Board of Appeals of Baltimore County

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December 3, 2021

NOTICE OF DELIBERATION

IN THE MATTER OF: St. Rita's Roman Catholic Congregation, Inc. – Legal Owner
Family Crisis Center of Baltimore County – Contract Purchaser
21-105-SPHXA 2907 Dunleer Road
12th Election District; 7th Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 as follows:

(1) Residential Transition Area (RTA):
(1a) to confirm that the proposed building addition is outside the RTA and RTA regulations do not apply to the proposed addition, existing buildings or modified parking on site; or
(1b) in the alternative, to grant an exception to the RTA to the proposed new uses and improvements pursuant to BCZR §1B01.1.B.1.g(9); and
(1c) to permit the existing rectory within the RTA buffer and setback as a non-conforming use;

(2) Parking Determination: (Lot No. 2) – Request for a determination that the proposed joint use parking is sufficient for the proposed Community Care Center pursuant to BCZR §409.6.A.

(3) Parking Determination: (Lot No. 1) – Request for a determination that the non-conforming joint use parking is adequate for the existing church and rectory.

(4) Rooming or Boarding House – As an alternative to the special exception sought for a Community Care Center for a rooming and boarding house in an individual building for up to 15 units with kitchen facility pursuant to BCZR §408B.1.A.

Special Exception relief as follows:

(1) To allow the use of a Community Care Center in a D.R. 5.5 zone pursuant to BCZR §1B01.1.C.5; or alternatively,
(2) To approve a rooming and boarding house with a community building used for civic, social and educational use pursuant to BCZR §1B01.1.C.4.

Variance relief as follows:

Lot No. 1: Church and Rectory –
(1) From BCZR §1B01.2.C.1.a to permit a front yard setback of 19 ft. for the Church in lieu of the required 40 ft.;
(2) From BCZR §1B01.2.C.1.a to permit a street corner side yard setback of 20 ft. for the Church in lieu of the required 35 ft.;
(3) From BCZR §1B01.2.C.1.a to permit a front yard setback of 38 ft. for the Rectory in lieu of the required 40 ft.;
(4) From BCZR §1B01.2.C.1.a to permit a street corner side yard setback of 27 ft. in lieu of the required 35 ft.;
(5) From BCZR §409.6.A.4 to permit 39 joint use parking spaces for a 250 seat place of worship and a rectory in lieu of the required 63 spaces;

(6) From BCZR §409.6.A.4 for a parking setback of 0 ft. from the right-of-way line in lieu of the required 10 ft.; and
(7) From BCZR §1B01.1.B.1.c to allow reconfigured parking within the RTA buffer and setback.

Lot No. 2: Community Care Center –
(1) From BCZR §1B01.2.C.1.a to permit a front yard setback from Dunglow Road of 2 ft. in lieu of the required 40 ft.;
(2) From BCZR §1B01.2.C.1.a to permit a street corner side yard setback of 19 ft. in lieu of the required 35 ft.;
(3) From BCZR §1B01.2.C.1.a to permit a rear yard setback from Dunleer Road of 28 ft. in lieu of the required 30 ft.;
(4) From BCZR §409.8.A.4 for a parking setback of 0 ft. from right-of-way line in lieu of the required 10 ft.;
(5) From BCZR §1B01.1.B.1.c to allow reconfigured parking within the RTA buffer and setback; and
(6) From BCZR §1B01.1.B.1.c to allow repurposed hall and school buildings within the RTA, buffer and setback.

8/2/21 Opinion and Order of the Administrative Law Judge wherein the Petitions for Special Hearing, Special Exception and Variance were DENIED.

This matter having been heard on November 18, 2021 and concluded on November 23, 2021, a public deliberation has been

ASSIGNED FOR: FEBRUARY 23, 2022, AT 9:00 A.M.

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

NOTE: Closing briefs are due from **Petitioner** on **December 17, 2021** no later than **3:00 p.m.**
Closing briefs are due from **Protestants** on **January 7, 2022** no later than **3:00 p.m.**
Reply memoranda are due from **Petitioner** on **January 17, 2022** no later than **3:00 p.m.**
(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

c.	Counsel for Petitioner/Appellant	: John B. Gontrum, Esquire
	Legal Owner	: St. Rita's Roman Catholic Congregation, Inc.
	Contract Purchaser	: Family Crisis Center of Baltimore County
	Counsel for Protestants	: James L. Shea, Esquire
	Protestants	: Ann and Sharon Sparks
	Protestants, *pro se*	: Barbara Kenney, Mary DiLegge, Ellen Marsheck, James Cawthern, Joseph Guido and Tracey Mummert, Rachel Michael, William Perry

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law