

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SW Shawan Road, 1,136' W of c/line		
of Weil Mandel Way	*	OFFICE OF ADMINISTRATIVE
8 th Election District		
3 rd Councilmanic District	*	HEARINGS FOR
(909 Shawan Road)		
	*	BALTIMORE COUNTY
St. Mary's Orthodox Church		
<i>Petitioner</i>	*	CASE NO. 2011-0322-SPH

* * * * *

OPINION AND ORDER

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

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

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

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

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

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

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

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

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

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

Signed _____
TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz