BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 5/26/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 21-0105-SPHXA

INFORMATION:
Property Address: 2907 Dunleer Rd
Petitioner: St. Rita's Roman Catholic Congregation, Inc.
Zoning: DR5.5
Requested Action: Special Hearing, Special Exception and Variance

The Department of Planning has reviewed the petition for the following:

Special Hearing:

1) Residential Transition Area (RTA)
    a. To confirm that the proposed building addition is outside the RTA and that the RTA regulations do not apply to the proposed addition, existing buildings or modified parking on the site.
    b. In the alternative to grant an exception to the RTA to the proposed new uses and improvements pursuant to BCZR Section 1B01.1.B.1.g.(9)
    c. To permit the existing rectory within the RTA buffer and setback as a non-conforming use
2) Parking Determination (Lot No. 2)
    a. Request for a determination that the proposed joint use parking is sufficient for the proposed Community Care Center pursuant to BCZR Section 409.6.A
3) Parking Determination (Lot 1)
    a. Request for a determination that the non-conforming joint use parking is adequate for the existing church and rectory
4) Room or Boarding House
    a. 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 Section 408B.1.A
5) Additional Relief
    a. For such other and further relief as the nature of the development may require

Special Exception:
Lot No. 2

1) To allow the use of a Community Care Center in a DR 5.5 zone pursuant to BCZR Section 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 Section 1B01.1.C.4

Variances:
Lot No. 1 Church and Rectory

1) From BCZR Section 1B01.2.C.1.a to permit a front yard setback of 19' for the Church in lieu of the required 40'
2) From BCZR Section 1B01.2.C.1.to permit a street corner side yard setback of 20' for the Church in lieu of the required 35'
3) From BCZR Section 1B01.2.C.1.a to permit a front yard setback of 38' for the Rectory in lieu of the required 40'
4) From BCZR Section 1B01.2.C.1.a to permit a street corner side yard setback of 27' in lieu of the required 35'
5) From BCZR Section 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 Section 409.8.A.4 for a parking setback of 0' from the right of way line in lieu of the required 10'
7) From BCZR Section 1B01.1.B.1.c to allow reconfigured parking within the RTA buffer and setback

Lot No. 2 Community Care Center

1) From BCZR Section 1B01.2.C.1.a to permit a front yard setback from Dunglow Road of 2' in lieu of the required 40'
2) From BCZR Section 1B01.2.C.1.a to permit a street corner side yard setback of 19' in lieu of the required 35'
3) From BCZR Section 1B01.2.C.1.a to permit a rear yard setback from Dunleer Road of 28' in lieu of the required 30'
4) From BCZR Section 409.8.A.4 for a parking setback of 0' from the right of way line in lieu of the required 10'
5) From BCZR Section 1B01.1.B.1.c to allow reconfigured parking within the RTA buffer and setback
6) From BCZR Section 1B01.1.B.c to allow repurposed hall and school buildings within the RTA, buffer and setback

A site visit was conducted on April 13, 2021. St. Rita's Church is situated next to the historic Main Street and Commercial Revitalization District of Dundalk. The church campus spans the entire block on which it located. Local shops and businesses border the north end of the property, and residences surround the other three sides. The residential area is comprised of single family detached properties with neat yards and mature trees. The houses have a distinguished, historic character although they and the subject property are not part of the historic district boundary. The subject property and surrounding residential area are part of the Old Dundalk Neighborhood, which has an active community association.

The church campus includes five buildings: the church and rectory on the north end, and a former School, Convent and Parish Hall at the south end. All of the proposed developments would occur at the south end, where dwellings are located opposite Dunleer, Dunglow and Mornington Roads. The convent is proposed to be razed and turned into a landscaped courtyard. It appears that the school and parish hall would maintain the same exterior, but be renovated to serve as lodging for the Family Crisis Center of Baltimore County. An addition with an ADA pedestrian ramp is proposed between the school and the parish hall to connect the two buildings. The surrounding parking area will be reconfigured to comply with BCZR.

The subject property is within the boundaries of the Greater Dundalk-Edgemere Community Conservation Plan, adopted by Baltimore County in 2000. The plan applauds area churches for assisting

the underprivileged and providing solutions to social problems. One of the community surveys that informed the plan shows that the majority of residents who participated see churches as the most logical venue for a family in crisis. The plan also makes explicit recommendations about improving the delivery of human services, decentralizing county services and urging churches to become more involved in their communities. These priorities align with the proposed renovations to turn St. Rita's school and parish hall into a community care center and to transform the convent into an open green space.

The Planning Department's recommendations are as follows:
Special Hearing

1) Residential Transition Area (RTA)
   - The Planning Department agrees that the proposed developments appear to be located outside of the RTA boundary. The only proposed change within the RTA buffer and setback is the convent, which will be razed and replaced with an open courtyard. If it is otherwise determined that the RTA does need further consideration with the proposed developments, BCZR Section 1B01.1.B.1.g.(9) should apply and allow an exception. The Planning Department also recommends allowing the existing rectory within the RTA buffer and setback as a non-conforming use.
2) Parking Determination (Lot No 2)
   - It is the recommendation of the Planning Department that a joint use parking agreement between Lots 1 and 2 comply with the minimum threshold for boarding room beds. BCZR Section 409.6.A requires 1 parking spot per bed in a boarding house. There are 15 boarding apartments and 39 parking spaces proposed. If there are two beds per apartment, the 39 proposed parking spaces would be adequate. However, it is unclear how many beds are included in each boarding room/ apartment.
3) Parking Determination (Lot No 1)
   - The Department recommends that a joint use agreement for parking between Lots 1 and 2 meet off street parking demand when the church is in service, while also providing adequate parking for the boarding house. The Department acknowledges that the church's establishment and parking arrangement predates current zoning requirements. However, it is unclear what the demand for parking is when the church is in service. There is public street parking available on Dunglow Rd., but Dunleer and Mornington Roads are too narrow to accommodate any on-street parking. Demand for parking should not infringe on available spaces in the commercial district to the north.

Zoning Special Exception:

1) Lot No 2
   - Considering community plan support for churches as a venue for community services, the Planning Department has no objections to the Special Exception requests.

Zoning Variances:

1) Lot No 1 Church and Rectory
   - The Planning Department has no objections to the setback variances for the existing Church and Rectory.
   - The Department has no objection to the parking setback and reconfiguration within the RTA or the parking space variance for a church that predates the zoning regulations.
2) Lot No 2 Community Care Center
   - The Department has no objections to the setback variances for the existing buildings and the addition to connect the School and Parish Hall.
   - The Department has no objection to the parking reconfiguration within the RTA.

- The Department has no objection to allowing the School and Parish Hall to be repurposed as a community care center within the RTA.

For further information concerning the matters stated herein, please contact Jessie Hillman at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Jessie Hillman
John B. Gontrum, Esquire
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
MAY - 4 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: May 3, 2021

SUBJECT: DEPS Comment for Zoning Item # 2021- 0105-SPHXA
Address 2907 Dunleer Road
(St. Rita's Roman Catholic Congregation, Inc. Property)

Zoning Advisory Committee Meeting of **April 19, 2021**

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

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

Additional Comments:

If the project(s) proposed on the plan with the petition is submitted to EIR for review, then compliance with the Forest Conservation Regulations may be satisfied by a forest conservation variance based on the limit of disturbance, or by a forest conservation waiver.

Reviewer: Thomas Panzarella (EIR)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: May 3, 2021

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Reviewer: Thomas Panzarella (EIR)

Donna Mignon

From: Peter Max Zimmerman
Sent: Tuesday, May 11, 2021 9:33 AM
To: Administrative Hearings; Paul Mayhew; Maureen E Murphy
Cc: jgontrum@wtplaw.com; Mary DiLegge; Greg Carski; Michael Filsinger
Subject: FW: 2907 Dunleer Road, St. Rita's Roman Catholic Congregation, Inc.

To the Administrative Law Judges,

This relates to Case No. 2021-105-SPH, St. Rita's Roman Catholic Church, 2907 Dunleer Road, in Dundalk.

The special hearing petition involves multiple requests at this church location. The proposed new uses appear to include the conversion and/or replacement of some existing uses for a new community care center and/or rooming and boarding house with up to 15 units.

Because of questions and concerns about the parking situation, I asked Greg Carski, Transportation Bureau Chief, Department of Public Works and Transportation, to take a look at the site plan.
Along with Mike Filsinger, Division Chief, they looked at the plan and have the concerns and questions reflected in the e-mail herewith forwarded to you for your information.
So far as we know, there is no scheduled hearing just yet.

We are sending copies to John Gontrum, Petitioner's attorney, and to Mary DiLegge, an interested citizen.

I trust that there will be further review of this matter as the case evolves.

I hope everyone finds this helpful.

Sincerely, Peter Max Zimmerman, People's Counsel, 410 887-2188

RECEIVED
MAY 11 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Monday, May 3, 2021 9:37 AM
To: Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>
Cc: Michael Filsinger <mfilsinger@baltimorecountymd.gov>
Subject: FW: 2907 Dunleer Road, St. Rita's Roman Catholic Congregation, Inc.

Pete- Mike and I looked at this.....this one seems really odd. See Mike's comments below.

To me, it looks like they are losing a lot of on-site parking and are not even meeting the needed parking for the church as it is.....parking then of course bleeds out onto the public roads.

Greg

From: Michael Filsinger <mfilsinger@baltimorecountymd.gov>
Sent: Monday, May 3, 2021 9:06 AM
To: Greg Carski <gcarski@baltimorecountymd.gov>
Subject: 2907 Dunleer Road, St. Rita's Roman Catholic Congregation, Inc.

Greg,

Completely confused on this submission. The existing conditions plan state that the Church (Lot 1) requires 63 parking spaces, but only 32 spaces are existing today. But then they state that 39 parking spaces are proposed for the Lot 1.

Lot 2 which is the Community Care Center – they state that the Administrative Law Judge will determine at the hearing. They do not show the computation for the parking needs for the Community Care Center which is odd. They do note that a joint use parking agreement between Lot 1 and 2 will be created.

It is very difficult to review something like this when the Developer's Engineer state that the Adminstrative Law Judge will determine the parking needs for the Community Care Center.

Mike Filsinger, P.E., Chief
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