

CBA-90-116/90-483-SPHA Old Pimlico Synagogue/Friends of Lubavitch, Inc.
12/24/91 - Circuit Court AFFIRMED C.B. of A. (Hon. Alfred L. Brennan, Sr.)

OLD PIMLICO SYNAGOGUE * IN THE
RE: CRG Decision 2/22/90 * CIRCUIT COURT
COMBINED WITH * FOR
FRIENDS OF LUBAVITCH, INC. * BALTIMORE COUNTY
SE/cor Old Pimlico & Micaol Rds. *
3rd Election District * CASE NO.: 91CG3102 96/333
2nd Councilmanic District * (90-483-SPHA)

ORDER

Upon consideration of the Order for Appeal and Petition filed herein by Appellants, Smith-Greenspring Association, Inc., Mr. and Mrs. Robert Goldman, Mr. and Mrs. Elliott Lewis, Mr. and Mrs. Ernest Feibelman, Mr. and Mrs. Martin Emmer, Mr. and Mrs. Ronald Holstein, Mr. and Mrs. Allan Zukerberg and Mr. and Mrs. Ronald Weinberg, the Answer thereto filed herein by Appellee, Friends of Lubavitch, Inc., the Memoranda filed herein by all parties pursuant to Maryland Rule B12, and other matters of record and after a hearing in open court, it appearing that the Opinion and Order of the Board of Appeals for Baltimore County was based on substantial evidence and is fairly debatable, it is this 29th day of December, 1991, by the Circuit Court of Baltimore County, ORDERED that the Opinion and Order for the Board of Appeals of Maryland dated June 20, 1991, is hereby affirmed in all respects, with costs to be paid by Appellants.

RECEIVED
JAN 3 1992
ZONING OFFICE
FILED DEC 24 1991

Alfred L. Brennan, Sr.
Judge, Circuit Court for Baltimore County

IN THE MATTER OF
THE APPLICATION OF
FRIENDS OF LUBAVITCH, INC.
FOR A SPECIAL HEARING AND
VARIANCES AND
OLD PIMLICO SYNAGOGUE
RE: CRG DECISION
ON PROPERTY LOCATED ON THE
SOUTHEAST CORNER OLD PIMLICO
AND MICAROL ROADS
SMITH-GREENSPRING ASSOC., INC.
AND MR. & MRS. ROBERT GOLDMAN,
ET AL - PLAINTIFFS
(90-483-SPHA / CBA-90-116)

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CG Doc. No. 96
Folio No. 333
File No. 91-CG-3102

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE COUNTY REVIEW GROUP, THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Michael B. Sauer, and C. William Clark, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the County Review Group, the Zoning Commissioner and the Board of Appeals of Baltimore County:

ENTRIES FROM DOCKET OF COUNTY REVIEW GROUP, ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

Case No CBA-90-116 (Old Pimlico Synagogue)

County Review Group comments.

February 22, 1990 CRG meeting wherein the Plan was approved.

February 26 Notice of Appeal received from Benjamin Bronstein, Esquire on behalf of the Developer.

March 21 Notice of Appeal received from Robert L. Goldman, President of the Smith-Greenspring Assoc., Inc., Protestants.

FOLLOW ENTRIES UNDER CASE NO. 90-483-SPHA beginning with May 3, 1991 Board Hearing.

Friends of Lubavitch, Inc./Old Pimlico Synagogue, Case No. 91-CG-3102 (Case No. 90-483-SPHA/Case No. CBA-90-116)

Case No. 90-483-SPHA (Friends of Lubavitch, Inc.)

May 2, 1990 Petition for Special Hearing filed by Benjamin Bronstein, Esquire on behalf of Petitioner to determine whether an R.T.A. is created by a non-buildable DR parcel of a larger BL parcel and to determine whether the proposed improvements are planned in such a way that compliance to the extent possible with the R.T.A. use requirements, will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

May 2 Petition filed by Benjamin Bronstein for Variance to permit a front setback of 30' in lieu of the required 50' and a side setback of 30' in lieu of the required 35'.

May 17 and 23 Certificates of Publication in newspapers.

May 22 Certificate of Posting of Property.

June 4 Zoning Plans Advisory Committee Comments.

June 15 Hearing held on Petition by Deputy Zoning Commissioner.

August 27 Order of the Deputy Zoning Commissioner DENYING Petition for Variance; DENYING Petition for Special Hearing in part; and DISMISSING Petition for Special Hearing.

September 17 Notice of Appeal received from Benjamin Bronstein, Esquire on behalf of Petitioner.

May 3, 1991 Hearing before the Board of Appeals.

May 28 Memorandum of Protestants filed by Harry S. Shapiro, Esquire.

May 28 Memorandum in Lieu of Oral Argument filed by Benjamin Bronstein, Esquire.

June 20 Opinion and Order of the Board of Appeals GRANTING the Petitions for Special Hearing and Variances and further AFFIRMING the decision of the County Review Group.

July 19 Order for Appeal filed in the Circuit Court for Baltimore County by Harry S. Shapiro, Esquire on behalf of Protestants.

Friends of Lubavitch, Inc./Old Pimlico Synagogue, Case No. 91-CG-3102 (Case No. 90-483-SPHA/Case No. CBA-90-116)

July 22, 1991 Certificates of Notice sent to interested parties.

July 29 Petition to accompany Appeal filed in the Circuit Court for Baltimore County by Mr. Holzer.

August 16 Transcript of testimony filed.

Petitioner's Exhibit No. 1-CRG File including minutes of CRG meeting. (CBA-90-116) 2-CRG Plan. (CBA-90-116)

Petitioner's Exhibit No. 1-Plan (Pet. Exh. 1 from Zoning Comm. Hearing) 2-Withdrawn 3-Professional qualif. of David S. Thaler (IN BOARD'S CLOSET) 4-Photos on board 5-Old Pimlico Synagogue Schematic 6-Zoning Advisory Comments 7-Bur. of Traffic Eng. memo dated 2/21/90 8-Smith Greenspring Assoc. ltr. dated 1/19/90 9-Bronstein letter dated 2/6/90

Protestants' Exhibit No. 1 -Video tape prepared by Lawrence Caplan 2 -Smith Avenue Assoc. Resolution dated 4/25/91 3 -Smith Avenue Assoc. Resolution dated 12/6/90

August 16 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board. However, all tangible material or evidence of an unwieldy or bulky nature will be retained in the Board of Appeals' office and upon

Friends of Lubavitch, Inc./Old Pimlico Synagogue, Case No. 91-CG-3102 (Case No. 90-483-SPHA/Case No. CBA-90-116)

request of the parties or the Court will be transmitted to the Court by whomsoever institutes the request.

Respectfully submitted,

Linda Lee M. Kuszmarski
Linda Lee M. Kuszmarski, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

cc: Harry S. Shapiro, Esquire
Smith-Greenspring Assoc., Inc.
Mr. and Mrs. Robert Goldman, et al
Benjamin Bronstein, Esquire
Shmuel Kaplan, Pres. - Friends of Lubavitch, Inc.

IN RE:
PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - S/E Corner
Old Pimlico and Micaol Roads
3rd Election District
2nd Councilmanic District
Also, Appeal of CRG Decision
Friends of Lubavitch, Inc.
Petitioner

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
91CG3102 96/333

PETITION

Now come the Appellants, in the above captioned matter, by Harry S. Shapiro, their attorney, pursuant to Rule B2 of the Maryland Rules, and file this Petition, and respectfully say:

1. The action appealed from is the Opinion and Order of the County Board of Appeals dated June 20, 1991, a copy of said Opinion and Order being attached to the Order for Appeal heretofore filed in this proceeding.

2. The Appellants believe and aver that the said Board of Appeals committed several errors in connection with this proceeding which shall be outlined briefly in the within Petition and followed up in a Memorandum with legal authorities to support the allegations set forth herein.

3. The errors of the Board in this matter are recited as follows:

(a) The County Board of Appeals failed to provide a comprehensive Opinion to support their conclusions on the issues raised before the said Board as required by the Rules

relating to this Administrative Hearing.

(b) Both the CRG issues and the Special Hearing issues in the proceeding before the Board require evidence relating to the compatibility of the proposed structure with the surrounding community, and neither the evidence, nor the conclusions of the Board, provided legally competent evidence, or conclusions, to support the Opinion and Order of the Board of Appeals.

(c) Although there was testimony before the Board that the Petitioner, Friends of Lubavitch, Inc., intended to build a synagogue on the site in question, there was testimony and evidence that the said Petitioner had planned other uses for the building and site in question contrary to the zoning laws of Baltimore County.

(d) The site in question was affected by the Residential Transition Area (RTA), but the Opinion and Order of the Board did not explain how the evidence in the case exempted the Appellee herein from the RTA requirements in this case.

(e) That the site in question impacted upon residential properties surrounding the said site, but the Opinion and Order of the Board did not explain why the various setback requirements relating to the site should have been waived.

(f) That the Board failed to identify the various setback requirements applicable to the site from the evidence, and was therefore in error in attempting to provide

a waiver without evidence and an opinion relating to all of the setback requirements.

(g) That the Petitioner in the proceeding before the Board attempted to argue that it had the right to build a synagogue as a matter of right on the site in question, but the Board did not deal with this important issue in its Opinion and Order. Also, no law was presented by the Petitioner on the absolute right, and the findings of the Board did not identify any such absolute right.

(h) If the Board assumed, or determined, that the Appellee had the absolute right to build a synagogue on the site in question, then the Board was in error as no such absolute right exists under the Zoning Laws of Baltimore County.

(i) If the Board believed that there were exceptions under the Zoning Laws of Baltimore County for the construction of a synagogue on the site in question, then no discussion was made in its Opinion in order to support such exception.

(j) The Board was in error in granting zoning relief to the Appellee when the Appellee failed to provide legally competent evidence to show that it had exhausted its ability to plan a structure on the site in question which might substantially comply with the applicable Zoning Laws of Baltimore County.

(k) Although the size, shape and materials relating to the proposed building in question were serious issues under the Zoning Laws of Baltimore County, the Appellee failed to

introduce evidence to give the Board an opportunity to review such proposed structure in the light of the surrounding community. This lack of evidence before the Board was in conflict with the record in the case from the Zoning Commission of Baltimore County where the Zoning Commissioner found that the building plans, and testimony from the architect, gave the Zoning Commissioner evidence to indicate that the building proposed was not compatible with the surrounding community. Also, the Board failed to include in its Opinion any explanation for a determination without evidence pertaining to the compatibility of the building with the surrounding community.

(l) The Board failed to discuss in its Opinion, or apparently consider, the impact of the serious traffic conditions that existed at the site that would be expanded by the proposed development of the Appellee. The video evidence of the traffic conditions at the times when the Appellee would be generating additional traffic problems was uncontroverted in this case.

(m) Although screening by landscaping was an important issue in the case, the Board failed to properly consider the fact that the topography of the existing area made it impossible for any practical screening to succeed in the light of the height of the proposed structure as commented upon by the Zoning Commissioner of Baltimore County, and by witnesses in the case.

(n) In removing the "buffers" provided by the law

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relating to the site in question, the Board failed to explain how the removal of such "buffers" would be in the best interest and welfare of the surrounding community. Additionally, the evidence was without any explanation how the Appellee would suffer any hardship if it modified its structure so as to be in a position of compliance with the required "buffers". The Opinion of the Board failed to properly, or adequately, explain the waivers relating to the required "buffers".

(o) Although it was clear that the burden was upon the Appellee before the Board to establish all of the elements necessary for any relief before the Board, the Board failed to explain in its Opinion how the Appellee had met its burden of proof in connection with all of the issues presented in the proceeding before the Board of Appeals.

(p) The Board was in error in not requiring building plans to be produced in evidence by the Appellee, and the absence of such building plans made it impossible for the Board to comply with its responsibility of applying relevant facts to the zoning laws of Baltimore County.

(q) As the size, height, and uses of the proposed building were completely and absolutely relevant under the applicable zoning laws, the Appellee failed to meet its burden in this case by failing to provide legally competent evidence on such issues.

(r) Although the specific identification as to the front, back and sides of the building were completely relevant to the issues in the case, the Appellee was vague in

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connection with such issues. The Board failed to discuss such issues in its Opinion.

(s) Although the widening of Old Pimlico Road (a road on one side of the subject property) was a condition precedent to any CRG approval, the evidence was without any clarity as to whether that condition had been satisfied. Additionally, the Board failed to discuss such issue in its Opinion.

(t) The Board of Appeals failed to apply the applicable Zoning Laws of Baltimore County as well as the Appellate decisions of the State construing such Zoning Laws.

(u) All of the individual Appellants in this case are aggrieved by virtue of their being taxpayers in Baltimore County and live in close proximity to the subject property.

H. S. Shapiro
HARRY S. SHAPIRO
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 825-0110
Attorney for Appellant

REQUEST FOR HEARING

Now come the Appellants, and request a hearing in the above captioned proceedings.

H. S. Shapiro
Attorney for Appellants

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I HEREBY CERTIFY that on this 24 day of July, 1991 a copy of the foregoing Petition was served on the Administrative Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 and a copy mailed to Benjamin Bronstein, Esquire, Susquehanna Building, Ste. 205, 29 W. Susquehanna Avenue, Towson, Maryland 21204.

H. S. Shapiro
Attorney for Appellant

IN THE MATTER OF
THE APPLICATION OF
FRIENDS OF LUBAVITCH, INC.
FOR A SPECIAL HEARING AND
VARIANCES AND
OLD PIMLICO SYNAGOGUE
RE: CRG DECISION
ON PROPERTY LOCATED ON THE
SOUTHEAST CORNER OLD PIMLICO
AND MICAROL ROADS
SMITH-GREENSPRING ASSOC., INC.
AND MR. & MRS. ROBERT GOLDMAN,
ET AL - PLAINTIFFS
(90-483-SPHA /CBA-90-116)

CERTIFICATE OF NOTICE

Madam Clerk:
Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, C. William Clark, and Michael B. Sauer, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Harry S. Shapiro, Esquire, 400 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; Smith-Greenspring Assoc., Inc., P.O. Box 20879, Baltimore, MD 21209, and Mr. & Mrs. Robert Goldman, et al, 6601 Pimlico Road, Baltimore, MD 21209, Plaintiffs; Benjamin Bronstein, Esquire, and Evans, George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, Counsel for Petitioner; Shmuel Kaplan, President, Friends of Lubavitch, Inc., 311 W. Montgomery Avenue, Rockville, MD 20850, Petitioner; and Arnold Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer,
Administrative Assistant
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180

Friends of Lubavitch, Inc. /Old Pimlico
Synagogue, Case No. 91-CG-3102
(Case No. 90-483-SPHA /Case No. CBA-90-116)

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Harry S. Shapiro, Esquire, 400 W. Pennsylvania Avenue, Towson, MD 21204, Counsel for Plaintiffs; Smith-Greenspring Assoc., Inc., P.O. Box 20879, Baltimore, MD 21209, and Mr. & Mrs. Robert Goldman, et al, 6601 Pimlico Road, Baltimore, MD 21209, Plaintiffs; Benjamin Bronstein, Esquire, and Evans, George and Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, Counsel for Petitioner; Shmuel Kaplan, President, Friends of Lubavitch, Inc., 311 W. Montgomery Avenue, Rockville, MD 20850, Petitioner; and Arnold Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204 on this 22nd day of July, 1991.

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer,
Administrative Assistant
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 22, 1991

Benjamin Bronstein, Esquire
EVANS, GEORGE & BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204
RE: Case No. 90-483-SPHA /Friends of Lubavitch, Inc.
and Case No. CBA-90-116 /Old Pimlico Synagogue

Dear Mr. Bronstein:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Shmuel Kaplan, President
Friends of Lubavitch, Inc.
Harris, Smariga, Matz, Inc.
P. David Fields
Patrick Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration
Current Planning
Developers Engineering Division
Economic Development Division
Robert E. Covahey
David L. Thomas
Jose H. Escalante
H. Emslie Parks, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

July 22, 1991

Harry S. Shapiro, Esquire
400 W. Pennsylvania Avenue
Towson, MD 21204

RE: Case No. 90-483-SPHA /Friends of Lubavitch, Inc.
and Case No. CBA-90-116 /Old Pimlico Synagogue

Dear Mr. Shapiro:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Mr. & Mrs. Robert Goldman, et al
(Smith-Greenspring Assoc., Inc.)

IN THE MATTER OF THE
THE APPLICATION OF
FRIENDS OF LUBAVITCH, INC.
FOR A SPECIAL HEARING AND
VARIANCES AND
OLD PIMLICO SYNAGOGUE
RE: CRG DECISION
ON PROPERTY LOCATED ON THE
SOUTHEAST CORNER OLD PIMLICO
AND MICAROL ROADS
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

OPINION

These two cases come before the Board on appeal from a decision of the Deputy Zoning Commissioner denying in part and dismissing in part the respective petitions, and an appeal from the decision of the County Review Group (CRG) approving the subject plan. The Petitioner was represented by Benjamin Bronstein, Esquire, and the Protestants were represented by Harry S. Shapiro, Esquire.

Robert Goldman, President of the Smith-Greenspring Association, testified in opposition to the approval of the CRG, said approval being predicated upon the zoning matters in this case.

In Case No. 90-483-SPHA, David Thaler, Engineer, testified at length to the plan as offered by Petitioner's Exhibit No. 1. His testimony addressed at length the physical aspects of the proposed synagogue on the site and the need for the requested variances to allow the synagogue to be erected. He specifically noted in his testimony that the plan as presented retained the large trees presently on the site. He specifically testified as to the compliance of this proposal with the Residential Transition Area (RTA) requirements and the buffer requirements for the proposed use

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Case No. 90-483-SPHA/CBA-90-116 Friends of Lubavitch/
Old Pimlico Synagogue

of the site as a synagogue. It was his testimony that this site was an ideal location for a synagogue, that it has complied to the RTA requirements as near as possible, that the parking and the buffer zone and the trees saved all enhance the proposed use. Mr. Thaler also presented an alternate plan which would not require any variances or setbacks and entered this as Petitioner's Exhibit No. 5, but noted that the original plan was a far better plan. The Board will not rule on the features of one plan versus the other since the plan before us must stand on its own.

