evaluate my position with respect to Hosanna House and the physical barrier proposed. The church has decided to relocate the preschool program to Our Lady of Hope at the end of the 2012-2013 school year. When this occurs, there will be no children's programs or classes held in the building other than religious education classes. With this program change, I no longer believe that physical separation between Hosanna House and the St. Luke's building is necessary or advisable.

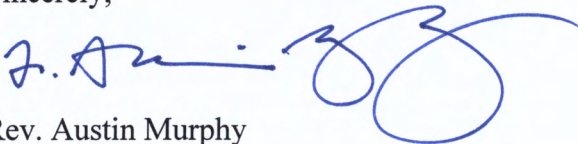
The Church is now using the space at the northern end of the church/school building, closest to the former convent building, for a food pantry. ACC has suggested that some of the future residents of Hosanna House could meet their work/volunteer requirement by serving as staff for the food pantry. A physical separation between the properties would make it more difficult for Hosanna House residents to access the food pantry for the purposes of volunteering.

For these reasons, I am writing to ask you to relieve ACC from any obligation to make physical alterations to the property as I had originally requested. I no longer believe they are necessary from a health, safety or general welfare perspective. In fact, the absence of the previously mandated separation may actually promote a more constructive and affirming relationship between the future residents of Hosanna House and St. Luke's parish.

Additionally, I request that you also consider reinforcing the program to be run by ACC; namely, that it serve a population of women, aged 50 and above; that there be no permission of alcohol or drug use in and upon the property; and that there be guarantees of the security of the building itself, as well as the surrounding area, for the good of the residents and the neighbors.

I regret that I will not be able to attend the hearing on June 27, 2013, and I hope you will accept this letter in lieu of my appearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Austin Murphy", with a large, stylized flourish at the end.

Rev. Austin Murphy
Pastor

cc: Associated Catholic Charities
Archbishop William Lori
Bishop Denis Madden

November 15, 2012

Zoning Board
111 West Chesapeake Avenue
Towson, MD 21202

RE: Hosanna House

Dear Commissioner:

There was a meeting on November 1, 2012 on the recent proposal of the use of Hosanna House in Edgemere, MD at St Lukes Church off of North Point Road. The proposal is to provide housing to up to 14 homeless men. They could have criminal backgrounds, drug or alcohol addiction and may have mental health problems. These men can come and go with no supervision and have no curfew. They are also permitted to invite guests to the house to visit.

I am writing this letter to express my concern about this proposal. This is of great concern to our community due to the fact that there is a preschool attached to the dwelling that has 50 plus 3 and 4 years olds attending and using the outdoor grounds that would be shared with these men. There is also an elementary and high school in the area along with a senior citizen housing community in very close proximity to the aforementioned building.

There are other vacant facilities that are more readily obtainable where access to transportation would be available. Edgemere does not have public transportation. These men will have to depend on the program to transport them to their jobs. There are no jobs in the Sparrows Point area especially due to the fact that the steel mill just closed. Therefore, I am totally against Catholic Charities using Hosanna House for a program that will house fourteen (14) men to come and go as they please.

We are a close community and I hope you will take this letter into consideration when deciding your conclusion on this issue.

Thank you for your cooperation.

Sincerely,

Linda Ware
2809 8th St.
Sparrows Point, Md 21219

November 15, 2012

Zoning Board
111 West Chesapeake Avenue
Towson, MD 21202

RE: Hosanna House

Dear Commissioner:

There was a meeting on November 1, 2012 on the recent proposal of the use of Hosanna House in Edgemere, MD at St Lukes Church off of North Point Road. The proposal is to provide housing to up to 14 homeless men. They could have criminal backgrounds, drug or alcohol addiction and may have mental health problems. These men can come and go with no supervision and have no curfew. They are also permitted to invite guests to the house to visit.

I am writing this letter to express my concern about this proposal. This is of great concern to our community due to the fact that there is a preschool attached to the dwelling that has 50 plus 3 and 4 years olds attending and using the outdoor grounds that would be shared with these men. There is also an elementary and high school in the area along with a senior citizen housing community in very close proximity to the aforementioned building.

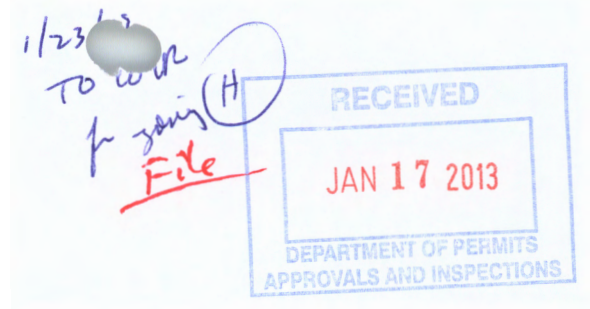
There are other vacant facilities that are more readily obtainable where access to transportation would be available. Edgemere does not have public transportation. These men will have to depend on the program to transport them to their jobs. There are no jobs in the Sparrows Point area especially due to the fact that the steel mill just closed. Therefore, I am totally against Catholic Charities using Hosanna House for a program that will house fourteen (14) men to come and go as they please.

We are a close community and I hope you will take this letter into consideration when deciding your conclusion on this issue.

Thank you for your cooperation.

Sincerely,

Lynda Henderson
14731 Greenacre Circle
Sparrowpoint md 21219



January 16, 2013

Arnold Jablon
Director
Zoning Review
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

RE: 2013-0103-SPHXA

Dear Mr. Jablon,

I am writing to voice my concern over the proposed use of Hosanna House, located at 2829 Lodge Farm Rd, 21219, by Catholic Charities.

I have attended several meetings and spoken with representatives from Catholic Charities. Currently Catholic Charities has changed the focus for residents from males to females and has agreed to additional security measures but this does not change the location of Our Lady of Hope/St. Luke Pre School which is housed at St. Luke Church and less than twenty feet from the proposed Hosanna House. The placement of this supportive housing next to an educational program for three and four year old children causes me great concern.

In addition, this location in Edgemere, provides few opportunities for the residents. There is no public transportation, one grocery store and a nearby pharmacy. The residents will be screened for acceptance into the program but what assurance is given concerning visitors, guests, etc.

The need for this program is recognized but this location raises too many issues.

Sincerely,

Barbara Pryle

Barbara Pryle
8001 N. Boundary Road
Baltimore, MD 21222

November 27, 2012

Mr. Arnold Jablon
Attn: Zoning Office
111 West Chesapeake Avenue, Room 111
Towson, MD 21202

RE: Hosanna House, Case # 2013-0103

Dear Commissioner:

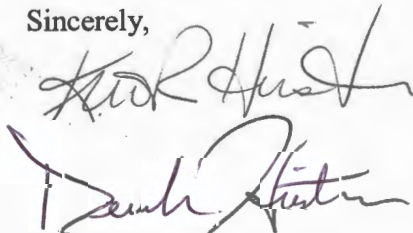
There was a meeting on November 1, 2012 on the recent proposal of the use of Hosanna House in Edgemere, MD. This is of great concern to our community due to the fact that there is a pre-school next to the dwelling, an elementary and high school in the area, and also a senior citizen housing community in close proximity to the aforementioned building.

As a parent of a child attending the school and a resident of the community I am writing this letter expressing my concern. These men are homeless for many different reasons. They could have criminal backgrounds, drug or alcohol addictions and there are some with mental health problems. They can come and go with no supervision. Herein lays our concern with the proposed location of the facility. There are other vacant facilities that are more readily obtainable where access to transportation would be available. There are no jobs in the Sparrows Point area especially due to the fact that the steel mill just closed. Therefore, I am totally against Catholic Charities using Hosanna House for a program that will house fourteen (14) men.

We are a close community and I hope you will take this letter into consideration when deciding your conclusion on this issue.

Thank you for your cooperation.

Sincerely,

The block contains two handwritten signatures in dark ink. The first signature is 'Derrek Hiester' and the second is 'Keli Hiester'. Both are written in a cursive, flowing style.

Derrek and Keli Hiester

January 22, 2013

Zoning Board
111 West Chesapeake Avenue
Towson, MD 21202

RE: Hosanna House – Case # 2013-0103-SPHXA

Dear Commissioner:

I am writing a 2nd letter to you concerning the Hosanna House in Edgemere, MD at St Lukes Church off of North Point Road 21219. When I wrote the initial letter, Catholic Charities was proposing housing for 14 homeless men 60 years or older. They have since changed the proposal in response to the negative feedback they have received from the school, the church, and the parents of the preschool children. The new proposal is to provide housing for up to 14 homeless women currently 50 or older, but the age minimum could go lower depending on the demand for the program.

These women can have drug abuse history (they only need to be clean for 30 days), domestic abuse history (which we know can follow them), mental illness, and they are homeless for any number of reasons. These women can come and go throughout the day and have no curfew. They are also permitted to invite guests to the house to visit. At this point, Catholic Charities has not given us the rules and regulations for these guests. Are these guests prescreened? Will these guests be permitted to visit while the preschool is in session?

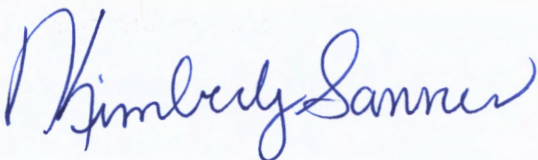
I am writing this letter to express my concern about this new proposal, which has still not solved the safety issue of the children at the preschool. This is of great concern to me as my twin 3 year olds attend preschool at the St Lukes Church directly next door to the dwelling. The preschool currently has 40 plus 3 and 4 years olds attending and using the outdoor playground in EXTREMELY close proximity to this house. Please see the enclosed pictures of the Hosanna House and St Lukes Church to see for yourself how ridiculously close these buildings are to one another.

Please take this into consideration when deciding on the fate of the Hosanna House. I am hoping that the Zoning Commission will deny Catholic Charities' petition to allow this program to take over this building. This is very frightening as I'm concerned for the safety of my children due to the nature of the criteria to reside at Hosanna House.

Thank you for your cooperation.

Sincerely,

Kimberly Sanner
4227 Riversedge Way
Baltimore, MD 21222
410-477-4721



November 15, 2012

Zoning Board
111 West Chesapeake Avenue
Towson, MD 21202

RE: Hosanna House

Dear Commissioner:

There was a meeting on November 1, 2012 on the recent proposal of the use of Hosanna House in Edgemere, MD at St Lukes Church off of North Point Road. The proposal is to provide housing to up to 14 homeless men. They could have criminal backgrounds, drug or alcohol addiction and may have mental health problems. These men can come and go with no supervision and have no curfew. They are also permitted to invite guests to the house to visit.

I am writing this letter to express my concern about this proposal. This is of great concern to our community due to the fact that there is a preschool attached to the dwelling that has 50 plus 3 and 4 years olds attending and using the outdoor grounds that would be shared with these men. There is also an elementary and high school in the area along with a senior citizen housing community in very close proximity to the aforementioned building. I'm particularly concerned as 2 of my children are in that preschool. This is very frightening as I'm concerned for the safety of my children.

There are other vacant facilities that are more readily obtainable where access to transportation would be available. Edgemere does not have public transportation. These men will have to depend on the program to transport them to their jobs. There are no jobs in the Sparrows Point area especially due to the fact that the steel mill just closed. Therefore, I am totally against Catholic Charities using Hosanna House for a program that will house fourteen (14) men to come and go as they please.

We are a close community and I hope you will take this letter into consideration when deciding your conclusion on this issue.

Thank you for your cooperation.

Sincerely,



Sanner
4227 Riversedge Way
Baltimore, MD 21222
410-477-4721

November 2, 2012

Zoning Board
111 West Chesapeake Avenue
Towson, MD 21202

RE: Hosanna House

Dear Commissioner:

There was a meeting on November 1, 2012 on the recent proposal of the use of Hosanna House in Edgemere, MD. This is of great concern to our community due to the fact that there is a pre-school next to the dwelling, an elementary and high school in the area, and also a senior citizen housing community in close proximity to the aforementioned building.

I am therefore writing this letter expressing my concern. The men are homeless for many different reasons. They could have criminal backgrounds, drug or alcohol addiction and maybe some with mental health problems. They can come and go with no supervision. There are other vacant facilities that are more readily obtainable where access to transportation would be available. There are no jobs in the Sparrows Point area especially due to the fact that the steel mill just closed. Therefore, I am totally against Catholic Charities using Hosanna House for a program that will house fourteen (14) men to come and go as they please.

We are a close community and I hope you will take this letter into consideration when deciding your conclusion on this issue.

Thank you for your cooperation.

Sincerely,

Sister Anne Page SSPD

The Our Lady of Hope / St. Luke Pre-School is located within feet of the proposed Hosanna House and we do not believe this location for this program is suitable

St Lukes
Church +
Berk



St Lukes
Church

Hosanna House



St Lukes
Church
Arch



Wesley
House





Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 2200012619

Owner Information			
Owner Name:	ASSOCIATED CATHOLIC CHARITIES INC	Use:	APARTMENTS
Mailing Address:	2815 LODGE FARM RD BALTIMORE MD 21222	Principal Residence:	NO
		Deed Reference:	1) /10968/ 00253 2)

Location & Structure Information	
Premises Address 2829 LODGE FARM RD 0-0000	Legal Description 1.6432 AC ST LUKES CHURCH PROP

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0111	0011	0457		0000			3	3	Plat Ref: 0064/0094

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area 7344	Property Land Area 1.6400 AC	County Use 11
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Stories **Basement** **Type** **Exterior**
DORMITORY

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	246,400	246,400		
Improvements:	186,800	134,600		
Total:	433,200	381,000	381,000	381,000
Preferential Land:	0			0

Transfer Information			
Seller:	ARCHBISHOP OF BALTIMORE	Date:	03/09/1995
Type:	ARMS LENGTH IMPROVED	Deed1:	/10968/ 00253
Seller:		Date:	
Type:		Deed1:	
Seller:		Date:	
Type:		Deed1:	
		Price:	\$205,000
		Deed2:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information	
Homestead Application Status:	No Application

CASE NAME Hosana House
CASE NUMBER 2013-0103-SPHXA
DATE 1-31-13

[illegible]

CASE NAME Hosanattorse
CASE NUMBER 2013-0103-SPHXA
DATE 1-31-13

[illegible]



2013-0103-SPHXA

Case No: 13-103-SPHXACase Name: Associated Catholic Charities, Inc Legal Owner
2829 Lodge Farm Rd
Beltsville

Exhibit List

Party: Associated Catholic CharitiesDate: 6/27/13

Exhibit No:	Description:
✓ 1	county point in time survey results
✓ 2	letter for St Luke's Church
✓ 3	zoning opinion for 1992 92-80-XA
✓ 4	letter for St. Luke's Apts
✓ 5	CV David Martin
✓ 6A-6B	MAPS - plat to Accompany Zoning Relief request & Aerial plat
✓ 7	Record plat
✓ 8	floor plans for original convent building
✓ 9AC	zoning logs
✓ 10A-B	zoning commission's policy manual, definition - family
✓ 11	community care center
✓ 12	Variance § 308.1
✓ 13	letter from Tobie Lynn Smith, MD
VERIFIED BY <u>KC</u> DATE: <u>6/28/13</u>	



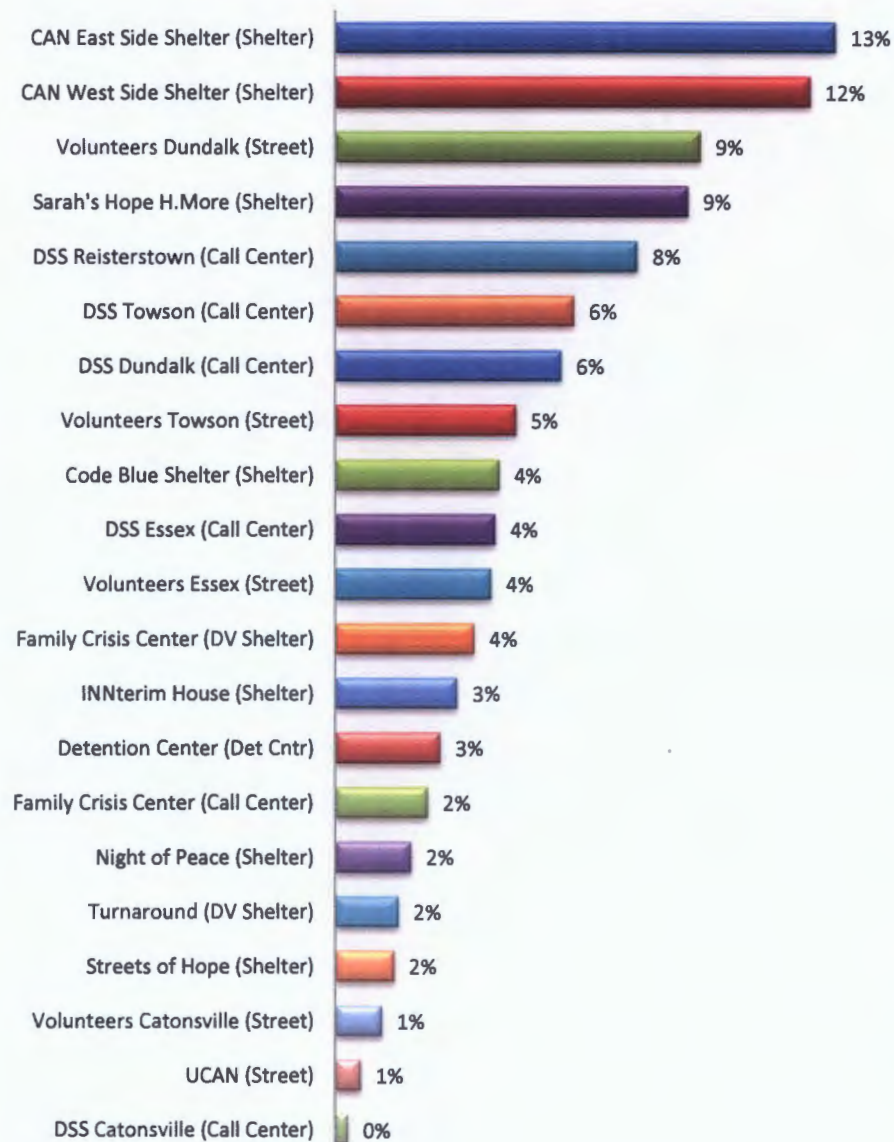
2013 Baltimore County Point In Time Results

919 Total Homeless Count (Including homeless family members living w/surveyed individual) on PIT Date of 01/24/13

Participating Providers

CAN East Side Shelter (Shelter)	119	13%
CAN West Side Shelter (Shelter)	113	12%
Volunteers Dundalk (Street)	87	9%
Sarah's Hope H.More (Shelter)	84	9%
DSS Reisterstown (Call Center)	72	8%
DSS Towson (Call Center)	57	6%
DSS Dundalk (Call Center)	54	6%
Volunteers Towson (Street)	43	5%
Code Blue Shelter (Shelter)	39	4%
DSS Essex (Call Center)	38	4%
Volunteers Essex (Street)	37	4%
Family Crisis Center (DV Shelter)	33	4%
INNterim House (Shelter)	29	3%
Detention Center (Det Cntr)	25	3%
Family Crisis Center (Call Center)	22	2%
Night of Peace (Shelter)	18	2%
Turnaround (DV Shelter)	15	2%
Streets of Hope (Shelter)	14	2%
Volunteers Catonsville (Street)	11	1%
UCAN (Street)	6	1%
DSS Catonsville (Call Center)	3	0%

Count 919



This PIT data represents the homeless count from only one day (01/23/13), and does not accurately depict the homeless served and/or counted for an entire year.

