

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

March 17, 2004

Richard E. Matz, P.E., Vice President
Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Dear Mr. Matz:

RE: Spirit and Intent, Case # 5215-XA, Baltimore Hebrew Congregation Cemetery, Berrymans Lane, Riesterstown, MD 21136, 4th Election District

Your recent letter to Timothy Kotroco, Director, was forwarded to me for reply. Based on the information provided therein and my review of the available zoning records, the following has been determined:

1. The proposed modification to the site plan in Case # 5215-XA that adds accessory mausoleum buildings is approved as being within the spirit and intent of the Baltimore County Zoning Regulations (BCZR) relative to said zoning case, subject to any restrictions contained in the Board of Appeals order and subject to the area, height and location specifications contained in your letter.
2. A copy of your letter, this response and the modified plan will be recorded and made a permanent part of the zoning case file.
3. You must include in the details of all plans (including refined development plans and building permit plans) a verbatim copy of this response.
4. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink that reads "Jeffrey N. Perlow".

Jeffrey N. Perlow
Planner II
Zoning Review

JNP

c: Zoning Hearing File 5215-XA
File-Spirit & Intent Letters

1961-5215-XA

Visit the County's Website at www.baltimorecountyonline.info

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

Received 3/10/04
Due 3/31/04



March 9, 2004

Mr. Timothy Kotroco, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RE: Baltimore Hebrew Congregation Cemetery
Berryman's Lane
Zoning Verification/Spirit and Intent Request – Case No. 5215-XA
CMR No.: 97122

Dear Mr. Kotroco:

This request is to confirm that proposed new mausoleum buildings to be constructed on this existing cemetery property are accessory buildings, subject to the requirements of Section 400, BCZR and do not require minimum setbacks between mausoleum buildings and that the proposed mausoleum construction is within the Spirit and Intent of the previous zoning case.

The cemetery property is approximately 75 acres in area and zoned RC-4. The cemetery was granted a Special Exception in Case No. 5215-XA. The Order in that Case approved a cemetery on this site with two conditions: 1) that all plans for ingress and egress be approved by the Office of Planning and Zoning and; 2) that the first 100 feet adjacent to Berrymans Lane not be used for any grave sites.

The proposed mausoleum buildings meet the zoning requirements for accessory buildings. They will be located in the rear yard (i.e, beyond the front yard setback of 100 feet established in Case No. 5215-XA), they will be located more than 2½ feet from any property line and the height will not exceed 15 feet. The enclosed plan indicates that the area proposed for mausoleum construction is in the rear yard, a minimum of 690 feet from the front property line and a minimum of 260 feet from the closest side property line. The front of the property is at Berryman's Lane.

The proposal also meets the conditions of Zoning Case 5215-XA. No grave sites or mausoleums are proposed within 100 feet of Berrymans Lane and no changes are proposed to the existing ingress and egress, which is from Berryman's Lane.

Spirit and Intent Request
Baltimore Hebrew Congregation Cemetery
March 9, 2004
page -2-

We enclose copies of the site plan and zoning order from Zoning Case No. 5215-XA and a plan of the proposed mausoleum location. Please confirm that the proposed mausoleum buildings are within the Spirit and Intent of Case No. 5215-XA and that the proposed mausoleums are accessory structures.

Yours truly,


Richard E. Matz, P.E.
Vice President
COLBERT MATZ ROSENFELT, INC.

