

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Hunt Valley Presbyterian Church

16-099-SPH

DATE: October 19, 2016

BOARD/PANEL: Andrew M. Belt, Panel Chairman
Benfred B. Alston
Jason S. Garber

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the Petitioner's Motion to Dismiss the Petition for Special Hearing pursuant to § 500-7 of the BCZR, to approve the removal of Lot 1 as an amendment to the most recently approved Final Development Plan ("FDP") for Bishops Pond or to approve the proposed plan changes as an amendment to the FDP, and Protestants' Response thereto.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board noted that the matter before them is the Petitioner's Motion to Dismiss the Petition for Special Hearing, and the Protestants' response thereto. The Board is requested to make a determination as to whether or not it is necessary for the Petitioner to go through the amendment process for a Final Development Plan ("FDP").
- The Petitioner argues that it is in the interest of judicial economy to dismiss the case, as they were required to submit a new Development Plan for the Church and required to go through the entire development process, which they have done. They also argue that the Protestants purchased their lots after the Final Development Plan for Bishops Pond which included the Church.
- The Protestants' argue that BCZR Section 1B01.3.A.7 sets forth the process for review of an amendment to a Final Development Plan, and that the Petitioner is required to go through that process.
- The Board finds that although it may be redundant, the Petitioner's request must go through an analysis of BCZR Section 1B01.3.A7.

FINAL DECISION: After thorough review of the facts and law in the matter, the Board unanimously agreed to DENY the Motion to Dismiss.

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,

/S/
Tammy A. McDiarmid