Ex 1

St. Luke's Church
7517 North Point Road
Baltimore, Maryland 21219-1499
410-477-5200

Ex 2
RECEIVED

JUN 24 2013

BALTIMORE COUNTY
BOARD OF APPEALS

June 21, 2013

County Board of Appeals for
Baltimore County
Suite 203, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 13-103-SPHXA

Dear Board Members:

I am writing in my capacity as the Pastor of St. Luke's Church in Edgemere. St. Luke's Church is located directly next to the property that is the subject of Case No. 13-103-SPHXA. I have recently spoken with some of the Appellants of this case, and I wish to offer some considerations that may very well be of mutual benefit to both Catholic Charities and the concerned community members.

The St. Luke's Church property formerly consisted of 14± acres improved with a church/school building, a rectory, and a convent. In 1992, the property was subdivided into four lots, only one which was retained for use by St. Luke's Church. Two lots, Lots 1 and 3, were conveyed to Associated Catholic Charities (ACC). On Lot 1, ACC built an affordable senior housing project. Lot 3 contained the convent building, and ACC repurposed the building for use as an assisted living facility for low-income individuals. This use continued until sometime in 2011.

Last year, I met many times with representatives from ACC to discuss the intended reuse of the former convent building. I was concerned about ACC's plans for the building because the convent building is located in close proximity to the church's building on the adjacent lot. The two buildings share a side yard, and the portico, which covers the sidewalk connecting the two properties. At each end of the portico is an entrance door into the neighboring building. This setup gives the appearance, at least, of free access between the buildings. Concerns centered, particularly, on the security of the children at the school, given the nature of the population served by ACC.

This concern prompted me to ask ACC for certain concessions. After discussions with ACC and the Archbishop of Baltimore, ACC agreed to change the program to serve women (rather than men) over 50 years of age. Second, I asked ACC to create some sort of physical barrier between the two buildings. ACC agreed to have its consultant look at options for creating some separation between the buildings. At the hearing before the Administrative Law Judge, ACC introduced a revised plan showing removal of the portico, elimination of the entry door facing the church/school building, and fencing along the property line between the buildings. The Administrative Law Judge approved that plan.

XV-553

Ex 3

XV 553

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE *
SE/S Lodge Farm Rd., 365 ft. W * ZONING COMMISSIONER
of North Point Road *
"St. Luke's Church & Apartments" * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * CASE # 92-80-XA
Roman Catholic Archbishop of *
Baltimore, Legal Owner *
Associated Catholic Charities *
Inc., Contract Purchaser *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance. The Petitions are filed by the Legal Owner of the property, the Roman Catholic Archbishop of Baltimore, a corporation sole, and the Contract Purchaser, The Associated Catholic Charities, Inc.

The subject site is approximately 14.31 acres in area and is zoned D.R.5.5. It is located near the Edgemere and Waterview Communities of Baltimore County and is adjacent to the intersection of Lodge Farm and North Point Roads. The site is divided into four identifiable lots, numbered 1 through 4, as depicted on Petitioner's Exhibit No. 1"A", the site plan of the subject locale. As is shown on the plan and was testified to at the hearing, lot No. 2 is presently improved with the existing St. Luke's Church building, Rectory, and parking to support those structures. Lot No. 4 is presently unimproved, as is lot No. 3, except for the existing Convent. Except as it relates to one of the requested variances, lot No. 3 is unaffected by the Petitioner's plans and is not germane to the case. Lot No. 4 is also unaffected. On lot No. 1 which, itself, is approximately 6 acres in size, the Petitioner proposes to construct a four story housing

Ex 4

St. Luke's Apartments, Inc.
320 Cathedral Street
Baltimore, Maryland 21201

January 30, 2013

Ms. Patricia Malone, Esq.
Venable
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

Dear Ms. Malone:

I am writing at your request regarding the availability of parking on the St' Luke's Apartments campus. St. Luke's is a 125 unit affordable housing community owned by single purpose entity known as St. Luke's Apartments, Inc., a corporation which is wholly owned by Associated Catholic Charities. I am the Vice President of St. Luke's Apartments, Inc. as well as the Director of Housing Services for Associated Catholic Charities.

St. Luke's Apartments is a Department of Housing and Urban Development financed senior community restricted to seniors 62 and over with income less than 50% of the area median, which for one person is \$27,000 annually. The residents living at this community have an average income of \$12,600 with an average age of 78 with 26% of the residents or 32 people being 85 years of age or older.

Of the 125 residents living in this community only 37 currently have cars registered with management. There are a total of 70 parking spaces available, which leaves 33 parking spaces available for staff, vendors and other visitors to the building.

St. Luke's Apartment's Inc. will make six spaces available to the proposed new use for the adjacent facility known as Hosanna House.

Sincerely,



Dale R. McArdle
Vice President

MARTIN

MARTIN
&
PHILLIPS

&

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 42 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.

Ex 7

BILLIARD OR POOL ROOM — A business establishment where the principal use is the playing of pool or billiards and at least 75% of the net floor area of the establishment's interior space is devoted exclusively to this use. The net floor area does not include space that is not available for use by the public. **[Bill No. 30-1983]**

BOARDING- OR ROOMING HOUSE **[Bill Nos. 44-1982; 124-1993; 86-2001; 102-2001; 137-2004; 17-2009]** —

A. A building:

1. Which is the domicile of the owner and in which rooms with or without meals are provided, for compensation, to three or more individuals who are 18 years old or older and not related by blood, marriage or adoption to the owner; or
2. Which is not the owner's domicile and which is occupied in its entirety, for compensation, by three or more individuals who are 18 years old or older and not related to each other by blood, marriage or adoption.

B. The term does not include a hotel, motel, apartment building or a facility for foster care (as defined in the Family Law Article, Section 5-501(g) of the Annotated Code of Maryland and COMAR 07.06.16). The term does include a care home (as defined in the Health General Article, Section 19-307(b) of the Annotated Code of Maryland.)

C. For purposes of this definition only, "owner" means an individual who:

1. Has more than a 50% legal or equitable interest in the property; and
2. Shares in more than 50% of the profits or losses derived from the compensation paid under Paragraph A of this definition.

D. If an individual who is 18 years old or older and who is not related to the owner by blood, marriage or adoption resides for more than 30 days during any twelve-month period in a building in which compensation is received from any person, the building shall be considered the domicile of the individual for purposes of this definition.

E. The owner of a building shall have the burden of proving that an individual is related by blood, marriage, or adoption either to the owner or to the other individuals in the domicile as required under Paragraph A.1 or A.2 of this definition.

BOATYARD — A commercial or nonprofit boat basin with facilities for one or more of the following: sale, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types. **[Bill No. 64-1963]**

BREWERY — An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6 or 7 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207 or 2-208. **[Bill No. 185-1995]**

BREWERY, CLASS 5A — A brewery with a state Class 5 license which produces 100,000 or more barrels of malt beverage per year. **[Bill No. 185-1995]**

BREWERY, CLASS 5B — A brewery with a state Class 5 license which produces less than 100,000 barrels of malt beverage per year. **[Bill No. 185-1995]**

ZONING COMMISSIONER'S POLICY MANUAL

SECTION 101

COMMUNITY CARE CENTER - COMMUNITY RESIDENTIAL FACILITIES
(Formerly Known as GROUP HOMES or A.L.U.s')

1. State Law Supersedes B.C.Z.R.

Many facilities for the mentally and developmentally disabled have been exempted from County restrictions by State law as indicated in the following citations from both C.O.M.A.R. and Annotated Code of Maryland.

An assessment of the cumulative, long-term effects of the proposed action including its relationship to short-term use of the environment versus the environment's long-term productivity; and

Any irreversible or irretrievable commitment of resources that might result from the action or which would curtail beneficial use of the environment. **[Bill No. 98-1975]**

EQUESTRIAN CENTER — Two hundred or more contiguous acres of land, and any improvements thereon, which is owned and operated by an organization qualified as a nonprofit under Section 501(C)(3) of Title 26 of the United States Code (for the purpose of land conservation and open space preservation) and is used primarily for equestrian activities. For the purpose of this definition, equestrian activities include horse riding, horse training, horse racing, horse showing, dressage, stadium jumping, cross-country jumping, carriage competitions, and any and all other equine activities and events. **[Bill No. 24-2002]**

EXCAVATIONS, CONTROLLED — All types of excavations other than those defined as "excavations, uncontrolled."

EXCAVATIONS, UNCONTROLLED — The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes:

When incidental to the operation of a permitted business or manufacturing use located on the same property, but excluding any digging of material for sale, exchange, processing or manufacture;

For grading or other purposes incidental to improvement of the land; and

When incidental to the development of land or to grading for public improvements.
[Resolution, November 21, 1956]

EXPRESSWAY — A motorway or portion thereof which is, or is intended, for intra-metropolitan travel of varying distances; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 55 miles per hour; has no direct access to individual uses on abutting private property; and has been designated as an expressway by the Baltimore County Planning Board. **[Bill No. 40-1967]**

FACE-REAR ORIENTATION — Orientation of a building (automotive service station) in such a manner that the pumps, openings to the service bays, etc., face away from any street and toward the rear of the site. **[Bill No. 40-1967]**

FACE-SIDE ORIENTATION — Orientation of a building (automotive service station) in such a manner that the pumps, openings to the service bays, etc., face away from any street and toward a side of the site. **[Bill No. 40-1967]**

FAMILY — Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

facility includes, but is not limited to, a baseball-batting range or cage; golf-driving range; putting green; miniature golf; athletic field; swimming pool; skating rink or course; baseball, racquetball, tennis or squash court; archery range or similar facility; or any combination of the above. For the purpose of these regulations, a commercial recreational facility shall not include a rifle, pistol, skeet or trap range; go-cart course; amusement park; or similar use.

[Bill Nos. 176-1994; 21-1996]

COMMERCIAL VEHICLE — Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds or any vehicle, regardless of weight, which: (1) is used for the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity; (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer model or dealer shall not be considered as advertising. Commercial vehicles shall not be deemed to include any farm vehicle or farm equipment actually and regularly used on a farm, satellite farm or farmette; school or church vehicle located at a civic, educational, social, recreational or religious institution; recreational vehicle as defined in Section 101; trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight or gross combination weight means the weight recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate. **[Bill No. 70-1988]**¹¹

COMMUNITY CARE CENTER — A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. **[Bill No. 142-1979]**

COMPARTMENTALIZED WAREHOUSE ESTABLISHMENT — A building consisting of individual, small, self-contained units that are leased or owned for self-service storage of business or household goods. **[Bill No. 46-1992]**

CONSERVANCY AREA — The portion of a rural cluster development which contains significant natural or historic features and which has been dedicated through deed restriction and easements for continued farming, forestry or open space use in order to remain largely undisturbed. **[Bill No. 113-1992]**

CONSTRUCTION EQUIPMENT STORAGE YARD — The use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials. **[Bill No. 149-1987]**

CONTINUING CARE FACILITY — A building or group of buildings that contains dwelling facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. **[Bill No. 36-1988]**

11. Editor's Note: The definition of "community..." which followed this definition was repealed by Bill No. 3-1992.

EXCEPTIONS TO HEIGHT AND AREA REQUIREMENTS

§ 307.1

§ 308.1

SECTION 307

Variances

[BCZR 1955; Bill Nos. 107-1963; 32-1988; 2-1992; 9-1996]

§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.⁴ Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

SECTION 308

Variances and Special Exceptions for Radiation Fallout Shelters

[Bill Nos. 87-1961; 19-1962]

§ 308.1. Specifications and restrictions.

Radiation fallout shelters may be erected and constructed in accordance with specifications published by the Office of Civil and Defense Mobilization of the United States Government for one of the shelter types or designs approved by said agency as being effective for affording protection from radiation fallout, and the Zoning Commissioner may grant variances from area and height regulations and may make special exceptions to the Zoning Regulations where strict compliance with those regulations would result in practical difficulty or unreasonable hardship, and where the owner of the lot does not own sufficient adjoining land to conform strictly to the width and area requirements. However, any such variance or special exception shall be granted by the Zoning Commissioner only if in harmony with the general purpose and intent of the Zoning Regulations. All decisions of the Zoning Commissioner with respect to such matters shall be subject to appeal to the Board of Appeals. Every radiation fallout shelter which may be erected and constructed under this section shall be used only for

4. Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.



Eastern Family Resource Center 9100 Franklin Square Drive Rm 204 Baltimore, MD 21237
Phone 443-777-2300 Fax 443-777-2311

Ex 13

June 27, 2013

To Whom it May Concern,

As a physician caring for homeless persons in Baltimore County, I am writing this letter in support of providing permanent assisted housing to senior homeless women in Edgmore. The detrimental health effects of homelessness are witnessed daily in our clinic. While my clinic provides medical care to the best of our ability, the most effective health intervention we can provide to our homeless patients, as clinicians and as community members, is to secure stable housing.

Homelessness puts one at increased risk for poor health. Many homeless suffer from chronic disease, often due to, and certainly exacerbated by, such things as lack of control of nutrition and sleep. Homeless persons suffer all illnesses at three to six times the rate experienced by others, and have dramatically lower life expectancies. In persons with chronic medical problems, such as diabetes, asthma, mental health problems, or high blood pressure, homelessness complicates efforts to effectively treat these illnesses.

Providing stable housing to a currently homeless person can reap immediate health benefits. A housed person has better control of their sleep and diet and can more effectively adhere to necessary medication regimens, particularly those medications requiring refrigeration or multiple dosing.

Baltimore County currently has insufficient shelter beds to meet the need of our County's most vulnerable population, the elderly homeless. The availability of buildings to convert to long-term supportive housing is also minimal in Baltimore County. Poor health is a major contributor to chronic homelessness, providing stable supportive housing to our elderly homeless population decreases the likelihood of that person from needing to live on the street.

Every opportunity to provide stable housing to our most vulnerable County residents is an opportunity for health, and often times, an opportunity to save a life. Housing, in itself, is in fact health care.

Sincerely,

Tobie-Lynn Smith, MD, MPH and Healthcare for the Homeless Baltimore County staff

1-31-2013

Case No.: 2013-0103 - SPHXA

Exhibit Sheet

Petitioner/Developer

Protestant

Citizen

No. 1	Revised Site Plan	Deed
No. 2	Point in Time Homeless	
No. 3	Mary Gunning Head Start	
No. 4	Use Permit	
No. 5	Dale McArdle Letter	
No. 6	Zoning Case 92-80	
No. 7	7A Site Plan + 2 Aerial Photo 7B	
No. 8	Martin CV	
No. 9	Plat	
No. 10	Bldg. Floorplan	
No. 11	BCZR + 2 CPM Extracts	
No. 12	My Neighborhood	

No. 13) SDAT Lot 2

Geographic Locations (Including All Locations)

Catonsville	132	17%
CAN West Side (Shelter)	114	
Catonsville (Street)	17	
DSS Catonsville (Call Cntr)	1	

Cockeysville/Timonium	13	2%
Cockeysville/Timonium (Street)	13	

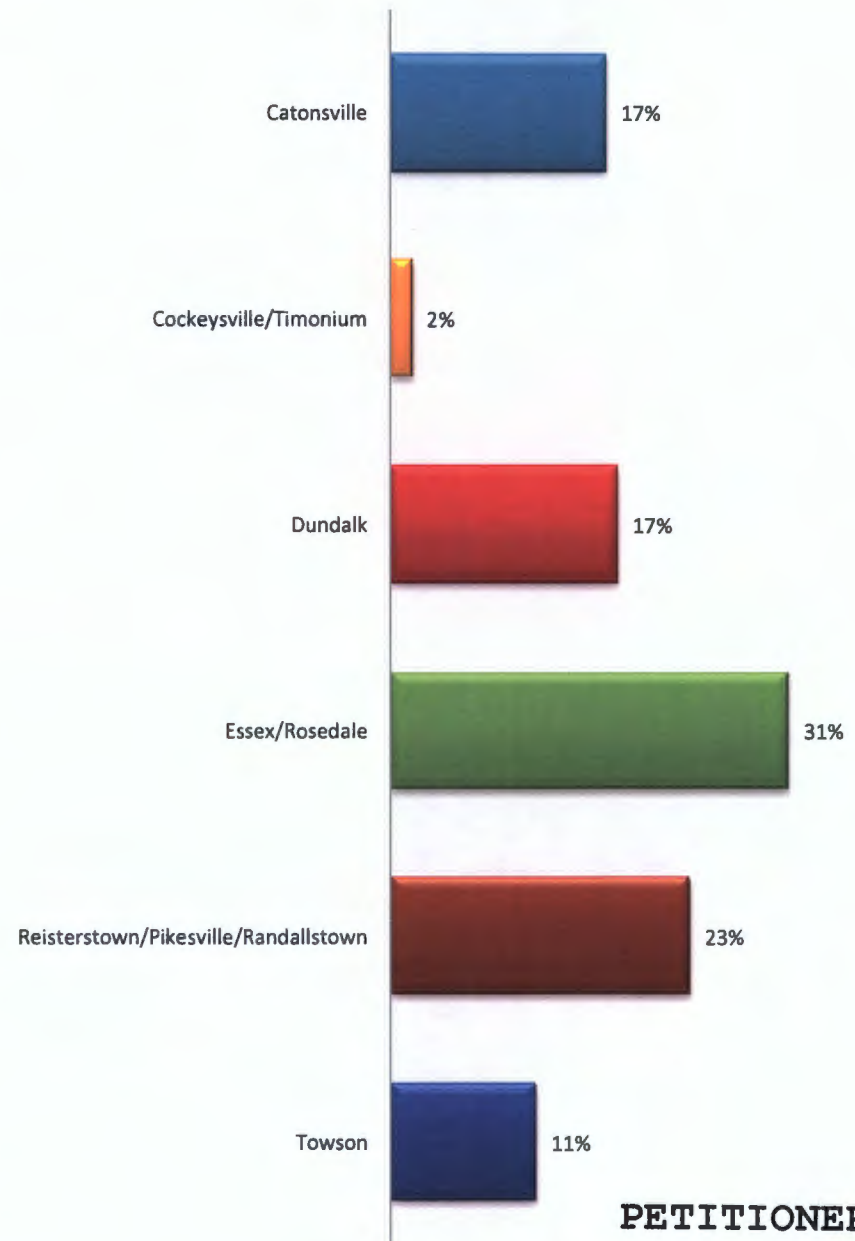
Dundalk	139	17%
Dundalk (Street)	75	
Family Crisis Center (DV Shelter)	35	
Family Crisis Center (Call Cntr)	19	
DSS Dundalk (Call Cntr)	10	

Essex/Rosedale	244	31%
CAN East Side (Shelter)	144	
Essex (Street)	40	
DSS Essex (Call Cntr)	12	
Nehemiah Substance Abuse (Shelter)	11	
Streets of Hope (Shelter)	11	
Nehemiah Veterans (Shelter)	8	
Nehemiah Prot Care (Shelter)	8	
Nehemiah Emergency (Shelter)	6	
Nehemiah Re-Entry (Shelter)	4	

Reisterstown/Pikesville/Randallstown	183	23%
CAN Hannah More (Shelter)	100	
INNterim House (Shelter)	45	
Night of Peace (Shelter)	21	
DSS Reisterstown (Call Cntr)	17	

Towson	89	11%
DSS Towson (Call Cntr)	41	
Towson (Street)	33	
Turnaround (DV Shelter)	15	

Homeless Count 800



PETITIONER'S

EXHIBIT NO. 2



ST. JEROME'S HEAD START

915 Sterrett Street
Baltimore, MD 21230
410/685-1700
410/685-2546 Fax

January 30, 2013

To Whom It May Concern:

I am writing this letter in support of Catholic Charities request to open a Women's Permanent Supportive Housing Program in Baltimore County. For the past 23 years, our Head Start site at 765 West Hamburg Street has been located with 30 yards of Holden Hall, Catholic Charities Long Term Housing Program for men. The residents of Holden Hall have been excellent neighbors, providing us with a variety of volunteer services. The men have assisted with the set-up of special events, cleaning up after the events, keeping our parking lot clean, cutting grass and removing trash.

In the past two years under the leadership of Benton Berman, the new program director, the men of Holden Hall have also begun providing volunteer service in the wider Pigtown Community. The men volunteer at Paul's Place, BARC's and The Transfiguration Catholic Church, to mention a few. They are well known in the community and are excellent neighbors.

I am sorry I am not able to join you for the January 31st zoning hearing and ask you to look favorably upon Catholic Charities' zoning request.

Sincerely,

Mary M. Gunning, M.S.W.
Director

PETITIONER' S

EXHIBIT NO. 3



Catholic Charities

USE PERMIT



IT IS ORDERED by the Director of Zoning Administration & Development
Management of Baltimore County, this 27th day of JULY, 1924
that 2815 LODGE FARM RD. (street address) should be and the same is
hereby granted permission to operate a CLASS "A" ASSISTED LIVING
FACILITY WITH A MAXIMUM OF 15 ASSISTED LIVING
RESIDENTS

Permit Number _____


Director, Zoning Administration & Development Management

PETITIONER'S

EXHIBIT NO. 4

**St. Luke's Apartments, Inc.
320 Cathedral Street
Baltimore, Maryland 21201**

January 30, 2013

Ms. Patricia Malone, Esq.
Venable
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

Dear Ms. Malone:

I am writing at your request regarding the availability of parking on the St' Luke's Apartments campus. St. Luke's is a 125 unit affordable housing community owned by single purpose entity known as St. Luke's Apartments, Inc., a corporation which is wholly owned by Associated Catholic Charities. I am the Vice President of St. Luke's Apartments, Inc. as well as the Director of Housing Services for Associated Catholic Charities.

St. Luke's Apartments is a Department of Housing and Urban Development financed senior community restricted to seniors 62 and over with income less than 50% of the area median, which for one person is \$27,000 annually. The residents living at this community have an average income of \$12,600 with an average age of 78 with 26% of the residents or 32 people being 85 years of age or older.

Of the 125 residents living in this community only 37 currently have cars registered with management. There are a total of 70 parking spaces available, which leaves 33 parking spaces available for staff, vendors and other visitors to the building.

St. Luke's Apartment's Inc. will make six spaces available to the proposed new use for the adjacent facility known as Hosanna House.

Sincerely,



Dale R. McArdle
Vice President

PETITIONER'S

EXHIBIT NO. 5

XV-553

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE *
SE/S Lodge Farm Rd., 365 ft. W * ZONING COMMISSIONER
of North Point Road *
"St. Luke's Church & Apartments" * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District * CASE # 92-80-XA
Roman Catholic Archbishop of *
Baltimore, Legal Owner *
Associated Catholic Charities *
Inc., Contract Purchaser *
Petitioner *

XV-553

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance. The Petitions are filed by the Legal Owner of the property, the Roman Catholic Archbishop of Baltimore, a corporation sole, and the Contract Purchaser, The Associated Catholic Charities, Inc.

The subject site is approximately 14.31 acres in area and is zoned D.R.5.5. It is located near the Edgemere and Waterview Communities of Baltimore County and is adjacent to the intersection of Lodge Farm and North Point Roads. The site is divided into four identifiable lots, numbered 1 through 4, as depicted on Petitioner's Exhibit No. 1"A", the site plan of the subject locale. As is shown on the plan and was testified to at the hearing, lot No. 2 is presently improved with the existing St. Luke's Church building, Rectory, and parking to support those structures. Lot No. 4 is presently unimproved, as is lot No. 3, except for the existing Convent. Except as it relates to one of the requested variances, lot No. 3 is unaffected by the Petitioner's plans and is not germane to the case. Lot No. 4 is also unaffected. On lot No. 1 which, itself, is approximately 6 acres in size, the Petitioner proposes to construct a four story housing

PETITIONER'S

EXHIBIT NO. 6

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 42 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.

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

#8

ZONING COMMISSIONER'S POLICY MANUAL

SECTION 101

COMMUNITY CARE CENTER - COMMUNITY RESIDENTIAL FACILITIES
(Formerly Known as GROUP HOMES or A.L.U.s')

1. State Law Supersedes B.C.Z.R.

Many facilities for the mentally and developmentally disabled have been exempted from County restrictions by State law as indicated in the following citations from both C.O.M.A.R. and Annotated Code of Maryland.

LOT 2

Maryland Department of Assessments and Taxation
Real Property Data Search (v5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 15 Account Number - 2200012618

Owner Information

Owner Name: ST LUKES ROMAN CATHOLIC CONGREGATION INCORP
Use: EXEMPT COMMERCIAL
Principal Residence: NO
Mailing Address: 7517 NORTH POINT RD
Deed Reference: 1) /29004/ 00089
BALTIMORE MD 21219-1411 2)

Location & Structure Information

Premises Address 7517 NORTH POINT RD
0-0000
Legal Description 5.2647 AC

ST LUKES CHURCH PROP

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0111	0011	0457		0000			2	3	Plat Ref: 0064/0094

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1961	26400	5.2600 AC	01

Stories **Basement** **Type** **Exterior**
CHURCH

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	184,200	184,200		
Improvements:	2,118,500	2,276,200		
Total:	2,302,700	2,460,400	2,355,267	2,407,833
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ARCHBISHOP OF BALTIMORE	12/22/2009	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/29004/ 00089	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Description Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	700	2,355,267.00	2,407,833.00
State	700	2,355,267.00	2,407,833.00
Municipal	700	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES NONE

Homestead Application Information

Homestead Application Status: No Application

P's #13

1-31-2013

Case No.: 2013-0103 - SPHYA

Exhibit Sheet

APR 15-13

~~Petitioner/Developer~~

Protestant

Citizen

No. 1	Revised Site Plan	Deed
No. 2	Point in Time Homeless	
No. 3	Mary Gunning Head Start	
No. 4	Use Permit	
No. 5	Dale McArdle Letter	
No. 6	Zoning Case 92-80	
No. 7	7A Site Plan + 2 Aerial Photo 7B	
No. 8	Martin CV	
No. 9	Plat	
No. 10	Bldg. Floorplan	
No. 11	BCZR + 2 CPM Extracts	
No. 12	My Neighborhood	

No. 13) SDAT Lot 2

DEED

THIS DEED is made this ^{7th} day of March, 1995, by and between the CARDINAL WILLIAM H. KEELER, Roman Catholic Archbishop of Baltimore, a corporation sole, party of the first part; and ASSOCIATED CATHOLIC CHARITIES, INC., a Maryland non-profit corporation, party of the second part.

WITNESSETH, that in consideration of the premises and the sum of \$5.00 and other good and valuable consideration, the actual monetary consideration as certified by the parties hereto being Two Hundred Five Thousand and 00/100 (\$205,000.00) Dollars, the receipt and sufficiency of which are hereby acknowledged, the said party of the first part does grant and convey unto the said party of the second part, its successors and assigns, in fee simple, subject, however, to the Restrictive Covenants attached hereto as Exhibit "B", all that lot of ground situate, lying and being in Baltimore City, State of Maryland, and being more particularly described on Exhibit "A" attached hereto and made a part hereof.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with a perpetual easement for drainage, utilities and use-in-common, ingress and egress over that portion of Lot 1 indicated diagonally cross hatched and identified as "Easement Area for Drainage Utilities and Use-in-Common, Ingress and Egress (Private)" on the Plat entitled "Final Plat of St. Luke's Church Property", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 64, folio 94, as reserved by the party of the first part, in that Deed dated September 30, 1992, and recorded among the Land Records of Baltimore County in Liber S.M. No. 9388, folio 282, by and between The Most Reverend William H. Keeler, Roman Catholic Archbishop of Baltimore and St. Luke's Apartments, Inc., for the benefit of Lots 2 and 3.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises together with the appurtenances thereto belonging unto the said party of the second part, its successors and assigns, in fee simple; subject, however, to the Restrictive Covenants attached hereto as Exhibit "B".

Citizen's #1

Case No: 13-103-SPHAA

Case Name: Associated Catholic Charities, Inc / Legal Owner /
2829 Lodge Farm Rd
Exhibit List Religious

Party: Protestants

Date: 6/27/13

Exhibit No:	Description:
✓ 1A-B	File 8 papers
✓ id only 2A-C	Newspaper articles
✓ 3	bill re: Assisted living Bill No. 19-04
✓ 4A-C	Assisted living information
✓ 5	Holmes Hall information
✓ 6	Title 10 COMAR
✓ 7	bill 17-09
✓ 8A-B	letters sent to Bishop Madden
✓ 9	list of conclusions from Protestants
	VERIFIED BY <u>KC</u> DATE: <u>6/28/13</u>

EX 1

NORTH POINT PENINSULA COUNCIL, INC. ASSOCIATION

RESOLVED: That at the May meeting of the
NORTH POINT PENINSULA COUNCIL, INC. Association held on
MAY 21, 2013 [DATE], it was decided by the Association that
responsibility for review and action on all zoning matters for the period
JANUARY 1, 2013 THRU DECEMBER 31, 2013 be placed in the (Board of Directors)
(~~Zoning Committee~~) consisting of the following members, each of whom is hereby
authorized to testify on behalf of the Association before the County Board of Appeals or
other duly constituted zoning agency, body, or commission:

HARRY WUJEK, JR - PRESIDENT
FRANCIS TAYLOR - VICE PRESIDENT

AS WITNESS OUR HANDS AND SEAL THIS 26 day of
JUNE, 2013

ATTEST:

Brenda L. Wilson
Secretary

HARRY WUJEK, JR. Association
[Signature]
President

AFFIDAVIT

STATE OF MARYLAND

BALTIMORE COUNTY, SS: 2013-0103-SPHXA

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member
of the (Board of Directors) (~~Zoning Committee~~) of the
NORTH POINT PENINSULA COUNCIL, INC. Association.

ATTEST:

Brenda L. Wilson

Secretary

HARRY WILSON JR.

Association

[Signature]

President

DATE: 6-26-13

NORTH POINT PENINSULA COUNCIL, INC. ASSOCIATION

RESOLVED: That the position of the NORTH POINT PENINSULA
COUNCIL, INC. Association as adopted by the (Board of Directors)
~~(Zoning Committee)~~ on the zoning matter known as:

CATHOLIC CHARITIES HOUSING HOUSE PROJECT
2829 LODGE FARM RD.
EDGEMERE, MD 21219
CASE # 2013-0103-SPHXA

is that:

WE OPPOSE THE CREATION AND USE
OF THIS FACILITY AS A HOMELESS
SHELTER. THIS FACILITY IS NOT SUITABLE
FOR THIS PURPOSE BECAUSE:

- NO AVAILABLE PUBLIC TRANSPORTATION
- NO SIDEWALKS TO & FROM OTHER AREAS
- NO RECREATION FACILITIES OR OTHER ACTIVITIES
- POSSIBLE REDUCTION OF HOME VALUES
- NO CURRENT HOMELESS IN OUR COMMUNITY

AS WITNESS OUR HANDS AND SEAL THIS 26 day of
JUNE, 2013.

ATTEST:

Brenda L. Wilson
Secretary

HARRY WUJEK, JR. Association
[Signature]
President

Locals worried over possible housing program nearby

Area residents concerned with public safety

Ben Boehl

resident of the St. Luke's Place senior housing community said he and other residents were worried that a housing program with 14 clients is planned for the former Hopkins Elder Plus Assisted Living building at 9 Lodge Farm Road in Edgemere.

John (not his real name; he spoke on condition of anonymity) said he is concerned for the community.

"We were told that some of the people have a criminal background, but nothing serious. They don't have a drug background, but nothing serious. They might have an alcohol background, but nothing serious. They think it's going to be a problem," John stated. Mary Anne O'Donnell, director of community services for Catholic Charities

of Baltimore, said that the building is not turning into a recovery center and the men are not recovering addicts, but individuals who are seeking employment. It is considered "supportive housing."

The individuals will pay a percentage of their income to stay at the building, but no one is expected to move in until the fall.

"We are looking for men who have been down on their luck. We are looking for a program that would take the homeless and help them seek employment," O'Donnell said.

John said he believes in giving others a second chance in their lives, but that Edgemere is not the community to find work and try to rehabilitate their lives.

He worries that, with nothing else to do, those residents will stay around the area looking for trouble.

"There are no jobs available. There is no McDonald's or Wendy's. There is no work," John said. "These people won't have transportation. They will



Residents worry that the former Hopkins Elder Plus Assisted Living building will become the new home of supportive housing. photo by Ben Boehl

have nothing to do."

According to O'Donnell, the men will be expected to work and Catholic Charities will help them find work. O'Donnell is also aware of the lack of a bus line in Edgemere, but said vans may be brought in to help with transportation.

With the center expected to be located near Sparrows Point middle and high schools and next to his senior apartments, John doesn't want to react to something bad. He

"These people won't have transportation. They will have nothing to do."

St. Luke's Place resident

short cut. We also have other active seniors in their 80s and 90s that walk by the building. I'm worried about them getting mugged."

O'Donnell did acknowledge that candidates don't have to have a 100 percent clean criminal record for admittance into the program, but a screening process will be done.

"We will have intense interviews with people to make sure that this is a place they want to

be," O'Donnell said. "We will conduct a background check because we are aware of a preschool St. Luke's and we will not allow sex offenders."

North Point Peninsula Community Coordinating Council president Harry Wujek said he wasn't invited to the meeting, but has heard of the project and is looking for answers.

"People are anxious. I've tried to contact Catholic Charities but haven't had any response," Wujek said.

O'Donnell plans to meet with local politicians and leaders of the Millers Island Community Association and the North Point Peninsula Community Coordinating Council in the coming weeks.

Patapsco High students exhibit art at Poplar Inn

The art work of students from Patapsco High School and Center for the Arts will be on display through Monday, April 30 at the Poplar Inn, 7700 Wise Avenue.

The 10 pieces exhibited were selected by the art teachers at the school from among their students.

A reception for the ex-

VVA associates quarter auction set

A quarter auction sponsored by the Associates of Vietnam Veterans of America Chapter 451 will take place on Thursday, April 19 at the VVA hall, 6401 Beckley Street (inside the Holabird Business Park).

Doors open at 6 p.m. and the auction will run

from 7 to 9 p.m.

Admission is \$5 per person at the door and includes two paddles. Additional paddles may be purchased.

A variety of vendors will provide prizes. Refreshments will be available.

For more information, call 443-255-7817.

Low Cost to

ENZA

Community Opposition to Edgemere Hosanna House Remains Strong

Catholic Charities of Baltimore proposes putting a "permanent housing" program for 14 homeless men in St. Luke's Catholic Church's former convent.

Posted by Marge Neal (Editor), November 2, 2012 at 01:40 am

Community opposition to the proposed Hosanna House in Edgemere is picking up steam, if Thursday night's North Point Community Council meeting is any indication.

About 45 residents attended to hear additional information and ask questions of Catholic Charities of Baltimore officials.

The Catholic organization is proposing the permanent housing program for as many as 14 homeless men, ages 60 and up. They plan to use the vacant St. Luke's Catholic Church convent on Lodge Farm Road, which is now owned by Catholic Charities.

Popular Stories

- [Heritage Fair No. 2 in Community Celebrations Contest...](#)
- [Lasek Wins Skateboard Vert Title at Dew Tour in O.C.](#)
- ['Swine' BBQ Stand Opens in Edgemere—If Only on Sundays](#)

Mary Ann O'Donnell, director of community services for Catholic Charities, started her presentation by saying that published descriptions of the program as a homeless shelter are inaccurate and she wanted to set the record straight.

Hosanna House will be a permanent housing program for people who are down on their luck for a variety of reasons, she said.

"This is not a shelter where people can walk in off the street and we have to take them in," O'Donnell said. "There is an application process, people need to be accepted and we have the opportunity to interview people."

Community residents had many questions, and voiced opinions about what they believe is the inappropriate placement of such a social services program.

They expressed concern about the program being in such close proximity to St. Luke's Pre-School, St. Luke's Place—a senior citizen housing complex—and other residential areas.

Edgemere Residents Opposed to Hosanna House Proposal

Catholic Charities of Baltimore officials say the program would offer a home and restore dignity to as many as 14 homeless men.

Posted by Marge Neal (Editor), October 9, 2012 at 03:30 am

Catholic Charities of Baltimore plans to create a residential program on the St. Luke's Place campus in Edgemere for as many as 14 homeless men.

And Edgemere residents—at least those attending a small informational meeting Monday night—aren't happy about it.

The "permanent housing" program will be installed in St. Luke's Catholic Church's former convent, which is nestled between the St. Luke's Preschool and St. Luke Place, a senior housing complex, on Lodge Farm Road.

Benton Berman, who is the director of Holden Hall, a similar Catholic Charities program in Baltimore City, told about 25 local residents that the former convent is the perfect place for such a program, given that it has 14 individual bedrooms with what he referred to as "Jack and Jill bathrooms," a kitchen, living room, dining room and residential manager office space.

Some renovations will be needed to modernize the building, but the essential amenities needed are in place, he said.

Residents think Edgemere, an isolated peninsular community without public transportation and little access to the type of resources needed by such a program, is the wrong place for Hosanna House, as Catholic Charities has dubbed the project.

Hosanna House would be "the worst thing in the world for this community," one woman told Berman and other Catholic Charities, St. Luke's Place and Baltimore County government employees in attendance.

She's lived in Edgemere since the 1960s and said the community has no need for something like Hosanna House, she believes.

Community members also took exception to the assertion that St. Luke's Place residents are all on board with the proposal.

"The residents are afraid of this, and they're afraid to say anything," one woman said of the proposal.

Ex 3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 5

Bill No. 19-04

Councilmembers Kamenetz, Moxley, McIntire, Oliver, Bartenfelder & Olszewski

By the County Council, March 1, 2004

A BILL
ENTITLED

AN ACT concerning

Planned Unit Developments

FOR the purpose of amending the Baltimore County Zoning Regulations in order to revise the procedures governing the submission, review and approval of planned unit developments; amending the regulations concerning certain types of housing for the elderly; amending certain definitions in the Zoning Regulations and in the Taxation Article; adding definitions in the Zoning Regulations; establishing a new class of residential planned unit development for senior housing (PUD-E); permitting certain uses by right; permitting certain uses by special exception; establishing guidelines and standards for a PUD-E; establishing guidelines and standards for assisted living facilities; correcting certain references; eliminating the requirements for the submission of an annual map for the PUD-C process; amending certain tax credit provisions relating to senior housing developments; eliminating the distinction between classes of residential planned unit developments; and generally relating to the regulation of certain types of housing for the

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

Ex 4A

Assisted Living State Regulatory Review 2011

March 2011



National Center for Assisted Living

1201 L Street, NW
Washington, DC 20005
www.ncal.org

2 types of ADL

1. **Basic ADLs (BADLs)** consist of self-care tasks, including: dressing, eating, ambulating, toileting, hygiene.

Instrumental ADLs

Instrumental activities of daily living (IADLs) are not necessary for fundamental functioning, but they let an individual live independently in a community.^[6]

- Housework
- Taking medications as prescribed
- Managing money
- Shopping for groceries or clothing
- Use of telephone or other form of communication
- Using technology (as applicable)
- Transportation within the community

A useful mnemonic is SHAFT: shopping, housekeeping, accounting, food preparation/meds, telephone/transportation.

Occupational therapists often evaluate IADLs when completing patient assessments. The American Occupational Therapy Association identifies 12 types of IADLs that may be performed as a co-occupation with others.^[4]

- Care of others (including selecting and supervising caregivers)
- Care of pets
- Child rearing
- Communication management
- Community mobility
- Financial management
- Health management and maintenance
- Home establishment and maintenance
- Meal preparation and cleanup
- Religious observances
- Safety procedures and emergency responses
- Shopping

Noted
Exh. b.1 4B

By Carla Graf, MS, RN, CNS-BC

The Lawton Instrumental Activities of Daily Living Scale

By detecting early functional decline, the scale can help nurses with discharge planning.



Ed Eckstein

**Mental /
Behavioral Health**

**Holden Hall (ACC) information provided by: Baltimore
Mental Health Systems Inc.**

Provides resources for the homeless including permanent housing, intake assessment/referral, and case management.

Record last updated: Mar 10 2009 9:32AM

Addresses

- 761 West Hamburg Street
Baltimore, MD 21230
(410) 347-9830

We provide our residents with single room occupancy long-term housing units with shared bath and kitchen facilities. In addition to long term housing, we provide counseling, life and social skills training, and financial management training. For many of our guests, just having someone care about them is a dramatic improvement from their recent experiences.

Through individual case plan management, Holden Hall residents work to achieve their full emotional, academic and economic potential. By identifying and addressing issues that caused or contributed to homelessness and poverty, including medical and mental health issues, arrested or impaired social development, addiction, unemployment or under employment Holden Hall residents become active and contributing members of the Washington Village community and live more productive and stable lives.

Additionally, the Holden Hall staff act as liaisons between our residents and service providers and government agencies such as the VA and the Social Security Administration. Our staff also assists the men with maneuvering the sometimes complicated and time consuming benefit application and appeal processes.

Who we serve

The residents and program participants of Holden Hall are a diverse cultural, economic and academic group of men whose daily lives are affected by medical and/or mental health disabilities that caused or contributed to long term homelessness, unemployment or under employment and self imposed social isolation.

Some residents have had the benefit of formal education beyond high school graduation. Others are functionally illiterate.

Some residents may become employed after job specific training while others may never achieve full time employment due to the severity of their disabilities..

10.07.14.00

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 07 HOSPITALS

Chapter 14 Assisted Living Programs

Authority: Health-General Article, Title 19, Subtitle 18, Annotated Code of Maryland

10.07.14.01

.01 Purpose.

The purpose of this chapter is to set minimum, reasonable standards for licensure of assisted living programs in Maryland. This chapter is intended to maximize independence and promote the principles of individuality, personal dignity, freedom of choice, and fairness for all individuals residing in assisted living programs while establishing reasonable standards to promote individuals' health and safety.

10.07.14.02

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Abuse of a Resident.

(a) "Abuse of a resident" means physical, sexual, mental, or verbal abuse, or the improper use of physical or chemical restraints or involuntary seclusion as those terms are defined in this regulation.

(b) "Abuse of a resident" does not include:

(i) The performance of an accepted medical procedure ordered by a physician or administered by another health care practitioner practicing within the scope of the physician or health care practitioner's license; or

(ii) Compliance with a valid advance directive.

(2) Activities of Daily Living.

(a) "Activities of daily living" means normal daily activities.

(b) "Activities of daily living" includes:

(i) Eating or being fed;

(ii) Grooming, bathing, oral hygiene including brushing teeth, shaving, and combing hair;

(iii) Mobility, transfer, ambulation, and access to the outdoors, when appropriate;

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2009, Legislative Day No. 5

Bill No. 17-09

Mr. Joseph Bartenfelder, Chairman and Councilmembers Gardina, Moxley & Olszewski
By Request of County Executive

By the County Council, March 2, 2009

A BILL
ENTITLED

AN ACT concerning

Boarding- or Rooming House - Definition and clarification

FOR the purpose of raising the level of ownership interest an individual must have to be considered an owner of a property for purposes of boarding- or rooming house analysis; providing that an individual who lives in a building for a certain amount of time may be considered to reside in a building for purposes of boarding- or rooming house analysis under certain circumstances; providing for the burden of proof under certain circumstances; clarifying the intent of county rental housing law; clarifying a certain term; and generally relating to boarding- or rooming houses.

By repealing and reenacting, with amendments

Section 101, Definition of "Boarding- or rooming house"
Baltimore County Zoning Regulations

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Robert Zacherl

From: Robert Zacherl
Sent: Monday, April 29, 2013 3:49 PM
To: 'DMadden@archbalt.org'
Cc: Austin.murphy@archbalt.org; Irene Pryle (ipryle@aol.com)
Subject: FW: Hosanna House
Attachments: Bishop Madden.ltr.docx

Bishop Madden,

Good afternoon. Attached is a letter I emailed to you in December with our concerns here at St. Luke and around our community with the proposal that Catholic Charities has for the Hosanna House. I was very disappointed when I did not receive a response to our concerns. Several folks from our church attended a hearing in January in Towson including our Pastor, Father Austin Murphy, the Principal of Our Lady of Hope/St. Luke School, Sister Irene Pryle and myself. We appeared with notice that the Parish Council, our Incorporators and the OLH/SL School Board all unanimously voted to oppose the issue. We all voiced our opposition to the plan for various reasons. Upon hearing that the judge had ruled in favor of Catholic Charities plan, several of us filed for Reconsideration to the same judge stating that there were several points that Catholic Charities brought up that were not true. Again we were denied. This past week, I, along with several community leaders, filed an Appeal at much personal cost with Baltimore County.

As President of our Parish Council, I am appalled with the lies that we have been told by Catholic Charities. Bill McCarthy stated to us at our Council meeting in September, that the plan was in no way a "done deal" when questioned by one of our members. He said that they would hold several meetings with the community and their input would weigh heavily in the final decision. I attended two of the meetings and heard one person from the community speak in favor of the plan, everyone else made it clear that this was not the place for a Homeless Shelter. I did not attend a meeting at St. Luke's Place Senior Housing facility (it was not advertised). We were told by Catholic Charities that there was no opposition, this was not what several residents shared with members of our parish as they voiced concerns about the plan.

At the Hearing, the first representative from Catholic Charities stated that a study was done in Southeastern Baltimore County that verified the need for a Homeless Shelter (or facility). When asked if that Study included the Edgemere zip code which is 21219, she hesitated and then said "I believe so". This cannot be true as there is no homeless people in Edgemere. We have spoken to every community leader that we could think of and asked if they know of any homeless folks in Edgemere and the answer is no. We live in this community every day and see no signs of homeless people. I have spoken with Mrs. Kathy Marschall who has run the Edgemere food pantry out of St. Luke's for at least 20 years and she stated that she knows of no homeless folks in our area. This statement from Catholic Charities is akin to saying there is a homeless problem in Central Maryland so let's put a homeless Shelter in Monkton. The only reason to place one here in Edgemere is that Catholic Charities has a building that for whatever reason, they lost their funding for the long time Assisted Living facility that existed here and found that monies were available through the Government to open a Homeless Shelter. There is no way that if they did not own the building, that they would even remotely consider purchasing this property and open a Homeless Shelter. There is nothing here for them to do, be it jobs or recreation. There are not even sidewalks in the area.

There is a Covenant in our Deed that states that the Convent/Hosanna House can only be used by Catholic Charities for the elderly. Women over 50 is not what anyone that I know considers elderly. Catholic Charities is well aware of this Covenant but chooses to ignore it or claims that it no longer applies because the old Deed states that as long as the Archbishop of Baltimore owns the property it must be used for the elderly and several years ago the Archdiocese turned over the property to the Parishioners of St. Luke's. Catholic Charities' attorney was quick to point out that the Covenant was not included in the revised Deed which she testified deems it is now null and void. This is how low Catholic Charities

December 21, 2012

Dear Bishop Madden,

My name is Rob Zacherl and I am a life long parishioner of St. Luke's in Edgemere. I am also the President of the Pastoral Council at St. Luke, President of the School Board at Our Lady of Hope/St. Luke School, and President of the Wells-McComas Citizens Improvement Association. Needless to say I am very busy in the Catholic community here in Edgemere as well as the Edgemere community at large.

I am writing you to express my concern with the proposed use by Catholic Charities of the Hosanna House (our old Convent) to house homeless men over 60. I'm sure that you know the plan so I won't belabor the details, but I do feel a responsibility to let you know how our community feels about this proposal.

When Catholic Charities met with the Council in September, they told us that the plan was not a "done deal". They assured us that they would meet with the community to see if there was any opposition. At the following meetings they reiterated to everyone that this was not a "done deal" and the community input would weigh in on their decision. I attended two of the four meetings and only heard two people out of at least a hundred from our community that spoke in favor of the plan.

In spite of this fact, Catholic Charities by everything I've heard to date is planning on moving forward with this plan.

This tells us that the only thing they are considering is the fact that they may lose a sizeable grant from the government if this plan doesn't move forward.

Our pre-school is located 20 feet from their door and our school parents have expressed their grave concern with this proposal. Many have told us that they will pull their children if this proposal comes to fruition. We have already lost a few because of the possibility. I am convinced that if this project is not abandoned soon that our Pre-K program will die a quick death which will be catastrophic to our community and the future of Our Lady of Hope/St. Luke School.

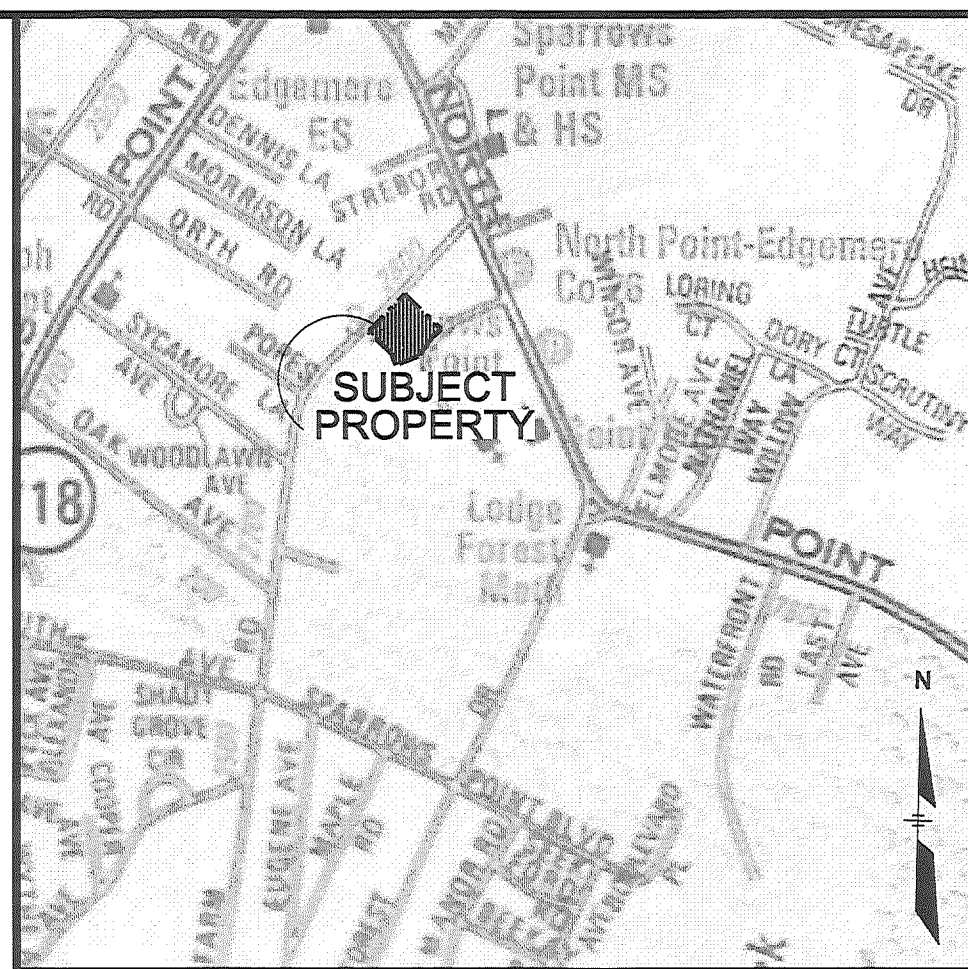
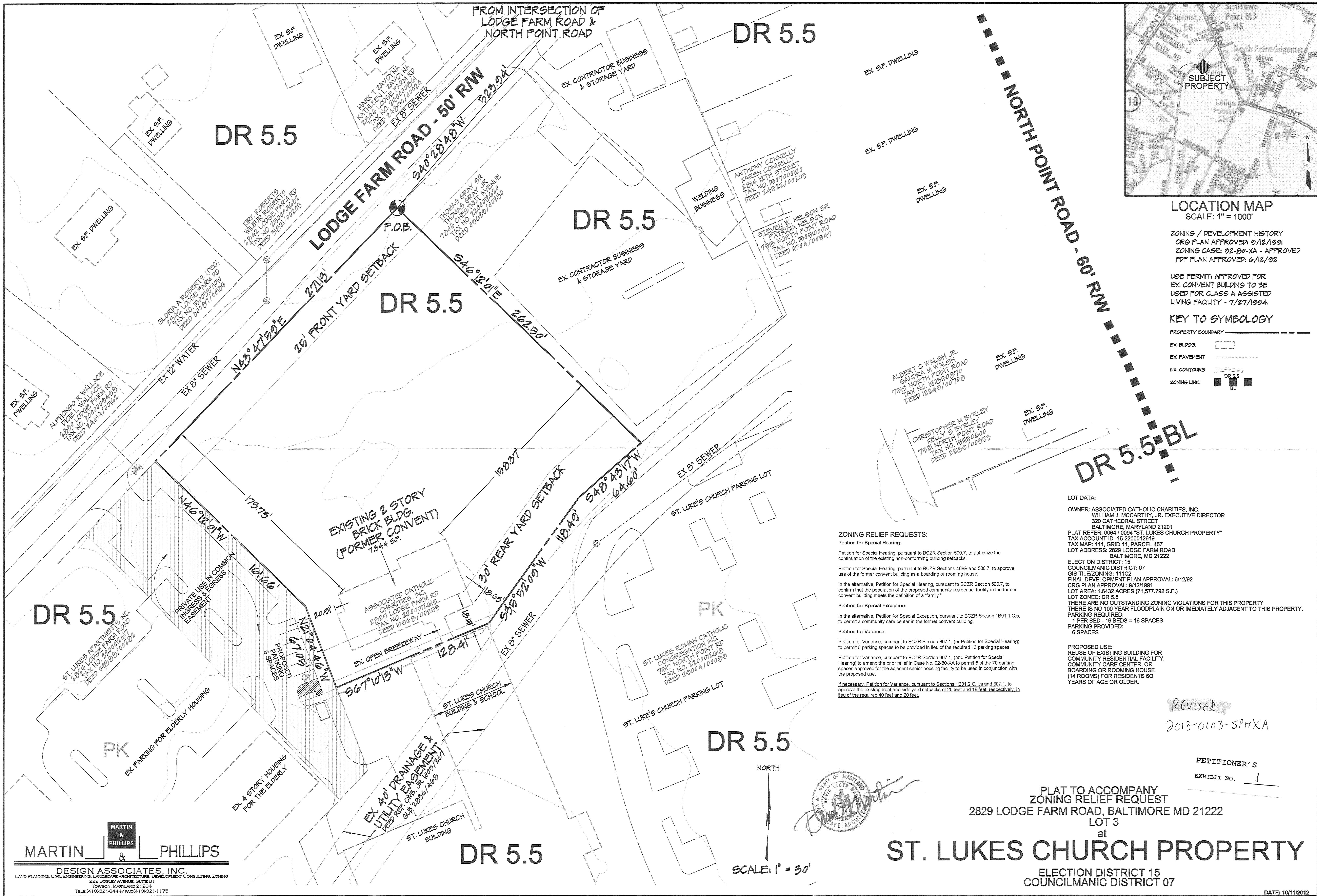
I'm sure that Catholic Charities does their due diligence in screening all of their clients but nothing can change the perception the Pre-K parents and our community have of this proposal.

In addition to our Pre-K concerns, the community has little to offer homeless men with no personnel transportation. There is no public transportation, no recreation opportunities within walking distance, no sidewalks except along St. Luke's driveway to North Point Road where one can cross the road to the grocery store. There is a Senior Center about a half mile away but closes at 3:30 during the week and is closed on weekends offering little to these men who will be working during the day.

CONDITIONS IF ~~FO~~ H APPROVED OR NOT

Ex 9

- ALCOHOL FREE
- DRUG FREE
- 24HR. SUPERVISION
- AOA COMPLIANT
- NAME OF CONTACT PERSON(S) BE MADE AVAILABLE TO NPPG PRESIDENT AT P.O. BOX 444, FORT HOWARD, MO. 21052
- RESIDENTS - WOMEN OVER 50YRS. OF AGE
- SECURITY - 24HR. DAY OF HH BLDG & SURROUNDING ARE PROVIDED FOR THE GOOD OF THE RESIDENTS & NEIGHBORS.
- PARKING ONLY IN DESIGNATED H.H. PARKING SPACES
- MAKE AVAILABLE MONTHLY REPORTS OF DATES OF INCOMING AND OUTGOING FROM RESIDENCY OF H.H. (RESIDENT TURNOVER)
- INCORPORATE THE COMPLETE APPLICATION OF ACC PROJECT: HOANAN SUPPORTIVE PERMANENT HOUSING (FEDERAL AWARD IDENTIFIER MD0124B33051003) WITH ALL OF ITS REQUIREMENTS AND STIPULATIONS TO ADORE APPLICABLE IMPLEMENTATION. COPY OF ~~STATE~~ 2011 HUD BONUS PROJECT APPLICATION FOR THE ~~ENTIRE~~ ACC IS AVAILABLE IN THE BC OFFICE OF PLANNING, MRS. JUE BULL, HOMELESS SERVICES COORDINATOR 410-887-2886.
- ALL APPLICANTS FOR RESIDENCE AT HOANAN HOUSE SHOULD BE CURRENT HOMELESS FROM ZONES 21219 & 21052



LOCATION MAP
SCALE: 1" = 1000'

ZONING / DEVELOPMENT HISTORY
CRG PLAN APPROVED: 9/12/1991
ZONING CASE: 92-50-XA - APPROVED
FDP PLAN APPROVED: 6/12/92

USE PERMIT: APPROVED FOR
EX. CONVENT BUILDING TO BE
USED FOR CLASS A ASSISTED
LIVING FACILITY - 7/27/1994.

KEY TO SYMBOLOLOGY

- PROPERTY BOUNDARY
- EX. BLDGS.
- EX. PAVEMENT
- EX. CONTOURS
- ZONING LINE

DR 5.5 BL

ZONING RELIEF REQUESTS:

Petition for Special Hearing:
Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.

Petition for Special Exception:
In the alternative, Petition for Special Exception, pursuant to BCZR Section 500.7, to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family."

Petition for Variance:
Petition for Variance, pursuant to BCZR Section 307.1, (or Petition for Special Hearing) to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces.

Petition for Variance, pursuant to BCZR Section 307.1, (and Petition for Special Hearing) to amend the prior relief in Case No. 92-50-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use.

If necessary, Petition for Variance, pursuant to Sections 1901.2.C.1.a and 307.1, to approve the existing front and side yard setbacks of 20 feet and 18 feet, respectively, in lieu of the required 40 feet and 20 feet.

LOT DATA:
OWNER: ASSOCIATED CATHOLIC CHARITIES, INC.
WILLIAM J. MCCARTHY, JR. EXECUTIVE DIRECTOR
320 CATHEDRAL STREET
BALTIMORE, MARYLAND 21201
PLAT REFER: 0084 / 0094 "ST. LUKE'S CHURCH PROPERTY"
TAX ACCOUNT ID: 15-2200012819
LOT MAP: 111, GRID 11, PARCEL 457
LOT ADDRESS: 2829 LODGE FARM ROAD
BALTIMORE, MD 21222
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 07
GIS TILE/ZONING: 111C2
FINAL DEVELOPMENT PLAN APPROVAL: 6/12/92
CRG PLAN APPROVAL: 9/12/1991
LOT AREA: 1.8432 ACRES (71,577.792 S.F.)
LOT ZONED: DR 5.5
THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY
THERE IS NO 100 YEAR FLOODPLAIN ON OR IMMEDIATELY ADJACENT TO THIS PROPERTY.
PARKING REQUIRED:
1 PER BED - 16 BEDS = 16 SPACES
PARKING PROVIDED:
6 SPACES
PROPOSED USE:
REUSE OF EXISTING BUILDING FOR
COMMUNITY RESIDENTIAL FACILITY,
COMMUNITY CARE CENTER, OR
BOARDING OR ROOMING HOUSE
(14 ROOMS) FOR RESIDENTS 60
YEARS OF AGE OR OLDER.

REVISED
2013-0103-SPHXA

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3
at

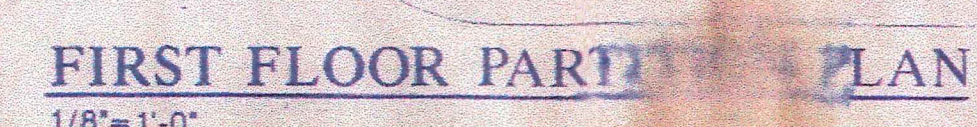
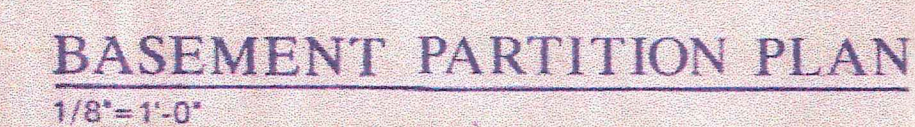
ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE 51
TOWSON, MARYLAND 21204
TEL: (410) 521-8444 / FAX: (410) 521-1175



NORTH
SCALE: 1" = 30'



1. Remove existing swing. Replace door frame if required. Replace hardware; see Hardware Schedule.
2. Remove existing door/frame; reuse where possible. Patch wall to match existing.
3. Remove existing door/frame; reuse where possible.
4. Remove existing walls. Patch floor to receive new finish.
5. Existing cabinets to be used for new ductwork. See Mech. Drawgs.
6. Existing chases to be converted to new duct chase. Provide new fire protection between floors. See Mech. Drawgs.
7. Existing kitchen cabinets to remain; paint upper and lower cabinets. Provide new plastic laminate counter tops and new sink. Provide new Stainless Steel sink. Provide new Plumbing.
8. Remove existing cook top. Provide new cook top. Modify lower cabinet as required to match existing. See Mech. Drawgs.
9. Provide new Refrigerator and new Freezer. Drawgs. for appliance spec.
10. Remove existing lighting over sinks. Provide new lighting fixture.

- | | |
|----|---|
| 11 | Van
and
manufacturer. See Mechanical |
| 12 | Partitions
See Partitions
See Partitions
continuous from floor to floor.
Width and dimensions. See A3.0 |
| 13 | Van
and
manufacturer. |
| 14 | Access
threshold to door threshold.
Access
threshold to WWM over 3 1/2" gasket with
proper 110. |
| 15 | Access
threshold to support new painted
work/Finish Plan for location
at sheet A3.0. |
| 16 | Access
threshold to 13'-0" A.F.F. similar to new |

-
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

- | | |
|---|------------------------|
|  | Existing Partition |
|  | Existing Partition |
|  | New Partition |
|  | New Elevator |
|  | Partition Type |
|  | Door Type Hardware |
|  | Elevation Sheet Lr |
| FOYER
101 | Room Name
Room Type |
|  | |
|  | |

**MARTIN
&
PHILLIPS**

MARTIN & PHILLIPS

DESIGN ASSOCIATES, INC.

LAND AND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING

222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204

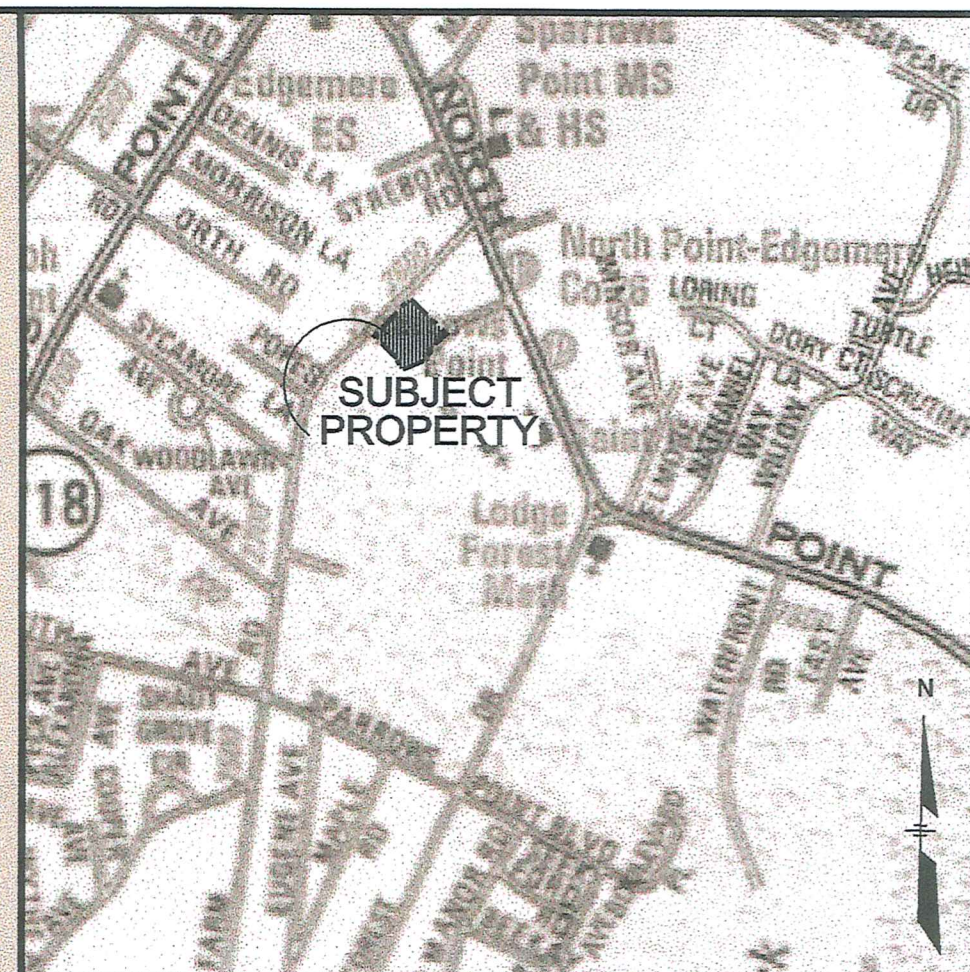
TEL (410) 332-1244 FAX (410) 332-1175

ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07

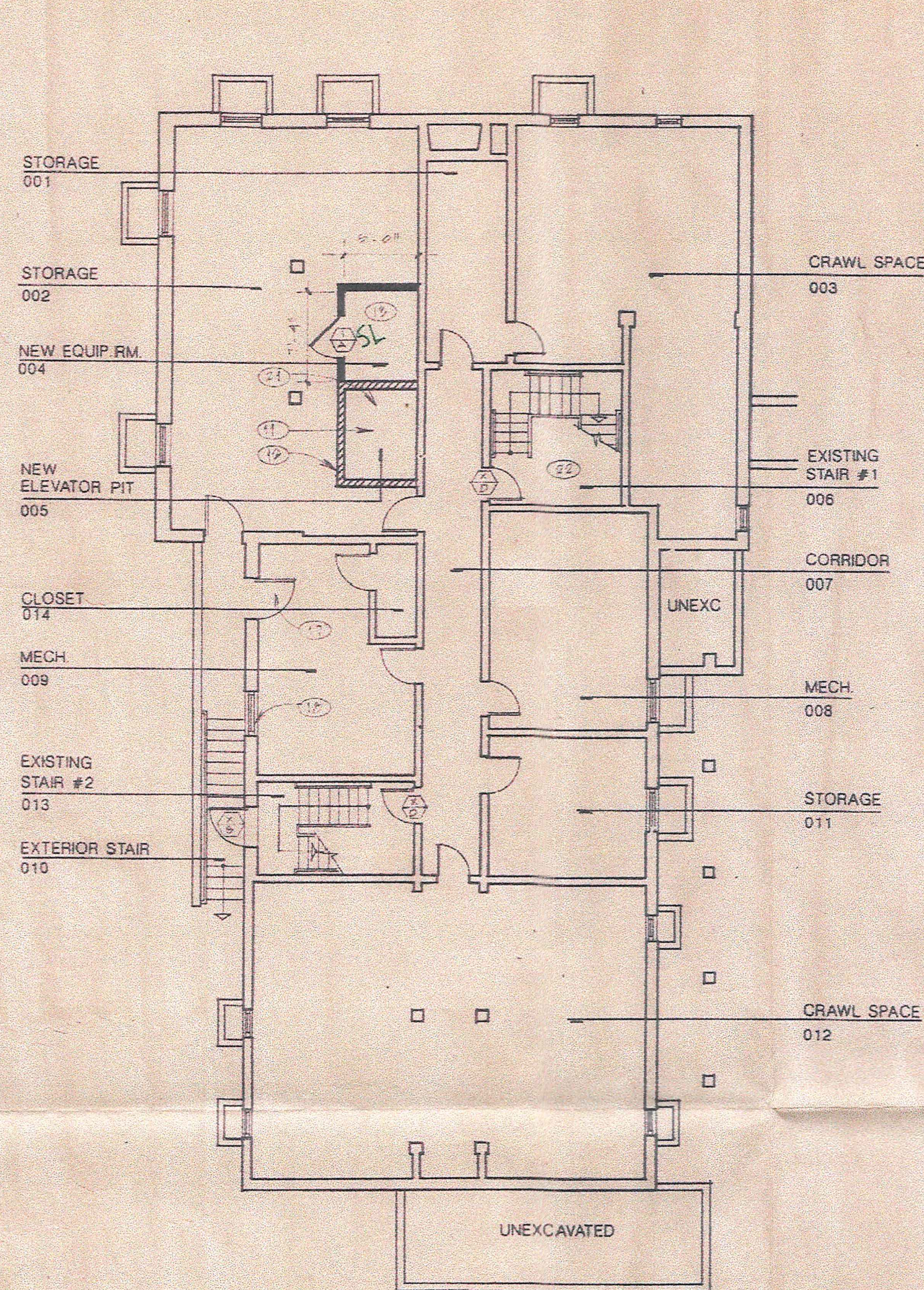
DATE: 10/11/2012

P's # 10



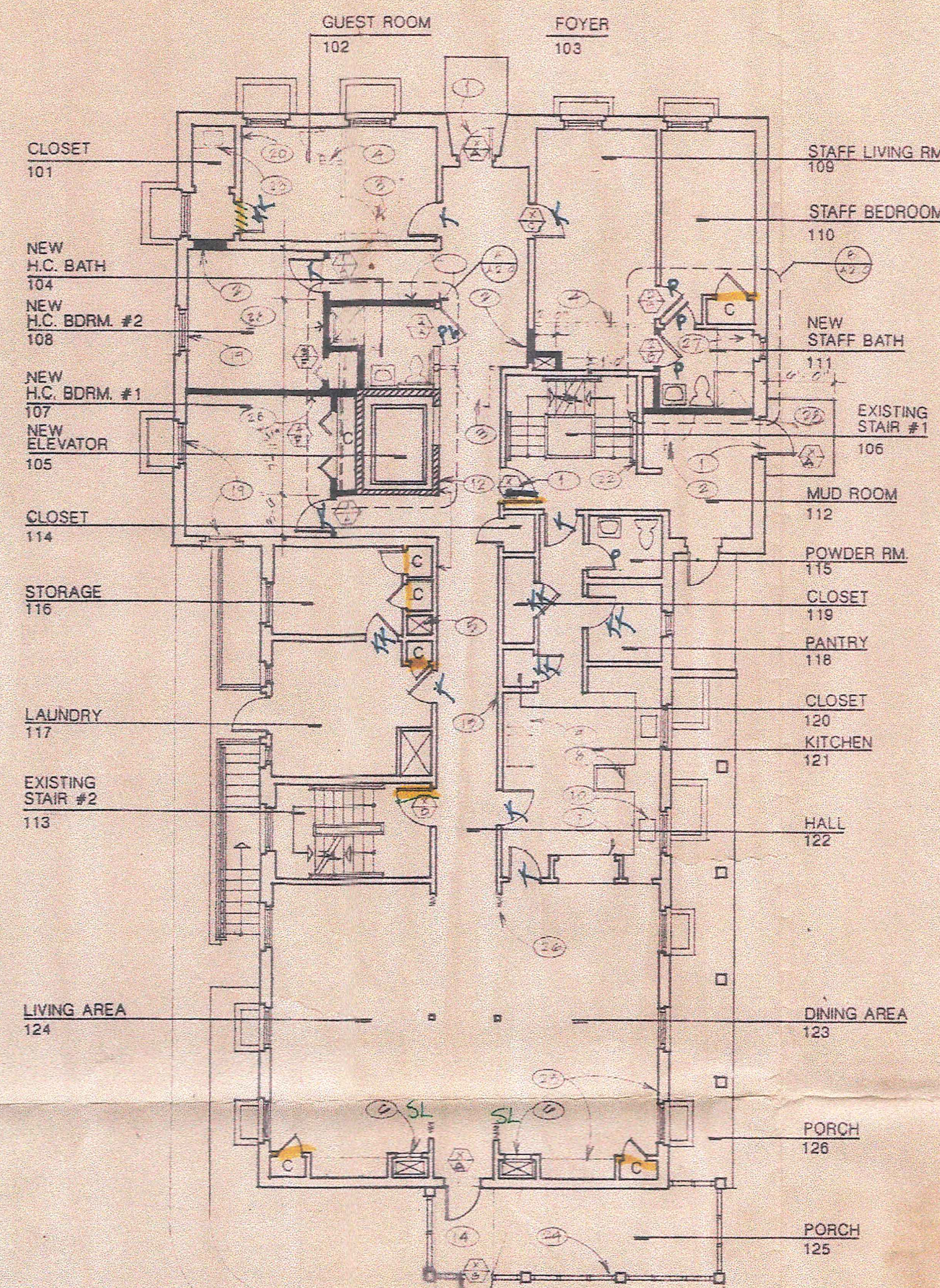
LOCATION MAP
SCALE: 1" = 1000'

Petitioner's
8



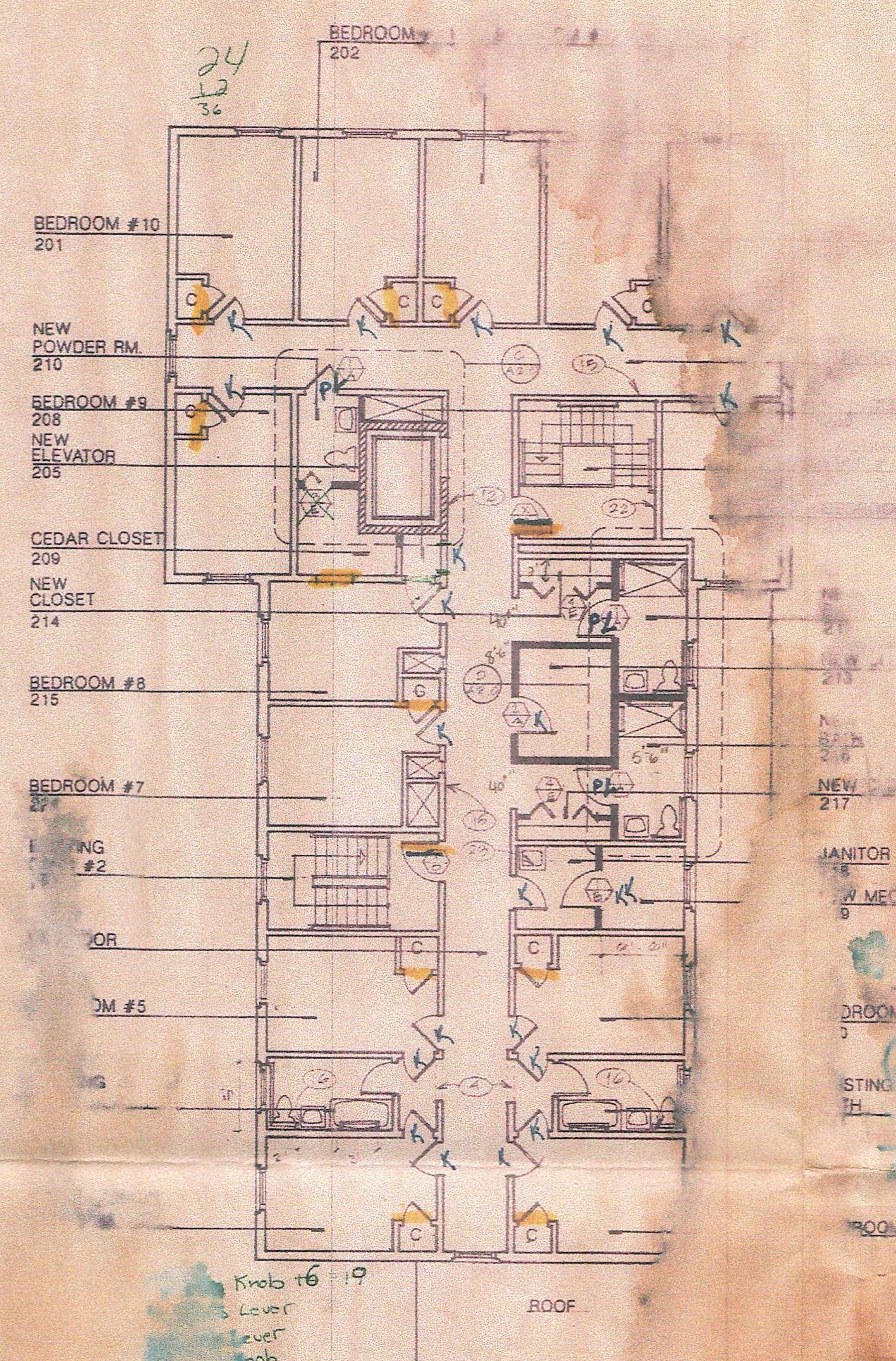
BASEMENT PARTITION PLAN

1/8" = 1'-0"



FIRST FLOOR PARTITION PLAN

1/8" = 1'-0"



SECOND FLOOR PARTITION PLAN

SHEET NOTES

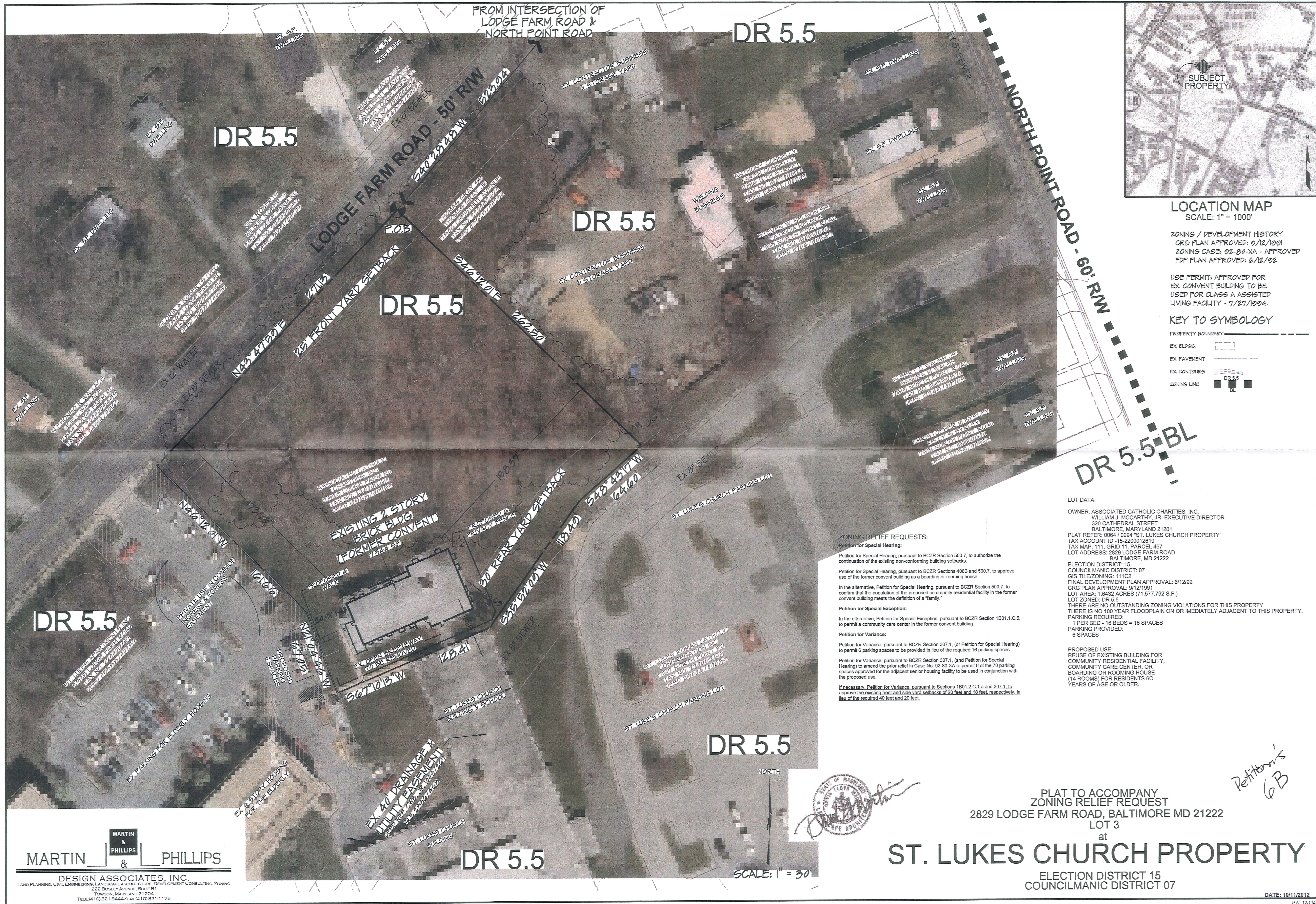
- Reverse door swing. Replace door frame if required. Replace hardware; see Hardware Schedule.
- Remove existing door/frame; reuse where possible. Patch wall to match existing.
- Remove existing door/frame; reuse where possible.
- Remove existing walls. Patch floor to receive new finish.
- Existing chase to be used for new ductwork. See Mech. Drawings.
- Existing closets to be converted to new duct chase. Provide fire protection between floors. See Mech. Drawings.
- Existing kitchen cabinets to remain; paint upper and lower cabinets. Provide new plastic laminate counter top; see Mech. Drawings. Provide new Stainless Steel sinks; see Plumbing Drawings.
- Remove existing cook top. Provide new cook top. Modify lower cabinet as required to match existing modifications with Architect. See Mechanical Drawings.
- Provide new Refrigerator and new Freezer. See Mech. Drawings. for appliance spec.
- Remove existing lighting over sinks. Patch Electrical Drawings.