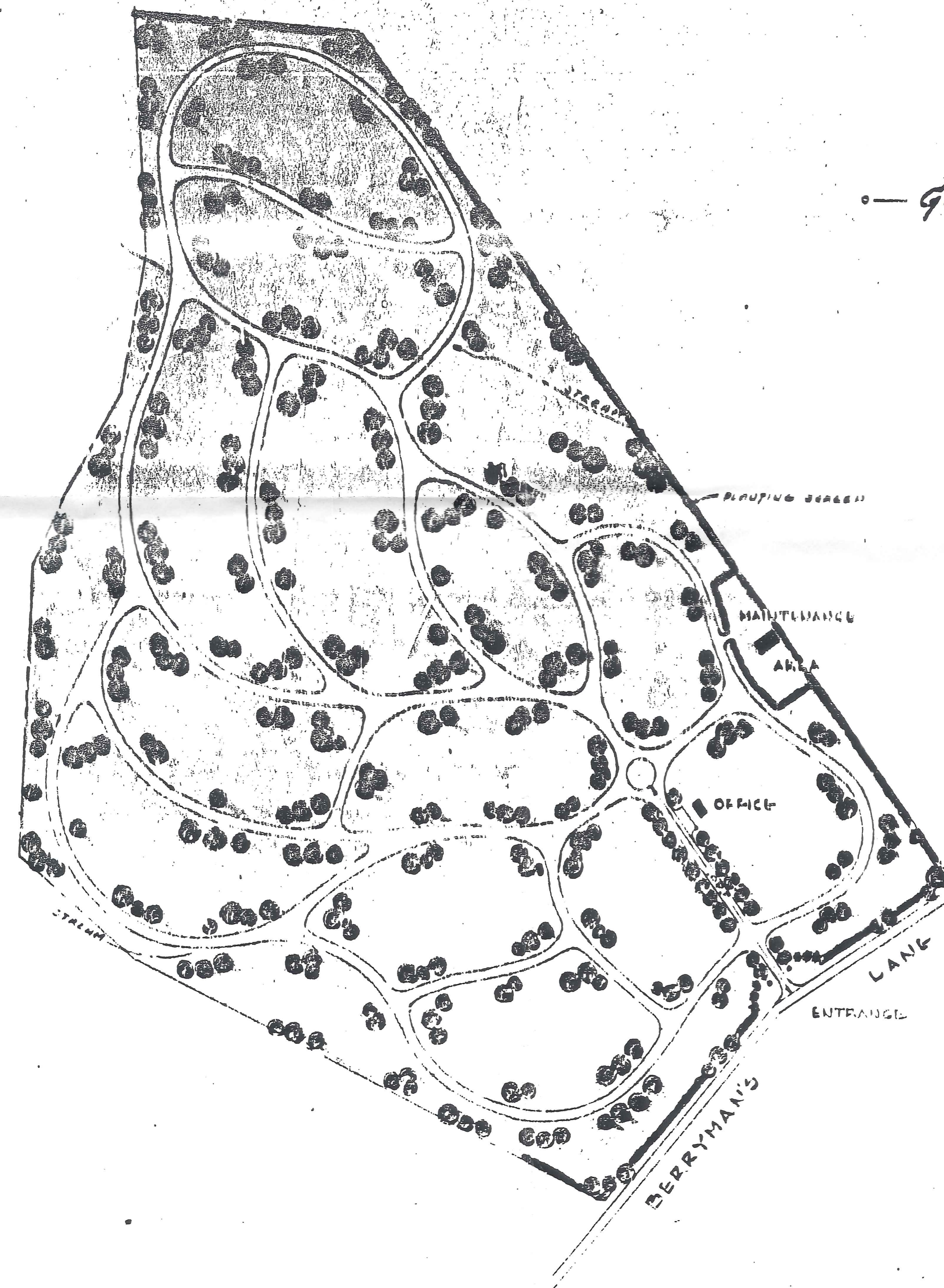
enc: Spirit and Intent Plan
Site Plan, Case No. 5215-XA

cc: Bob Speert



APPROVED AS BEING WITHIN THE SPIRIT AND INTENT OF
THE PLANS AND ORDERS IN ZONING CASE NUMBER 5215-XA

Jeffrey Perlow 3/17/04
Jeffrey Perlow, Planner II



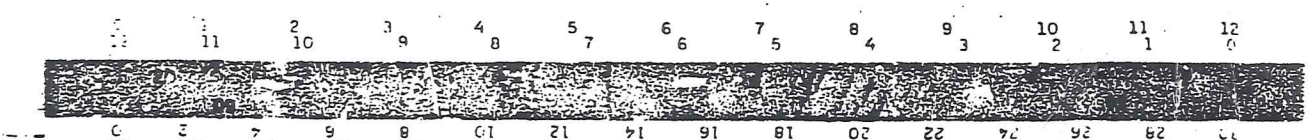
— General Plan Sketch of Cemetery —
 for the
 Luther Larkin Farm
 Election Dist. 4 Baltimore Co., Md.
 Baltimore Hebrew Congregation
 Baltimore, Maryland

TO PLASTERED HILL ROAD



#5215-XA
 MAP
 #4
 SEC. 1D

Ref. #1



OLIVER & WARD, INC.
 50 GREYER DRIVE
 LANDSCAPE ARCHITECTS
 ROYCEPORT 11111
 EAST HUNGERFORD, N.Y.
 12-22-60 U.S. 180
 6-7-61 U.S. 180

RE: PETITION FOR SPECIAL
EXCEPTION FOR A CEMETERY
AND CHAPEL - BERRYMAN'S
LANE 2500' W. REISTERSTOWN
RD., 4th DIST - LUTHER A.
& DORIS I. LARKINS -
PETITIONERS

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. #5215-X

This is a petition for a Special Exception for a Cemetery and Chapel on property located on Berryman's Lane, 2500 feet West of Reisterstown Road in the 4th District of Baltimore County. The total area covered by the special exception is 60 acres more or less. The property has a frontage of 1100 feet on Berryman's Lane.

Testimony was presented by Mr. Eli H. Finerman, Executive Director of the Baltimore Hebrew Congregation, that it was the feeling of this reformed Jewish Congregation, that there was a need for a cemetery in the northwest area of the greater Baltimore area. The explanation of this need was, that the congregation's Temple had moved from the location on Madison Avenue in Baltimore City to a location at Slade Avenue and Park Heights Avenue, this property being located partially in Baltimore City and partially in Baltimore County. Since 1951, the congregation has grown from 650 families to a size now greater than 1550 families. Mr. Finerman further testified that a caretaker would live on the premises, and that the cemetery would be operated and maintained so as to cause no unsightly piles of dirt, trash or rubbish to accumulate. Mr. Finerman further testified that during the past 10 years, the congregation had averaged 75 burials per year, and that during a three month period from May 3, 1961 to July 19, 1961, that a total of 156 vehicles had entered the cemetery for 14 different burials; average of 11 cars per burial. He further testified that the maximum number of cars in any one of these burials was 20.

The Board also heard from Mr. Malcolm Sherman, a licensed Realtor who has been handling Real Estate exclusively in the northwest of Baltimore since 1951. He testified that 65 homes could be built on this property at the present time under R-40 classification, and that these homes would produce approximately 100 cars plus the various delivery trucks necessary for servicing these 65 homes.

Mr. Bernard Willmann, a qualified expert Planner, testified that in his opinion the use of the subject property for a cemetery was a reasonable use of the land and stated that in his opinion, modern day cemeteries pose no problems for adjoining property owners. He cited the various building developments such as; Springlake and the present development of the Parks property, where homes in the \$30,000 area are being built--both of these developments located in the immediate area of the Dulaney Memorial Gardens Cemetery.

The Board is unanimous in its opinion that the granting of the special exception requested in this petition would in no way violate the provisions of Section 502.1 of the Baltimore County Zoning Regulations. We cannot see where it would be detrimental in any way to the health, safety or general welfare of the locality involved. We should also like to point out that the protestants themselves, all of whom own property or reside in this general area, stated that in their opinion this petition would have no effect on the health, safety or welfare of the community, other than the problem of traffic. The Board has considered the traffic problem and cannot possibly see how a cemetery could produce any greater traffic than would be produced if the property were to be developed with residences.

For the above reasons, this petition for special exception is unanimously granted subject to the following restrictions:

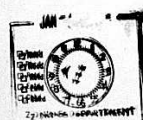
- All plans for ingress and egress must be approved by the Office of Planning and Zoning of Baltimore County.
- The first 100 feet adjacent to Berryman's Lane shall not be used for any grave sites.

PETITION FOR SPECIAL EXCEPTION

IN THE MATTER OF
LUTHER A. LARKINS and
DORIS I. LARKINS
For a Special Exception
To The Zoning Commissioner of Baltimore County

LUTHER A. LARKINS and DORIS I. LARKINS Legal Owners
THE BALTIMORE HEBREW CONGREGATION Contract Purchaser
herby petition for a Special Exception, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1963, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Exception to use the land (and improvements now or be erected thereon) hereinafter described for a cemetery and chapel.



THE BALTIMORE HEBREW CONGREGATION
Luther A. Larkins
Doris I. Larkins
c/o Weinberg and Green
Address:
Suite 1635 - 10 Light Street
Baltimore 2, Maryland

Luther A. Larkins
Doris I. Larkins
Berryman's Lane, Reisterstown, Md.
Address

OFFICE OF PLANNING Inter-Office Correspondence

From: George E. Gavrelis, Deputy Director February 8, 1961
To: John O. Rose, Zoning Commissioner
Subject: #5215-X Special Exception for Cemetery and chapel, North side of Berryman's Lane beginning 2500 feet West of Reisterstown Rd., L.A. & D.I. Larkins
4th District Hearing: February 20, 1961 1:00 P.M.