- Verify door manufacturer. See Mechanical Drawings.
- Partitions to be continuous from floor to floor. See Architectural Drawings for dimensions. See A3.0.
- Verify door manufacturer.
- Provide new threshold to door threshold. See Architectural Drawings for dimensions. See A3.0.
- Provide new threshold to door threshold. See Architectural Drawings for dimensions. See A3.0.

- Verify door manufacturer. See Mechanical Drawings.
- Partitions to be continuous from floor to floor. See Architectural Drawings for dimensions. See A3.0.
- Verify door manufacturer.
- Provide new threshold to door threshold. See Architectural Drawings for dimensions. See A3.0.
- Provide new threshold to door threshold. See Architectural Drawings for dimensions. See A3.0.

LEGEND

- Existing Partition
- Existing Partition
- New Partition
- New Elevator
- Partition Type
- Door Type
- Hardware
- Elevation
- Sheet 14
- FOYER 101
- Room Name
- Room Number



LOCATION MAP
SCALE: 1" = 1000'

ZONING / DEVELOPMENT HISTORY
CRG PLAN APPROVED: 0/12/1991
ZONING CASE: 02-80-XA - APPROVED
FDP PLAN APPROVED: 6/12/02

USE PERMIT: APPROVED FOR
EX. CONVENT BUILDING TO BE
USED FOR CLASS A ASSISTED
LIVING FACILITY - 7/27/1994.

KEY TO SYMBOLOLOGY

- PROPERTY BOUNDARY
- EX. BLDGS.
- EX. PAVEMENT
- EX. CONTOURS
- ZONING LINE

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320 CATHEDRAL STREET
BALTIMORE, MARYLAND 21201
PLAT REFER: 0084 / 0094 "ST. LUKES CHURCH PROPERTY"
TAX ACCOUNT ID: 15-2200012819
TAX MAP: 111, GRID 11, PARCEL 457
LOT ADDRESS: 2829 LODGE FARM ROAD
BALTIMORE, MD 21222
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 07
GIS TILE/ZONING: 111C2
FINAL DEVELOPMENT PLAN APPROVAL: 6/12/92
CRG PLAN APPROVAL: 9/12/1991
LOT AREA: 1.6432 ACRES (71,577.792 S.F.)
LOT ZONED: DR 5.5
THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY.
THERE IS NO 100 YEAR FLOODPLAIN ON OR IMMEDIATELY ADJACENT TO THIS PROPERTY.
PARKING REQUIRED:
1 PER BED - 16 BEDS = 16 SPACES
PARKING PROVIDED:
6 SPACES

PROPOSED USE:
REUSE OF EXISTING BUILDING FOR
COMMUNITY RESIDENTIAL FACILITY,
COMMUNITY CARE CENTER, OR
BOARDING OR ROOMING HOUSE
(14 ROOMS) FOR RESIDENTS 60
YEARS OF AGE OR OLDER.

ZONING RELIEF REQUESTS:

Petition for Special Hearing:
Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.

Petition for Special Exception:
In the alternative, Petition for Special Exception, pursuant to BCZR Section 1801.1.C.5, to permit a community care center in the former convent building.

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Petition for Variance, pursuant to BCZR Section 307.1, (and Petition for Special Hearing) to amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use.

If necessary, Petition for Variance, pursuant to Sections 1801.2.C.1.a and 307.1, to approve the existing front and side yard setbacks of 20 feet and 18 feet, respectively, in lieu of the required 40 feet and 20 feet.

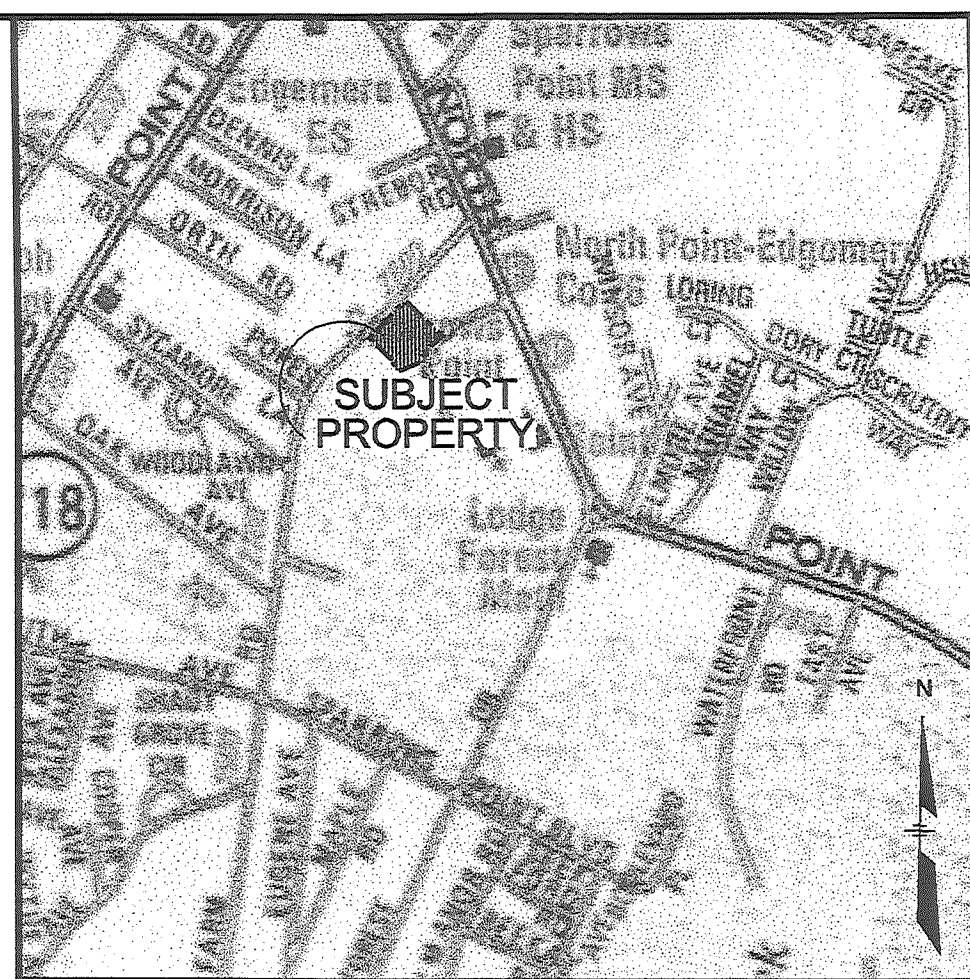
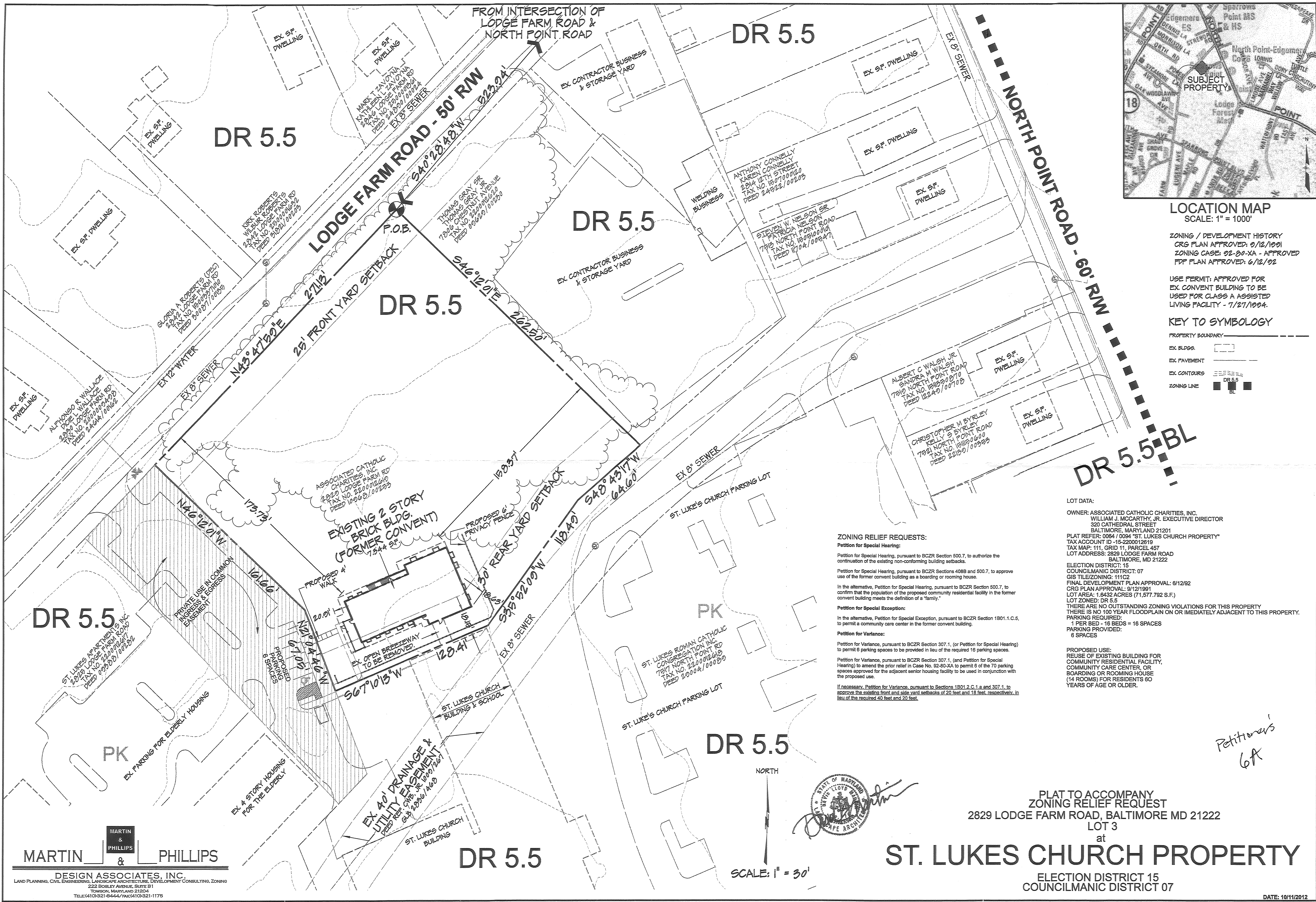


PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3
at

ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
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222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TEL: (410) 321-5444 / FAX: (410) 321-1175



LOCATION MAP
SCALE: 1" = 1000'

ZONING / DEVELOPMENT HISTORY
CRG PLAN APPROVED: 9/12/1991
ZONING CASE: 02-00-XA - APPROVED
PDP PLAN APPROVED: 6/12/02

USE PERMIT: APPROVED FOR
EX. CONVENT BUILDING TO BE
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KEY TO SYMBOLOLOGY

PROPERTY BOUNDARY
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TAX ACCOUNT ID -15-220012619
TAX MAP: 111, GRID 11, PARCEL 457
LOT ADDRESS: 2829 LODGE FARM ROAD
BALTIMORE, MD 21222
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 07
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Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.
Petition for Special Hearing, pursuant to BCZR Sections 408B and 500.7, to approve use of the former convent building as a boarding or rooming house.
In the alternative, Petition for Special Hearing, pursuant to BCZR Section 500.7, to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family."
Petition for Special Exception:
In the alternative, Petition for Special Exception, pursuant to BCZR Section 1901.1.C.5, to permit a community care center in the former convent building.
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If necessary, Petition for Variance, pursuant to Sections 1901.2.C.1.a and 307.1, to approve the existing front and side yard setbacks of 20 feet and 18 feet, respectively, in lieu of the required 40 feet and 20 feet.

PROPOSED USE:
REUSE OF EXISTING BUILDING FOR
COMMUNITY RESIDENTIAL FACILITY,
COMMUNITY CARE CENTER, OR
BOARDING OR ROOMING HOUSE
(14 ROOMS) FOR RESIDENTS 60
YEARS OF AGE OR OLDER.

Petitioner's
6A



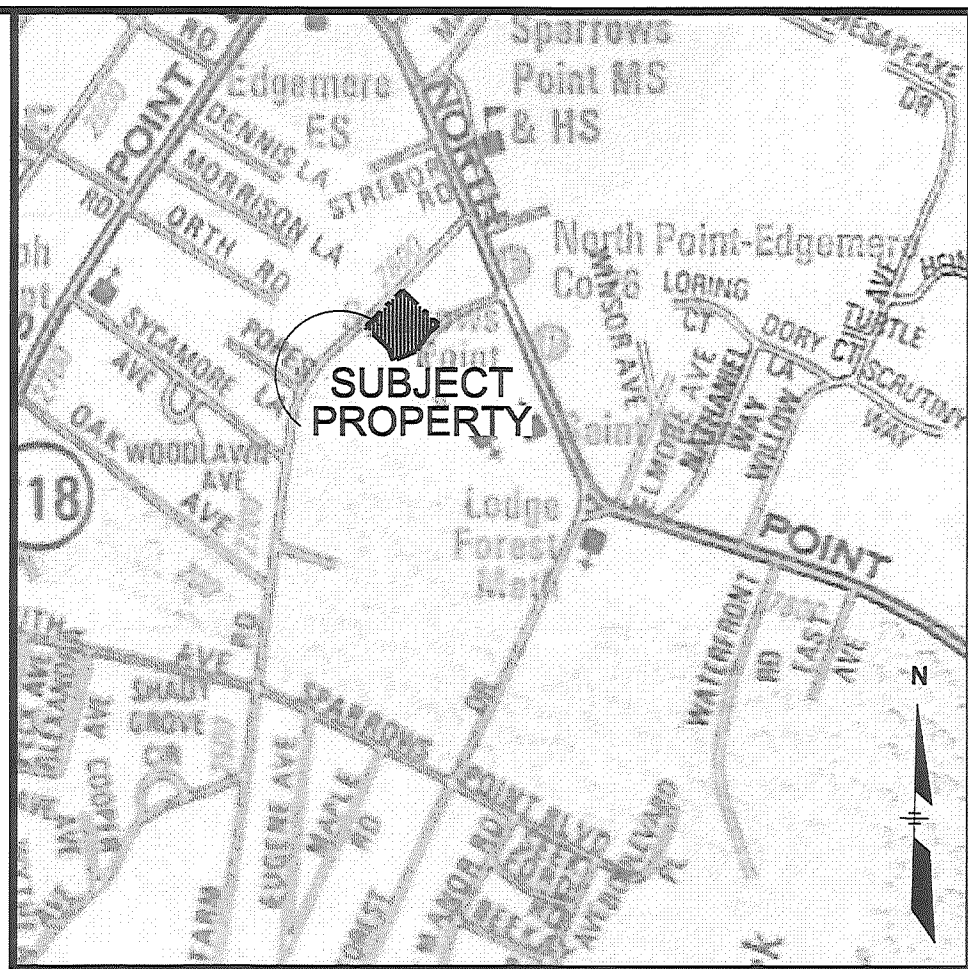
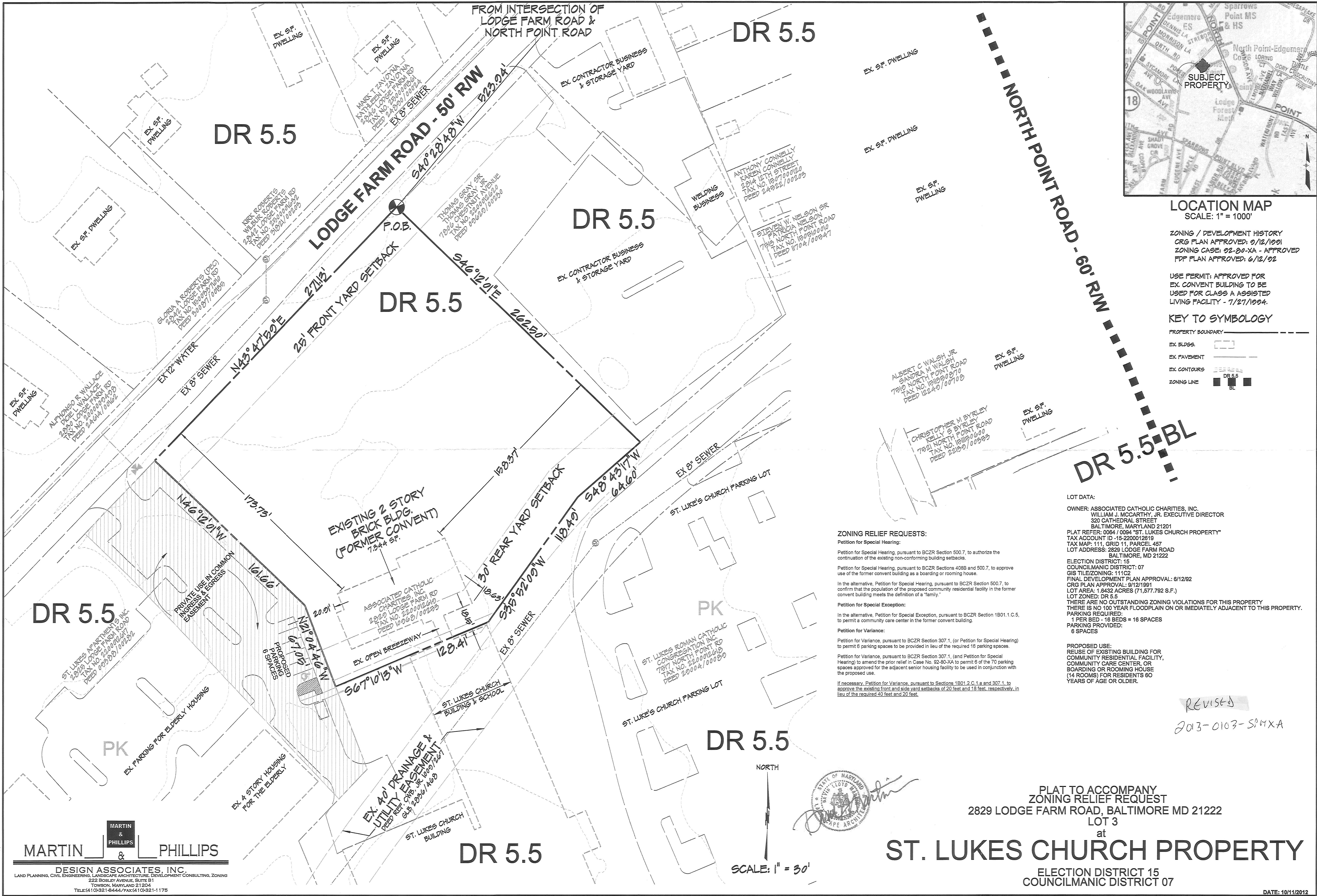
PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3
at

ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07

SCALE: 1" = 30'

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOWLEY AVENUE, SUITE B1
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TEL: (410) 321-8444 / FAX: (410) 321-1175



LOCATION MAP
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ZONING / DEVELOPMENT HISTORY
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ZONING CASE: 02-80-XA - APPROVED
FDP PLAN APPROVED: 6/12/02

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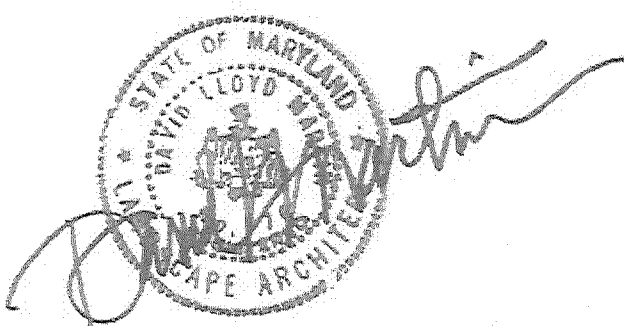
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REVISED
2013-0103-SM-XA

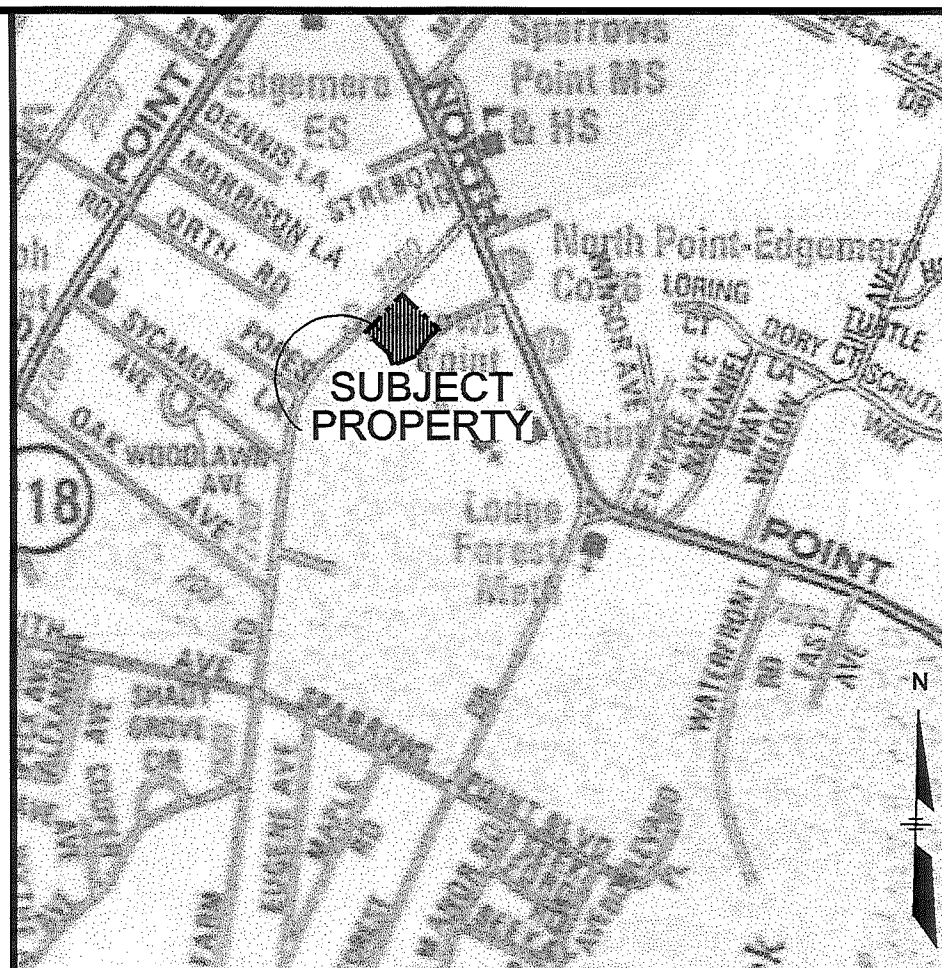
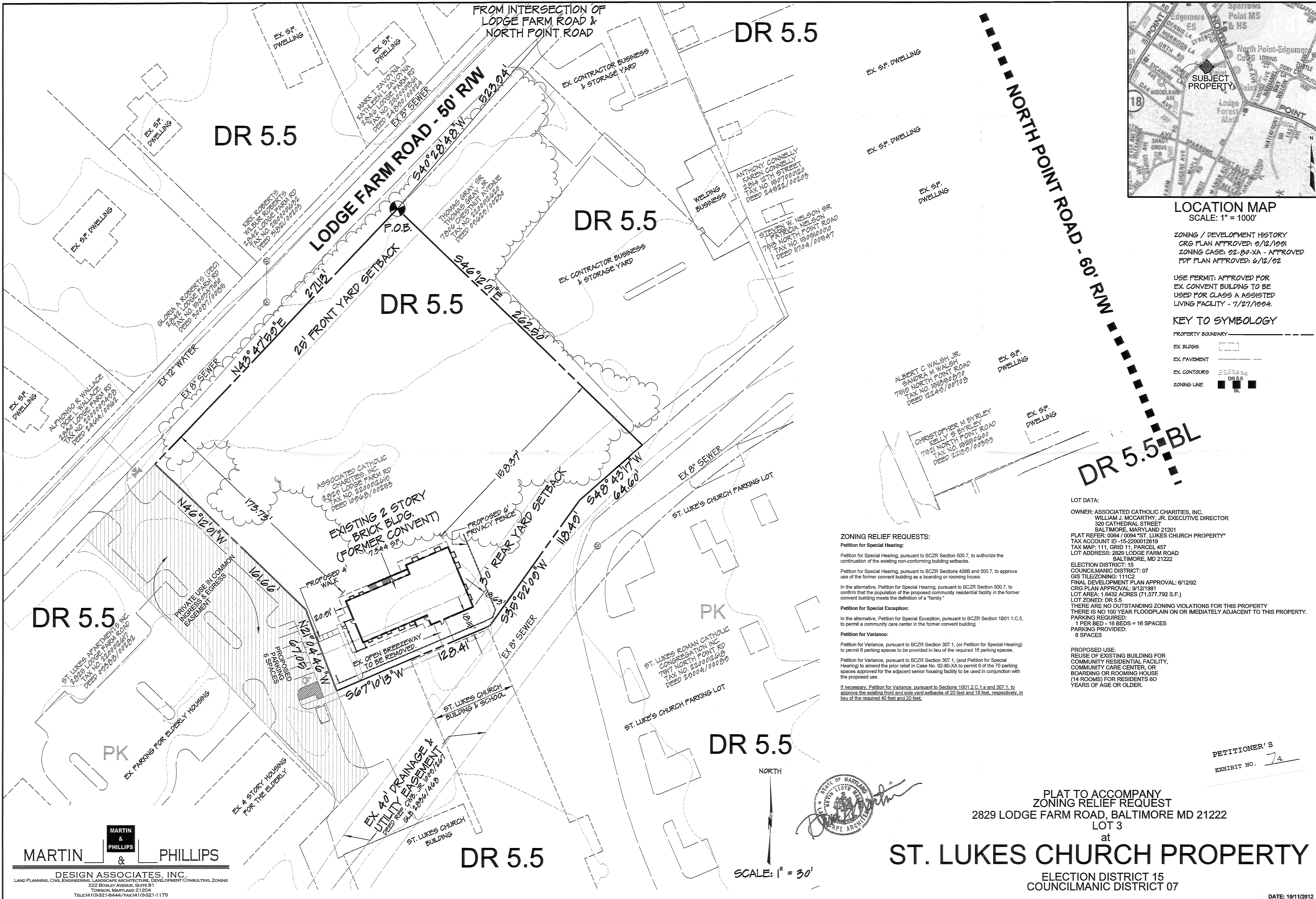
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PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3
at

ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07



LOCATION MAP
SCALE: 1" = 1000'

ZONING / DEVELOPMENT HISTORY
CRG PLAN APPROVED: 01/12/1991
ZONING CASE: 02-00-XA - APPROVED
PDP PLAN APPROVED: 6/12/02

USE PERMIT: APPROVED FOR
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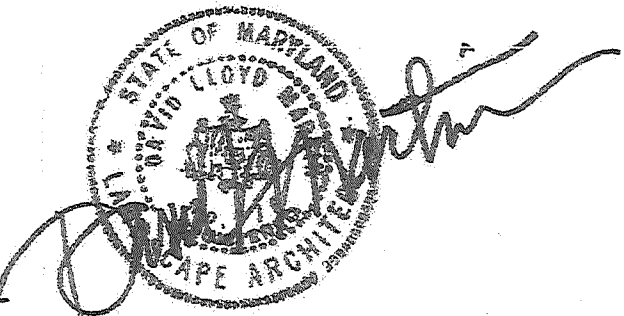
KEY TO SYMBOLOGY

- PROPERTY BOUNDARY: ---
EX. BLDGS.: [Symbol]
EX. PAVEMENT: [Symbol]
EX. CONTOURS: [Symbol]
ZONING LINE: [Symbol] DR 5.5 [Symbol] BL

LOT DATA:
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COUNCILMANIC DISTRICT: 07
GIS TILE/ZONING: 111C2
FINAL DEVELOPMENT PLAN APPROVAL: 6/12/92
CRG PLAN APPROVAL: 9/12/1991
LOT AREA: 1.0432 ACRES (71,577.792 S.F.)
LOT ZONED: DR 5.5
THERE ARE NO OUTSTANDING ZONING VIOLATIONS FOR THIS PROPERTY.
THERE IS NO 100 YEAR FLOODPLAIN ON OR IMMEDIATELY ADJACENT TO THIS PROPERTY.
PARKING REQUIRED:
1 PER BED - 16 BEDS = 16 SPACES
PARKING PROVIDED:
6 SPACES
PROPOSED USE:
REUSE OF EXISTING BUILDING FOR
COMMUNITY RESIDENTIAL FACILITY,
COMMUNITY CARE CENTER, OR
BOARDING OR ROOMING HOUSE
(14 ROOMS) FOR RESIDENTS 60
YEARS OF AGE OR OLDER.

ZONING RELIEF REQUESTS:

Petition for Special Hearing:
Petition for Special Hearing, pursuant to BCZR Section 500.7, to authorize the continuation of the existing non-conforming building setbacks.
Petition for Special Hearing, pursuant to BCZR Sections 408B and 500.7, to approve use of the former convent building as a boarding or rooming house.
In the alternative, Petition for Special Hearing, pursuant to BCZR Section 500.7, to confirm that the population of the proposed community residential facility in the former convent building meets the definition of a "family."
Petition for Special Exception:
In the alternative, Petition for Special Exception, pursuant to BCZR Section 1B01.1.C.5, to permit a community care center in the former convent building.
Petition for Variance:
Petition for Variance, pursuant to BCZR Section 307.1, (or Petition for Special Hearing) to permit 6 parking spaces to be provided in lieu of the required 16 parking spaces.
Petition for Variance, pursuant to BCZR Section 307.1, (and Petition for Special Hearing) to amend the prior relief in Case No. 92-80-XA to permit 6 of the 70 parking spaces approved for the adjacent senior housing facility to be used in conjunction with the proposed use.
If necessary, Petition for Variance, pursuant to Sections 1B01.2.C.1.a and 307.1, to approve the existing front and side yard setbacks of 20 feet and 18 feet, respectively, in lieu of the required 40 feet and 20 feet.



PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3

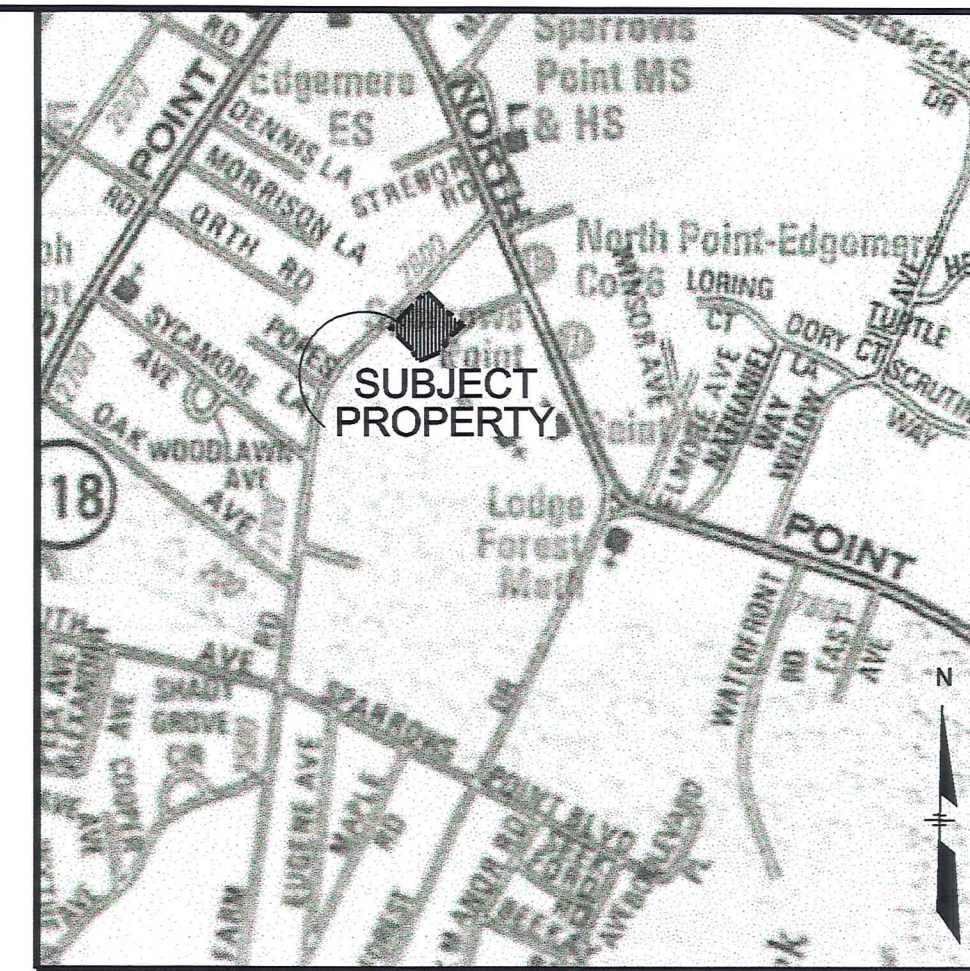
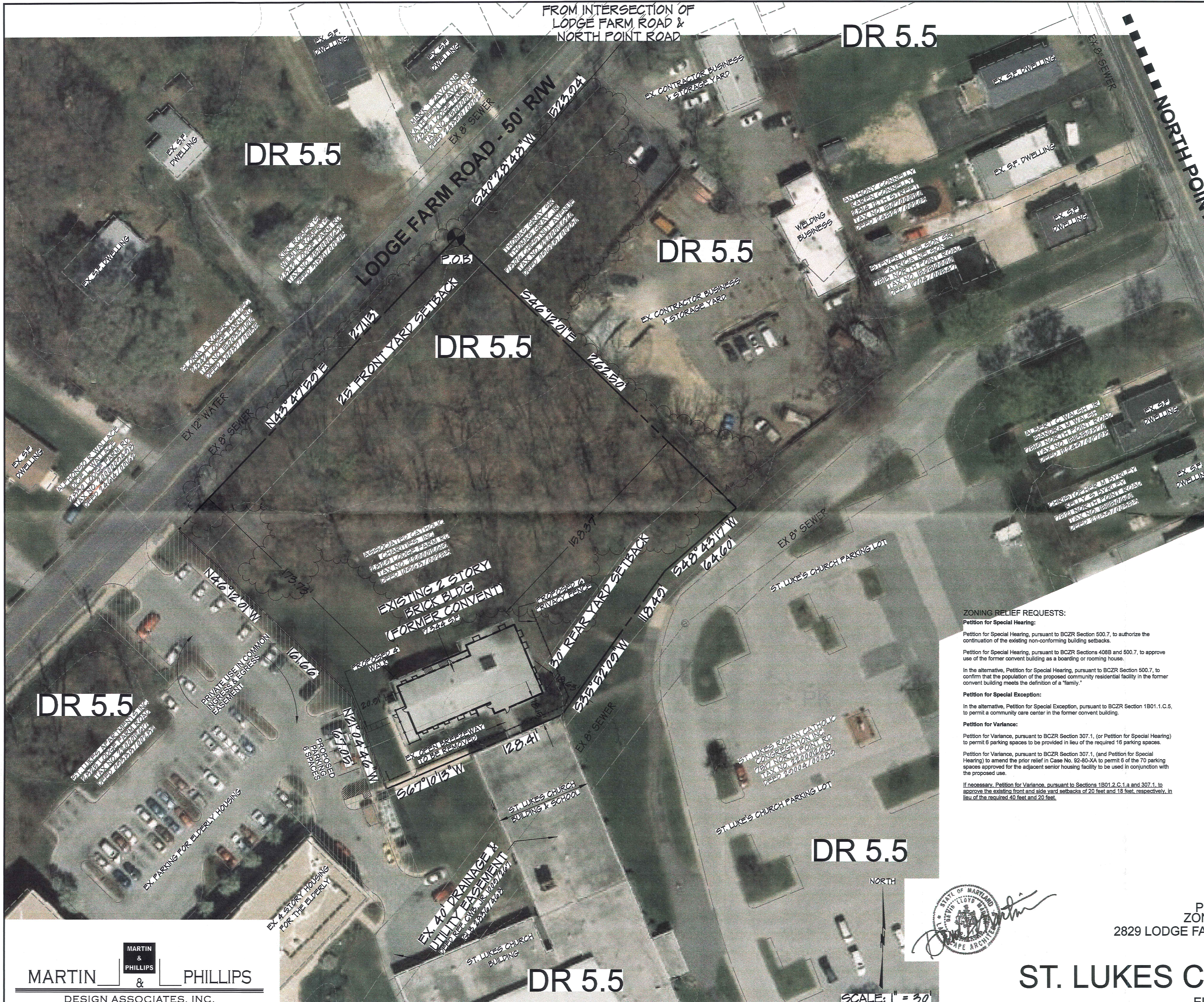
ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07

PETITIONER'S
EXHIBIT NO. 74

SCALE: 1" = 30'

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



LOCATION MAP
SCALE: 1" = 1000'

ZONING / DEVELOPMENT HISTORY
CRG PLAN APPROVED: 9/12/1991
ZONING CASE: 02-80-XA - APPROVED
FDP PLAN APPROVED: 6/12/02

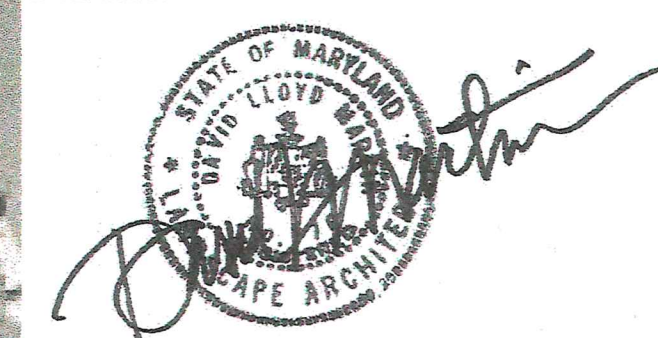
USE PERMIT: APPROVED FOR
EX. CONVENT BUILDING TO BE
USED FOR CLASS A ASSISTED
LIVING FACILITY - 7/27/1994.

KEY TO SYMBOLOLOGY
PROPERTY BOUNDARY: ---
EX. BLDGS.: [Symbol]
EX. PAVEMENT: [Symbol]
EX. CONTOURS: [Symbol]
ZONING LINE: [Symbol] DR 5.5 [Symbol] BL

LOT DATA:
OWNER: ASSOCIATED CATHOLIC CHARITIES, INC.
WILLIAM J. MCCARTHY, JR. EXECUTIVE DIRECTOR
320 CATHEDRAL STREET
BALTIMORE, MARYLAND 21201
PLAT REFER: 0064 / 0094 "ST. LUKES CHURCH PROPERTY"
TAX ACCOUNT ID: 15-220012619
TAX MAP: 111, GRID 11, PARCEL 457
LOT ADDRESS: 2829 LODGE FARM ROAD
BALTIMORE, MD 21222
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 07
GIS TILE/ZONING: 111C2
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PETITIONER'S
EXHIBIT NO. 7B



PLAT TO ACCOMPANY
ZONING RELIEF REQUEST
2829 LODGE FARM ROAD, BALTIMORE MD 21222
LOT 3
at

ST. LUKES CHURCH PROPERTY

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 07



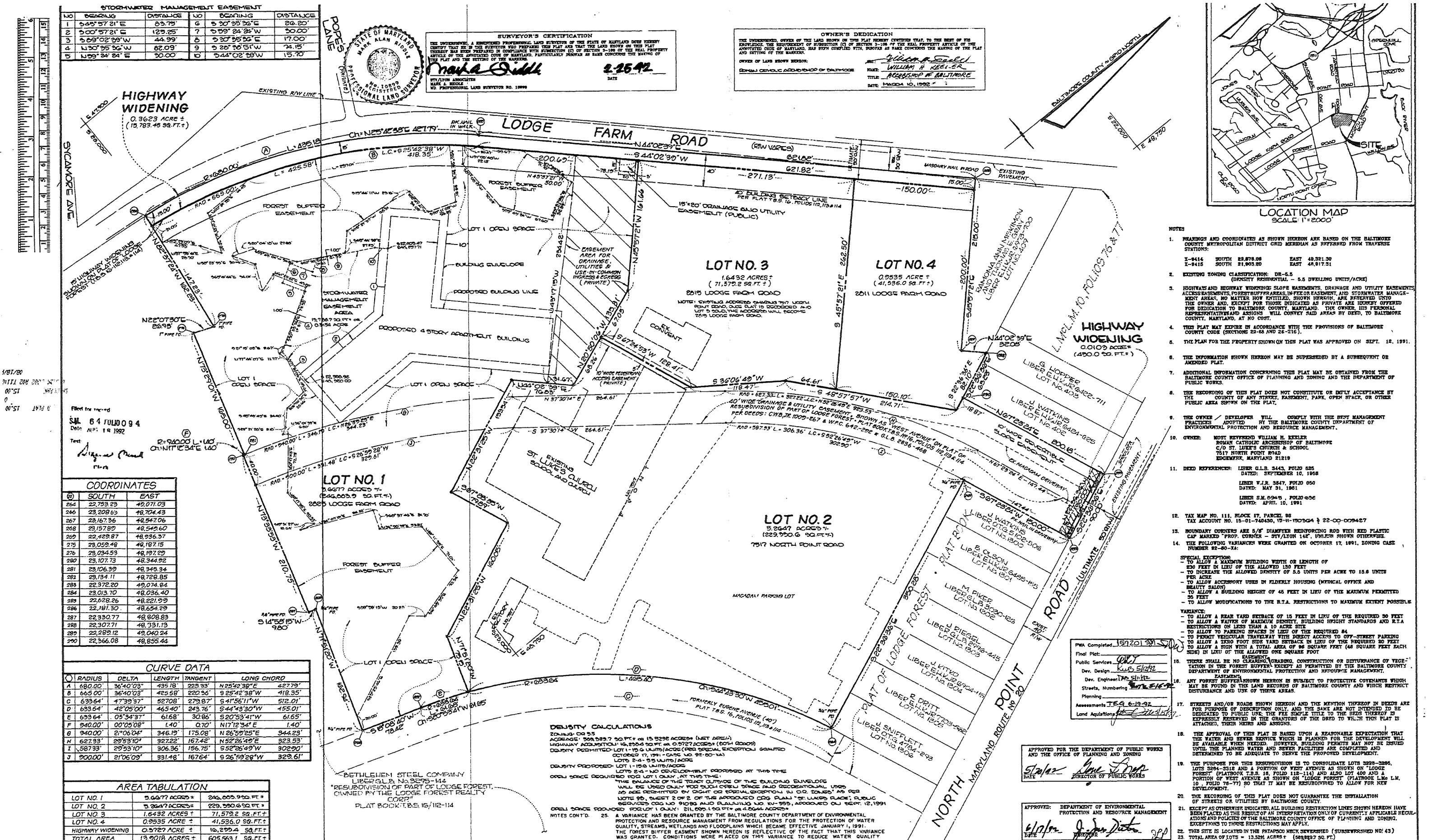
My Neighborhood Map

Created By
Baltimore County
My Neighborhood

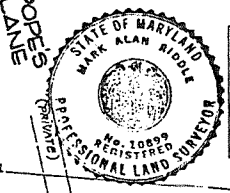


This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

PS#12



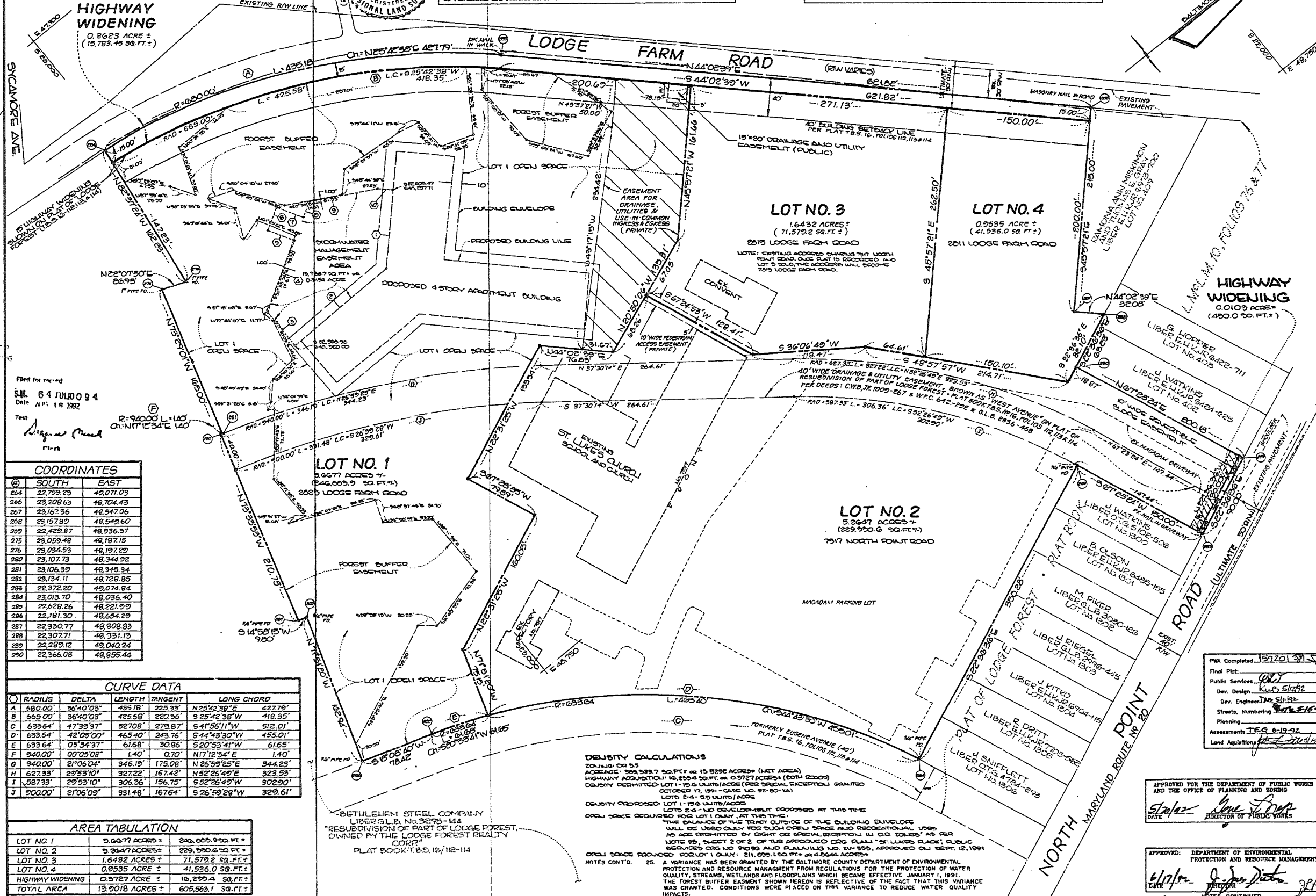
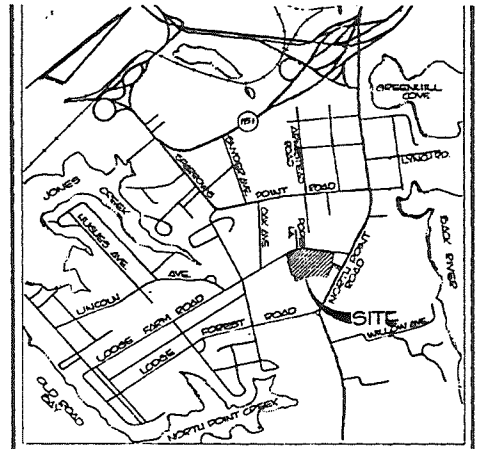
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	S 44° 57' 21" E	85.79	6	S 20° 25' 26" E	26.20
2	S 00° 57' 21" E	129.25	7	S 09° 24' 24" W	30.00
3	S 69° 02' 28" W	44.99	8	S 20° 25' 26" E	17.00
4	N 20° 25' 26" W	82.09	9	S 20° 25' 26" E	74.15
5	N 29° 24' 24" E	30.00	10	S 44° 02' 28" W	15.70



SURVEYOR'S CERTIFICATION
 I, the undersigned, a Registered Professional Surveyor of the State of Maryland, do hereby certify that I am the Surveyor who prepared this plat and that the land shown on this plat has been surveyed in compliance with the provisions of the Surveyor's Act of 1991, and that the plat is a true and correct copy of the original filed with me in the Office of the State Surveyor.
Mark Alan Riddle
 2.25.92
 DATE

OWNER'S DEDICATION
 THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 3-106 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH, IN THAT HE HAS CAUSED THE MAKING OF THIS PLAT AND SETTING OF THE MARKERS.
William H. Keeler
 DATE: MARCH 10, 1992

Ex 7



COORDINATES

LINE	SOUTH	EAST
1	22,793.23	49,071.03
2	22,793.23	49,071.03
3	22,793.23	49,071.03
4	22,793.23	49,071.03
5	22,793.23	49,071.03
6	22,793.23	49,071.03
7	22,793.23	49,071.03
8	22,793.23	49,071.03
9	22,793.23	49,071.03
10	22,793.23	49,071.03
11	22,793.23	49,071.03
12	22,793.23	49,071.03
13	22,793.23	49,071.03
14	22,793.23	49,071.03
15	22,793.23	49,071.03
16	22,793.23	49,071.03
17	22,793.23	49,071.03
18	22,793.23	49,071.03
19	22,793.23	49,071.03
20	22,793.23	49,071.03

CURVE DATA

LINE	RADIUS	DELTA	LENGTH	TANGENT	LONG CHORD
1	680.00	26°40'03"	435.18	225.33	427.79
2	645.00	36°40'03"	425.58	220.36	418.35
3	639.64	47°39'37"	425.08	219.87	411.56
4	639.64	42°05'00"	465.40	243.76	444.43
5	639.64	05°34'37"	61.68	30.86	62.03
6	940.00	00°05'08"	1.40	0.70	1.40
7	940.00	21°06'04"	346.19	175.08	384.29
8	627.93	29°53'10"	322.22	167.42	352.64
9	587.39	29°53'10"	306.36	156.75	328.90
10	200.00	21°06'09"	331.48	167.64	329.61

AREA TABULATION

LOT	AREA (ACRES)	AREA (SQ. FT.)
LOT NO. 1	0.6677	29,000.90
LOT NO. 2	0.2647	11,500.00
LOT NO. 3	1.6432	71,579.22
LOT NO. 4	0.9535	41,536.00
HIGHWAY WIDENING	0.5727	24,829.40
TOTAL AREA	3.0078	130,445.52

- NOTES**
- MEASUREMENTS AND COORDINATES AS SHOWN HEREON ARE BASED ON THE BALTIMORE COUNTY METROPOLITAN DISTRICT GRID MERIDIAN AS REFERRED FROM TRAVERSE STATIONS:
 X-9414 SOUTH 22,878.08 EAST 49,371.39
 X-9415 SOUTH 21,903.80 EAST 49,917.31
 - EXISTING ZONING CLASSIFICATION: DR-5.5 (DENSITY RESIDENTIAL - 5.5 DWELLING UNITS/ACRE)
 - HIGHWAYS AND HIGHWAY WIDENING SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, POWER EASEMENTS, AND STORMWATER MANAGEMENT ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED AS PRIVATE ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OFFER, ITS PERSONAL REPRESENTATIVES AND ASSIGNS WILL CONVEY SAID AREAS BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST.
 - THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF BALTIMORE COUNTY CODE (SECTIONS 22-68 AND 22-216).
 - THE PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON SEPT. 18, 1991.
 - THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
 - ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS.
 - THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE, OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
 - THE OWNER / DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
 - OWNER: MOST REVEREND WILLIAM H. KEELER
 ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE
 C/O ST. LUKE'S CHURCH & SCHOOL
 7517 NORTH POINT ROAD
 EDELMER, MARYLAND 21219
 - DEED REFERENCES: LIBER G.L.B. 3443, FOLIO 625
 DATED: SEPTEMBER 10, 1988
 LIBER W.J.R. 3847, FOLIO 050
 DATED: MAY 31, 1991
 LIBER S.M. 2946, FOLIO 006
 DATED: APRIL 10, 1991
 - TAX MAP NO. 111, BLOCK 17, PARCEL 86
 TAX ACCOUNT NO. 15-01-740430, 15-11-130504 & 22-00-009427
 - BOUNDARY CORNERS ARE 5/8" DIAMETER REINFORCING ROD WITH RED PLASTIC CAP MARKED "PROP. CORNER - STY/LYON 142", UNLESS SHOWN OTHERWISE.
 - THE FOLLOWING VARIANCES WERE GRANTED ON OCTOBER 17, 1991, ZONING CASE NUMBER 92-80-24:
 SPECIAL EXCEPTION:
 - TO ALLOW A MAXIMUM BUILDING WIDTH OR LENGTH OF 250 FEET IN LIEU OF THE ALLOWED 150 FEET
 - TO INCREASE THE ALLOWED DENSITY OF 5.5 UNITS PER ACRE TO 15.6 UNITS PER ACRE
 - TO ALLOW ACCESSORY USES IN EXISTING HOUSING (TYPICAL OFFICE AND BEAUTY SALON)
 - TO ALLOW A BUILDING HEIGHT OF 45 FEET IN LIEU OF THE MAXIMUM PERMITTED 35 FEET
 - TO ALLOW MODIFICATIONS TO THE R.T.A. RESTRICTIONS TO MAXIMUM EXTENT POSSIBLE
 VARIANCE:
 - TO ALLOW A REAR YARD SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 30 FEET
 - TO ALLOW A WAIVER OF MAXIMUM DENSITY, BUILDING HEIGHT STANDARDS AND R.T.A. RESTRICTIONS ON LESS THAN A 10 ACRE SITE
 - TO ALLOW TO PARKING SPACES IN LIEU OF THE REQUIRED 84
 - TO PERMIT VEHICULAR TRAVELWAY WITH DIRECT ACCESS TO OFF-STREET PARKING
 - TO ALLOW A ZERO FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET
 - TO ALLOW A SIGN WITH A TOTAL AREA OF 36 SQUARE FEET (48 SQUARE FEET EACH SIDE) IN LIEU OF THE ALLOWED ONE SQUARE FOOT
 - STREETS AND/OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE ROADS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
 - THE APPROVAL OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE WHICH IS SHOWN ON THIS PLAT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND EXTENDED TO BE AVAILABLE TO SERVE THE PROPOSED DEVELOPMENT.
 - THE PURPOSE FOR THIS REBUDGETING IS TO CONSOLIDATE LOTS 3228-3266, LOTS 3267-3282 AND A PORTION OF LOT 3283 AS SHOWN ON LOT 3283 (PLATBOOK T.B.S. 16, FOLIO 118-114) AND ALSO LOT 400 AND A PORTION OF WEST AVENUE AS SHOWN ON LOT 400 (PLATBOOK T.B.S. 16, FOLIO 118-114) SO THAT IT MAY BE REBUDGETED TO ALLOW FOR NEW DEVELOPMENT.
 - THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
 - EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTIONS SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
 - THIS SITE IS LOCATED IN THE PATAPSCO RIVER SEWERAGE (SUBSEWERED NO. 43)
 - TOTAL AREA OF LOTS = 13.528 ACRES ± (598,897 SQ. FT.)
 - TOTAL AREA OF PLAT = 13.918 ACRES ± (605,861 SQ. FT.)

STV / LYON ASSOCIATES
 Engineers Surveyors Planners
 21 Governor's Court Baltimore, Maryland 21207
 Telephone : 301-944-9112

REVISIONS

NO.	DATE	DESCRIPTION
1	2-2-92	FOR BALTIMORE COUNTY COMMENTS
2	4-22-92	"
3	5-29-92	NOTE NO. 25 - ALSO, ADD THE WORD EASEMENT TO NOTES 15 & 16, PER D.E.P.R.M.

PLAN PREPARATION

DRAWN BY: MED/MAR	DATE: APRIL 10, 1991
DESIGNED BY: MAR/RVO	SCALE: 1"=80'
CHECKED BY: MAR	JOB: 61-8760

ST. LUKE'S CHURCH PROPERTY
 A REBUDGETING OF LOTS 3228-3266 AND 3267-3282 AND A PORTION OF WEST AVENUE, "LOT 400" (PLATBOOK T.B.S. 16, FOLIO 118-114) AND LOT 400 AND A PORTION OF WEST AVENUE, "LOT 400" (PLATBOOK T.B.S. 16, FOLIO 118-114)
 ELECTION DISTRICT NO. 15
 BALTIMORE COUNTY, MARYLAND

DRAWING NO.
 61-8713
SHEET NO.
 1 of 1