The staff of the Office of Planning and Zoning has reviewed the subject petition for special exception for cemetery and chapel. It has the following advisory comment to make with respect to pertinent planning factors:

- Subject to compliance with the six conditions listed in Section 502.1 for special exceptions, this office voices no real objection to the proposed cemetery use. We do have doubts as to the capability of Berryman's Lane in its present condition to handle large amounts of new traffic. It would appear that the petitioner should specifically show that the proposed cemetery will not tend to create congestion or undue traffic hazards on Berryman's Lane.
- If granted, it is requested that the special exception be conditioned on the following:
 - Approval of a plan of ingress and egress to the cemetery property by this office.
 - Provision of widening for Berryman's Lane based on an 80 foot right-of-way, 40 feet from the center line of the Lane.
 - Completion of a public works agreement covering the improvements required by the County for that portion of Berryman's Lane abutting the cemetery.

USD:b



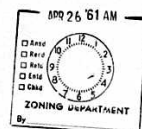
RE: PETITION FOR A SPECIAL
EXCEPTION FOR A CEMETERY AND
CHAPEL - BERRYMAN'S LANE,
2500' WEST OF REISTERSTOWN
ROAD, 4TH DISTRICT, LUTHER
A. LARKINS AND DORIS I. LARKINS,
PETITIONERS -
THE BALTIMORE HEBREW CONGREGATION,
CONTRACT PURCHASER

MR. JOHN ROSE
ZONING COMMISSIONER
BALTIMORE COUNTY

Please enter an Appeal to the Board of Appeals of Baltimore County in the above captioned case from the Order of March 27, 1961, granting Special Exception, and forward file and all records pertaining thereto to the Board of Appeals of Baltimore County.

John J. Carlin
John J. Carlin
Attorney for Appellants

John Cayman
John A. Feustle
Bridget E. Lenahan



INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 4596
DATE 1/26/61
5215

To: John J. Carlin, Esq.,
103 W. Chesapeake Avenue,
Towson 4, Maryland
BILLED BY: Zoning Department
111 County Office Bldg.,
Towson 4, Maryland

QUANTITY	ESTIMATE UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Appeal to County Board of Appeals	70.00
1	Cost of posting property for appeal hearing	5.00
TOTAL		75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MD
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
No. 4190
DATE 1/16/61

To: Baltimore Hebrew Congregation
7101 Park Heights Ave.
Baltimore 6, Maryland
BILLED BY: Zoning Department of
Baltimore County

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
1	Petition for Special Exception for Luther A. Larkins	50.00
TOTAL		50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 4273

DATE 2/16/61

TO: Weinberg and Green
Suite 1635
10 Light Street
Baltimore 2, Md.

BILLED BY: Zoning Department of
Baltimore County

DEPOSIT TO ACCOUNT NO. 01622

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	TOTAL AMOUNT
		36.00
	Advertising and posting of property for The Baltimore Hebrew Congregation	36.00
		36.00

2-1661 5598 • • • TIL -

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District H-4 Date of Posting 2-8-61
Posted for: Special Exception for Cemetery & Chapel
Petitioner: Luther A. & Doris I. Larkins
Location of property: By lot the same at a point on the centerline of Berryman's Lane by 2500 ft. more or less west of Reisterstown Road.
Location of Signs: One sign 2530 ft. another 291 ft. west of Reisterstown Road on the north side of Berryman's Lane.
Remarks: _____
Posted by: _____ Signature _____ Date of return: _____

PETITION FOR
SPECIAL EXCEPTION
ZONING: Special Exception for
a Cemetery and Chapel.
LOCATION: Beginning for the
same at a point on the centerline
of Berryman's Lane 2500 feet more
or less west of Reisterstown Road.
DATE AND TIME: MONDAY,
FEBRUARY 20, 1961 AT 1:00 P.M.
PUBLIC HEARING: Room 108,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning Commissioner of
Baltimore County, by authority of
the Zoning Act and Regulations
of Baltimore County, will hold a
public hearing:
Concerning all that parcel of
land in the Fourth District of
Baltimore County,

Beginning for the same at a
point on the center line of Berry-
man's Lane 2500 feet more or less
West of Reisterstown Road, said
beginning point being also on the
Southwest Right of Way Line of
the Westminster and Baltimore
Gas and Electric Co., thence south-
westerly along the center line of
Berryman's Lane the following
courses and distances: (1) S 62°
W 470', (2) S 46° W 561.00',
thence leaving the center line of
Berryman's Lane N 56° W 276.75',
thence N 42° W 380' more or less
to intersect the East Right of
Way Line of the Susquehanna
Transmission Co., thence along said
Right of Way Line in a Northerly
direction 650.00' more or less
thence N 33° E 150', thence N
30° E 313.50', thence N 15° E
325.88', thence due North 561.00',
thence in an Easterly direction
480' more or less to intersect the
aforementioned Southwest Right
of Way Line of the Westminster
and Baltimore Gas and Electric
Co., thence binding on said Right
of Way Line in a Southeasterly
direction 2450' to the place of
beginning. Being the property of
Luther A. Larkins and Doris I.
Larkins, as shown on plat plan
filed with the Zoning Department.
Containing 80 acres of land more
or less.

RLS:drb 1/6/61
J. O. 60153
BY ORDER OF
JOHN G. ROSE,
ZONING COMMISSIONER
OF BALTIMORE COUNTY.
Feb. 2.

OFFICE OF
FEB 7 THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
THE COMMUNITY PRESS
THE HERALD-ARGUS
CATONSVILLE, MD.
ZONING DEPARTMENT

February 7, 1961.

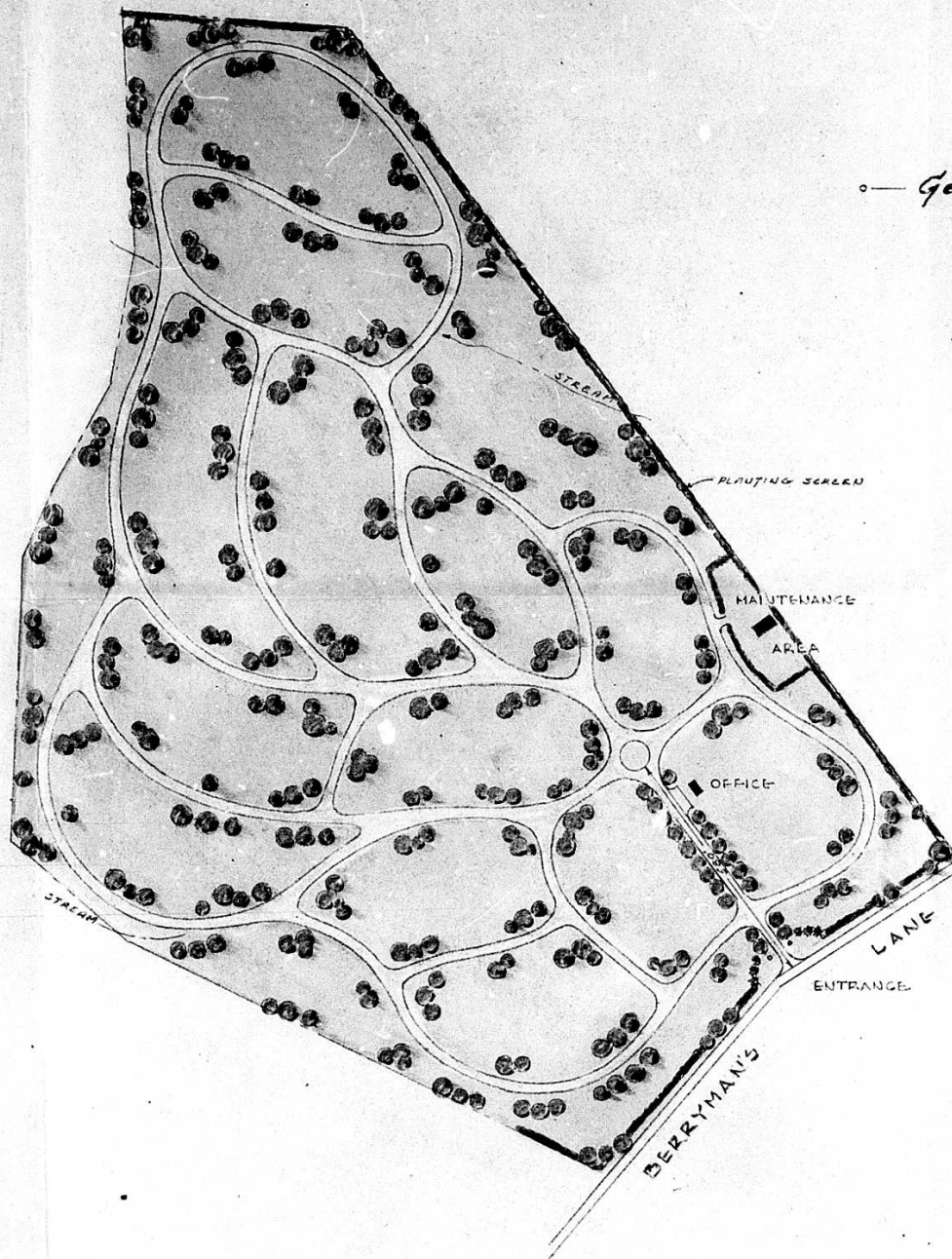
THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One successive weeks before
the 7th day of February, 1961, that is to say
the same was inserted in the issues of

February 2, 1961.

THE BALTIMORE COUNTIAN

By Paul T. Morgan
Editor and Manager



— General Plan Sketch of Cemetery —
for the

Luther Larkin Farm
Election Dist. 4 Baltimore Co., Md.

Baltimore Hebrew Congregation
Baltimore, Maryland

NORTH

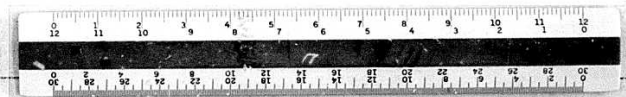


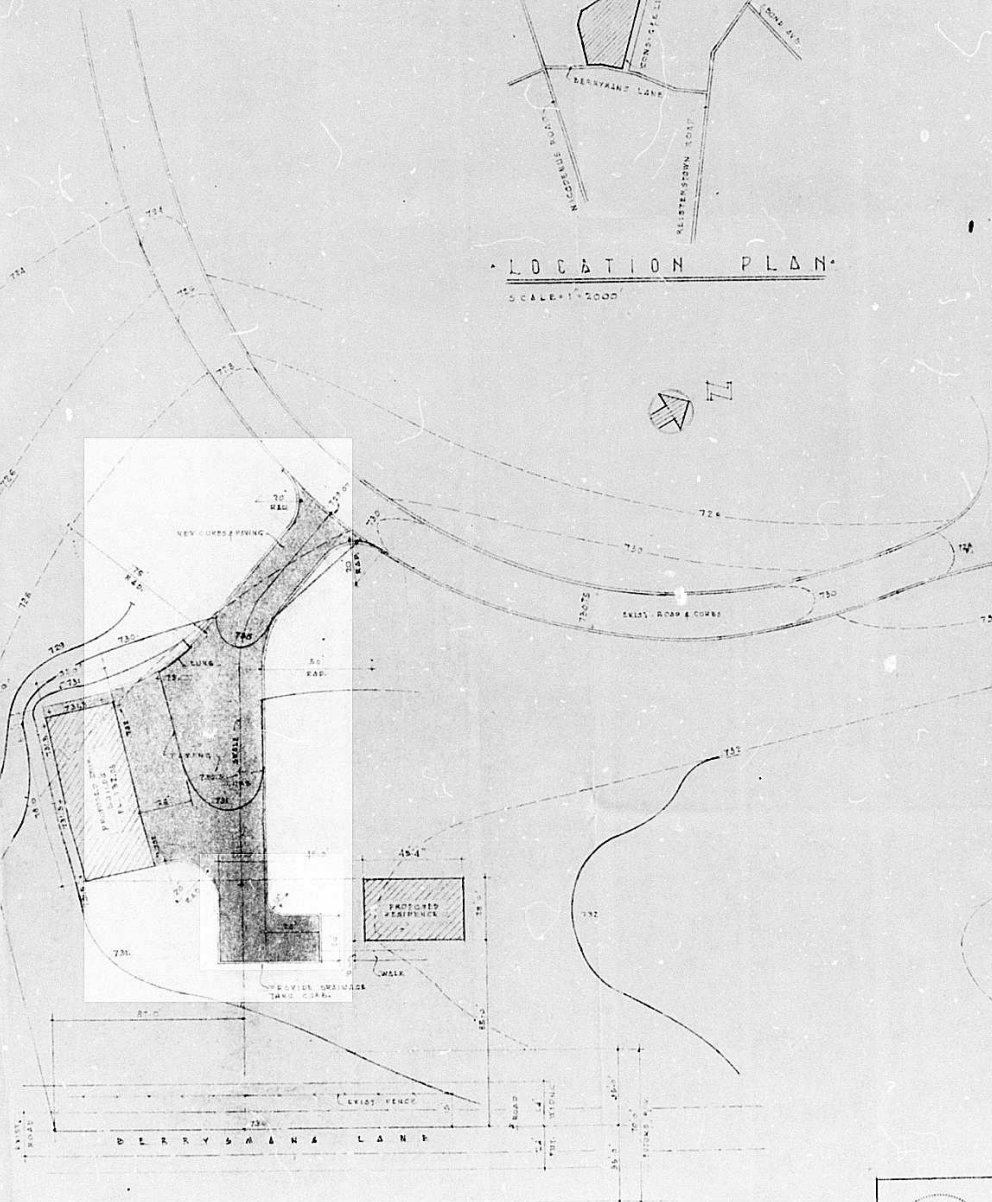
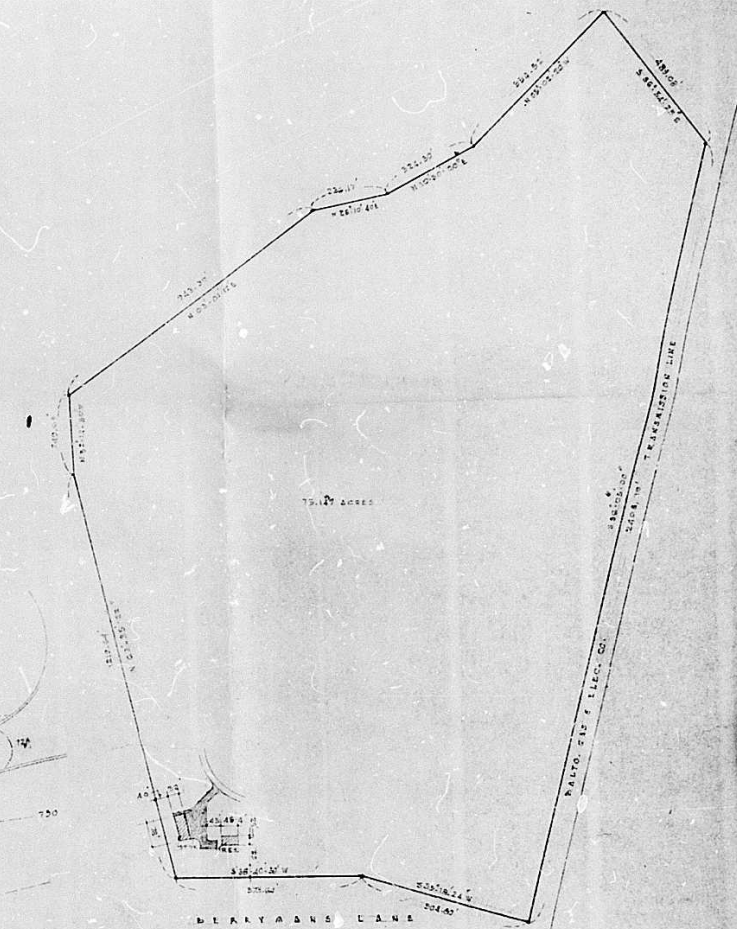
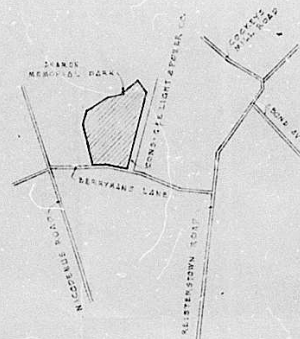
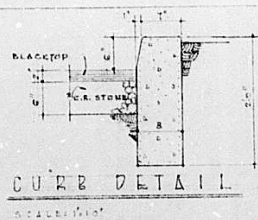
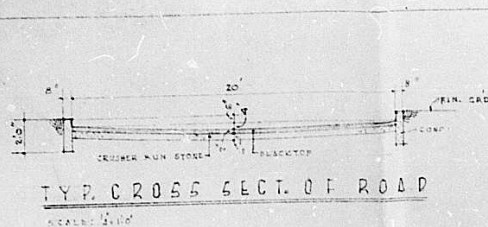
SCALE 1"=200'

#5215-XA
MAP
#4
SEC. 1D

Pet. #1

GREYER & WARD, INC.
50 GREYER DRIVE
LANDSCAPE ARCHITECTS
ROYCEPORT INN
EAST HUNGERFORD, N.Y.
12-22-60 DSW. 100
6-7-61 UGW

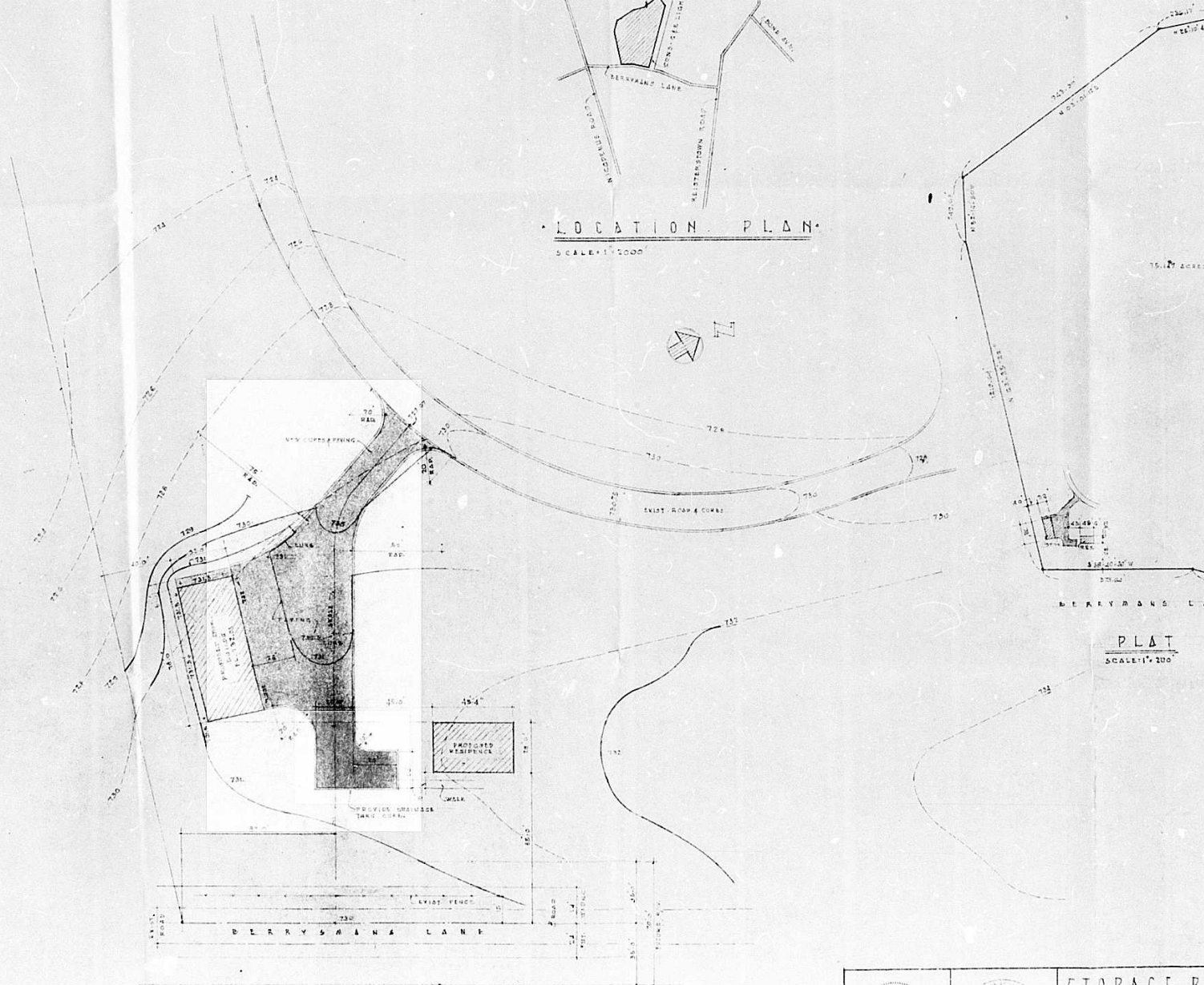
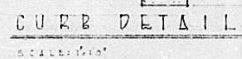




PLANS APPROVED
OFFICE OF PLANNING & ZONING
BY *[Signature]*
DATE 1/24/70

				STORAGE BUILDING		BONNETT and BRANDT	
				FOR BALTIMORE HEBREW CONGREGATION		ARCHITECTS and ENGINEERS	
BALTIMORE		SCALE		DATE		DRAWING	
1/22/69		NOTED		1/22/69		A-1	
REVISED		BY		DATE		BY	
		502					
BALTIMORE COUNTY, M.D.							

5215 X-4

SITE & GRADING PLAN
SCALE: 1" = 30'

STORAGE BUILDING
FOR
BALTIMORE HEBREW
CONGREGATION
FOURTH DISTRICT
BALTIMORE COUNTY, MD.

BONNETT and BRANDT
ARCHITECTS and ENGINEERS
701 CATHEDRAL STREET
BALTIMORE MARYLAND

DATE 12.22.68		SCALE NOTED	DRAWING A-1
REVISED 12.22.68		JOB No. 592	