Protestants presented Lawrence Caplan who resides one block from the proposed site and testified in opposition to the proposal, specifically as to its size and height and traffic problems he claims to exist. In support thereof, he showed a video taken on April 26, 1991, between 7:30 a.m. and 8:00 a.m.

Ron Weinberg testified in opposition to the traffic to be generated by the morning services and the fact that no sidewalk existed on the site.

Allan Zukerberg, representing the Smith-Greenspring Association, noted his association had 266 families as members and opposed the project.

Norman Gerber, Professional Planner, visited the site, testified that he has reviewed the plan and the file, and that, in his opinion, this use was not in compliance with the Baltimore County Zoning Regulations (BCZR).

Robert Goldman testified that the proposal was in his opinion not compatible with the existing residences in the area.

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Case No. 90-483-SPHA/CBA-90-116 Friends of Lubavitch/
Old Pimlico Synagogue

Mr. Bronstein then put on several witnesses from the neighborhood who favored the petition. As is customary in the Board's opinions, the above summation of testimony is in no way to be considered complete but will let the record created at this hearing speak for itself.

The principal obstacle for Petitioner to overcome in the proposed synagogue use is compliance with the RTA requirements. Under Section 1B01.1.A.3, churches or other buildings for religious worship or other religious institutions are a permitted use in a D.R. zone. Zoning on the subject site is D.R. 3.5. A residential transition use is any use permitted as of right under 1B01.1.A. The exception to the RTA requirements is contained in Section 1B01.1.B.1.c.6. It is the opinion of this Board that the proposed new church (synagogue) has been planned in such a way that the proposed improvements are in compliance to the extent possible with the RTA use requirements, and that said plan can be expected to be compatible with the character and general welfare of the surrounding residential premises. This is further buttressed by the proposed buffering of the synagogue from the residences in proximity to it both through the retention of the large trees and the additional screening that will be required under County regulations. The Petitioner's proposal is for a structure that will be 24 feet in height, which is less than the maximum building height of 35 feet in an Residential Transition Area, and considerably less than the maximum height permitted a building in a D.R. 3.5 zone. Therefore, the proposal aligns itself with the

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Case No. 90-483-SPHA/CBA-90-116 Friends of Lubavitch/
Old Pimlico Synagogue

height and configuration of nearby structures.

In consideration of all the testimony and evidence received, the Board is of the opinion that the proposed structure itself is in compliance with the BCZR, and as such should be permitted. In order to retain the large trees to maintain the screening appropriate to the site and to keep the proposed structure in close compatibility with the neighborhood, the front yard setback of 30 feet in lieu of the required 50 feet and the side yard setback of 30 feet in lieu of the required 35 feet should be granted. Retaining the trees would accrue to the benefit of the surrounding community as well as the Petitioner which provides the basis for granting the variances. See *McLean v. Soley*, 270 Md. 208, 310 A.2d 783, 787 (1973). To deny these variances in the opinion of this Board would severely damage the compatibility with neighboring properties and would create a severe hardship not only on the Petitioner but on those who might be affected in the surrounding area.

The Board will therefore find as a fact that the Petition for Special Hearing for use of the subject site as a synagogue as evidenced by Petitioner's Exhibit No. 1 be and the same should be granted and will so order. The Board will find as a further fact that in order for the proposal to comply with Petitioner's Exhibit No. 1, the requested variances should be granted and will so order.

ORDER

IT IS THEREFORE this 20th day of June, 1991 by the County Board of Appeals of Baltimore County ORDERED that the

MICROFILMED

Case No. 90-483-SPHA/CBA-90-116 Friends of Lubavitch/
Old Pimlico Synagogue

Petition for Special Hearing for use of the subject site as a synagogue as evidenced by Petitioner's Exhibit No. 1 be and the same is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variances for a front yard setback of 30 feet in lieu of the required 50 feet, and a side yard setback of 30 feet in lieu of the required 35 feet be and the same is GRANTED; and

IT IS FURTHER ORDERED that the decision of the County Review Group which approved the subject plan be and the same is AFFIRMED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
William T. Hackett, Chairman
C. William Clark
Michael B. Saver

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County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 20, 1991

Benjamin Bronstein, Esquire
EVANS, GEORGE & BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 90-483-SPHA /Friends of Lubavitch, Inc.
and Case No. CBA-90-116 /Old Pimlico Synagogue

Dear Mr. Bronstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Harry S. Shapiro, Esquire
Shmuel Kaplan, President
Friends of Lubavitch, Inc.
Mr. Robert Goldman
Harris, Smariga, Matz, Inc.
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Deputy Zoning Commissioner
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon /Zoning
Current Planning
Developers Engineering Division
Economic Development Commission
Robert E. Covahey
David L. Thomas
Jose H. Escalante
Baltimore County Attorney

MICROFILMED

OLD PIMLICO SYNAGOGUE
RE: CRG Decision 2/22/90
COMBINED WITH
FRIENDS OF LUBAVITCH, INC.
SE/cor Old Pimlico & Micarol Rds.
3rd Election District
2nd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 90-116
* CASE NO.: 90-483-SPHA

MEMORANDUM IN LIEU OF ORAL ARGUMENT

Friends of Lubavitch, Inc., Petitioner, by Benjamin Bronstein and Evans, George and Bronstein, its attorneys, files this Memorandum in Lieu of Oral Argument in the above captioned case and says:

The Petitioner requested a determination as to whether the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and a special hearing to determine whether a Residential Transition Area (RTA) was created by a non-buildable DR zoned parcel of a larger BL zoned parcel of land. Petitioner also requested variances to permit a front setback of 30 ft in lieu of the required 50 ft and a side setback of 30 ft in lieu of the required 35 ft for a proposed synagogue, in accordance with Petitioner's Exhibit 1.

A hearing was held before the Board of Appeals for Baltimore County in this matter on April 3, 1991. At the conclusion of testimony, because of the lateness of hour, the Board requested

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that written memoranda be submitted rather than allowing the parties to make oral arguments. Petitioner and Protestants were to submit their respective memoranda on or before May 28, 1991.

Inasmuch as Petitioner has the burden of proof before this Board, should the Board receive any argument advance by Protestants which is not addressed in Petitioner's Memorandum, Petitioner should be given opportunity to respond in rebuttal, as is the practice in oral argument for the party having the burden of proof.

This case arises out of the desire of Friends of Lubavitch, Inc., to erect a small neighborhood synagogue for 104 members on a parcel of land zoned DR 3.5. The plan (Petitioner's Exhibit 1) delineates the subject site which is located at the southeast corner of Old Pimlico Road and Micarol Road in the 3rd Election District of Baltimore County, Maryland. The site has gross acreage of 1.084 acres, and a net acreage of .834. The property, owned by Petitioner, is wooded and zoned DR 3.5.

Use of a property for a church or other building for religious worship is permitted as of right in a DR zone. Section 1.B01.1.A.3 BCZR. Use of the property as a church or other building for religious worship is a permitted use in a residential transition area (RTA). Section 1.B01.1.B.2(a) BCZR. The Baltimore County Zoning Regulations specifically provide that the RTA restrictions in Section 1B01.1.B.2.b BCZR, at all applicable to dissimilar residential uses do not apply to places of worship. In lieu thereof, the burden on Petitioner is to show that the proposed improvements are planned in such a way that compliance with the RTA

requirements to the extent possible will be maintained, and that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Section 1B01.1.B.1.c.6 BCZR

What is not at issue in this case is architecture (including size, height, building materials) of the synagogue, parking or traffic impact. Petitioner has not requested a special exception. The only issues to be decided by this Board is whether the proposed synagogue improvements are planned so as to comply to the extent possible with the RTA requirements set forth in Section 1B01.1.B.1.c.6 BCZR and whether the requested area variances for setbacks should be granted.

RESIDENTIAL TRANSITION AREA (RTA) REQUIREMENTS

David S. Thaler, testified as an expert witness that the entire site is impacted by RTA setback requirements. (Petitioner's Exhibit 1) The plan proposed by Petitioner locates the building closer to Old Pimlico and Micarol Roads (front setback of 30 ft in lieu of required 50 ft and side setback of 30 ft in lieu of required 35 ft) and locates the parking at the back of the structure and adjacent to a B.L. restaurant and bank use. Thaler's testimony before the Board was that the front and side variance setbacks requested by Petitioner would have no adverse impact on adjacent properties because of extensive landscaping including a plaza on the Old Pimlico frontage, and that the retention of existing mature trees would provide a more than adequate buffer, thereby meeting the purpose of the RTA requirements. In addition

the setbacks are consistent with the existing residential setbacks and exceeds that of the adjacent restaurant.

Additional testimony by David S. Thaler on behalf of Petitioner disclosed that an alternative plan (Petitioner's Exhibit 3) which was considered but rejected because it failed to comply to the extent possible with the RTA requirements in that moving the building to the rear of the parcel would require placement of parking along both Old Pimlico and Micarol Roads. This would provide less satisfactory screening or buffer for surrounding residential properties as well as the loss of existing trees.

Mr. Thaler rendered an expert opinion that the plan proposed by Petitioner complied to the extent possible with RTA requirements. Protestants produced no evidence to rebut Mr. Thaler's testimony in this regard.

Protestant's case in this regard was based solely on the testimony on Norman Gerber. Mr. Gerber gave rather vague testimony that, to his mind, the front and side setback distances could be increased by moving the building toward the rear of the property. Mr. Gerber was unable, however, to affirmatively state that a plan which moved the synagogue to the rear of the property would comply in more respects with the RTA requirements than the plan proposed by Petitioner. Mr. Gerber was unable to state whether such a plan would require variances.

Mr. Gerber stated he discussed the subject plan with the Office of Planning and Zoning; however, that office still remains in strong support of the Petitioner's plan (See Petitioner's

Exhibit 6).

Mr. Gerber's testimony, then, failed in any material respect to establish either: (1) that the plan proposed by Petitioner failed to comply to the extent possible with RTA requirements; OR (2) that another plan for the property could be developed which would comply to a greater extent with the RTA requirements than the plan proposed by Petitioner.

Under these circumstances, the testimony adduced by Protestants failed, as a matter of law, to rebut the detailed testimony of Mr. Thaler that the plan in question is in compliance to the extent possible with RTA use requirements.

The proposed plan (Petitioner's Exhibit 1) provides for a 75 ft buffer from the existing dwelling to the east of the synagogue. This buffer meets the RTA requirements.

The two respects in which the plan provides for a buffer more narrow (though no less effective) than suggested in an RTA are to the west (toward Old Pimlico Road) and north (toward Micarol Road). When the additional width of Old Pimlico Road is considered, the total buffer distance in that direction is 127 ft from the nearest dwelling and 155 ft from the next nearest dwelling. In addition, the plan provides for substantial vegetative and landscaping buffers. The combination of this distance and vegetative buffering meets RTA requirements to the extent possible -- the combined buffering is at least as effective as 300 ft of open space.

The plan provides a total distance of 108 ft across Micarol Road to the nearest residential use and a distance of 115 ft to the

next closest dwelling in addition to the retention of existing mature trees and additional vegetation and landscaping buffers. Retention of the mature trees and installation of additional vegetation and landscaping buffers will provide a buffer consistent with the RTA purpose as set forth in Section 1B01.B.5.a BCZR.

"The purpose of the buffer area requirement is to provide a method of screening a proposed residential transition use from any existing dwelling or lot in a residential transition area. In order to accomplish that purpose, the buffer area shall be screened in accordance with the requirements of the Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code." [Bill No. 124, 1981; No. 109, 1982; No. 31, 1984.]

The bulk of the Protestants' case related to the aesthetics of the proposed building. A short answer to this is that architecture is not a relevant consideration in determining whether the proposed structure complies to the extent possible with RTA use requirements and that the plan is otherwise compatible with the character and general welfare of the surrounding residential premises. The exception to the RTA for churches, etc., clearly states that the Plan must be compatible not the architecture.

The evidence produced by Petitioner shows that the bulk of the proposed structure will be 24 foot tall which is less than the maximum building height of 35 ft in an RTA. BCZR Section 1B01.B.2.b.1 This height is also less than the maximum height of 50 ft permitted for a building in a DR 3.5 zone. Section 1B02.2.A. BCZR

Additionally, the setback of the synagogue from Micarol and from Old Pimlico Roads is consistent with the setbacks of the existing houses in the area. In other words, the synagogue is set back as far from the road as are the adjacent houses. The proposed plan, then, is not only compatible with, but in exact accordance with, the surrounding neighborhood.

Thaler testified the floor area ratio of the proposed synagogue is consistent with the size of the property and that no variance relating to size of the building is requested.

The evidence before this Board clearly shows, therefore, the proposed use complies to the extent possible with RTA use requirements, and is compatible with the character and general welfare of the surrounding residential premises. While the Protestants objected vociferously that traffic would be increased when the synagogue is built, the evidence shows the subject site is located on a collector street (Old Pimlico Road), and is at an intersection of Old Pimlico Road and Micarol Road not located in the middle of a block. The proposed synagogue size because of its small size and the nature of the congregation will not impact traffic. (See Petitioner's Exhibit 3 Memorandum of Bureau of Traffic Engineering)

The testimony before the Board shows that members of the Petitioner are observant Jews -- they walk to the synagogue on the Sabbath and during the Holy days. It may well be that some additional traffic will be generated as a result of the synagogue, but that would be true of all religious buildings (churches,

synagogues or otherwise). Because they are observant, members of Petitioner are in particular need of a synagogue located within walking distance of their homes. Clearly the average daily trips will not have an impact as supported by the comments of the Bureau of Traffic Engineering.

VARIANCES

Petitioner has requested variances from the front and side setbacks, requesting a front setback of 30 ft in lieu of the required 50 ft and a side setback of 30 ft in lieu of the required 35 ft. It is necessary to consider the requested variances related to zoning setbacks, not RTA buffer areas. There is no requirement that there be screening or buffers to justify the grant of the requested variances. In order to justify the grant of the requested variance, Petitioner need only show:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation in that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

3. Whether relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

McLean v Soley, 270 Md 208, 310 A.2d 783, 787 (1973); Anderson v Board of Appeals, Town of Chesapeake Beach, 22 Md App. 28, 322 A.2d 220, 226 (1974).

In McLean v Soley, supra, the Court of Appeals of Maryland held that where the construction of a building in strict compliance with side yard setback requirements would result in the destruction of trees, and that retaining the trees would accrue to the benefit of the general public, a variance from the side yard setback requirements was properly granted. 310 A.2d at 787.

David Thaler testified on behalf of Petitioner and rendered his opinion that the requested variances were in strict harmony with the spirit and intent of the BCZR, and that the requested setback variances pursuant to the proposed plan would benefit the general public (through retention of existing mature trees, and substantial additional plantings in landscaping) without substantial injury to the public health, safety, and general welfare, and would be proper pursuant to BCZR 307.1. In light of the governing principles of law and the testimony in this case, the requested variances should be granted. McLean v Soley, Supra.

RTA CREATED BY UNBUILDABLE DR STRIP

Lastly, on the issue of whether the unbuildable DR strip located on the bank parcel creates an RTA, the only testimony directed to this issue came from David Thaler. Mr. Thaler testified that, in his expert opinion, the DR strip did not create an RTA. This conclusion is consistent with logic and the spirit of the RTA legislation -- to buffer existing residential uses from

dissimilar residential uses. Since (1) there is no existing residential use on the bank property and (2) none can be built on a 10 foot DR strip, the basis for the creation of an RTA cannot exist.

It should be further noted that there is neither any provision in the Zoning Code for any need for a buffer from the BL bank use.

CONCLUSION

A. The testimony before the Board discloses that the proposed plan complies to the extent possible with RTA use requirements, and is compatible with the character and general welfare of the surrounding residential premises. There was no evidence to show that any other plan could be proposed which would be in greater compliance with the RTA use requirements -- although the expert witness produced by Protestants said the synagogue building might be moved closer to the rear lot line, he failed to consider several factors (including that there would be less screening and buffer if the parking was moved adjacent to Micarol and Old Pimlico Roads) which should have had a substantial impact on his conclusion.

The evidence before this Board discloses that the proposed plan meets the DR requirements, the RTA use requirements and, to the extent possible, the setback requirements. The plan provides for extensive landscaping buffers as well as the retention of existing mature trees. This will result in an effective buffer of much greater efficaciousness than mere expanses of bare ground. Testimony before the Board further established the building is smaller in height and size than the maximum permitted in DR zones

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

April 19, 1990



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esq.
Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Re: Item 360
Old Pimlico Synagogue

Dear Mr. Bronstein:

In reply to your request for an early hearing with regard to the above captioned matter, please be advised that allowing for the processing period, advertising and posting requirements, and the length of hearing, same will be placed on the hearing docket on the first possible date.

Formal Notice of Hearing will be forwarded to you in the near future.

Very truly yours,

G. G. Stephens

GGG:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 19, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
SE/Corner Old Pimlico and Micalor Roads
3rd Election District, 2nd Councilmanic District
FRIENDS OF LUBAVITCH, INC. - Petitioner
Case No. 90-483-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on September 17, 1990 by Benjamin Bronstein, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Shmuel Kaplan, President - Friends of Lubavitch, Inc.
311 W. Montgomery Avenue, Rockville, MD 20850

Benjamin Bronstein, Esquire - Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204

Harry S. Shapiro, Esquire (on behalf of Protestants)
400 West Pennsylvania Avenue, Towson, MD 21204

Mr. Robert Goldman, President - Smith-Greenspring Assoc.
P.O. Box 20879, Baltimore, MD 21209

People's Counsel, Rm. 304, County Office Bldg., Towson, Md. 21204

MICROFILMED

RECEIVED
COUNTY BOARD OF APPEALS
50 SEP 25 PM 3:24

APPEAL

Petition for Special Hearing and Zoning Variance
SE/Corner Old Pimlico and Micalor Roads
3rd Election District - 2nd Councilmanic District
FRIENDS OF LUBAVITCH, INC. - Petitioner
Case No. 90-483-SPHA

Petitions for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany Petitions

2. C.R.G. Plan

3. Section Plan

4. Old Pimlico Road Elevation Drawing

5. Micalor Road Drawing

6. Drawing of Site

7. Three (3) photographs

8. Petition of Support

9. Photograph/Drawing

Protestant's Exhibits: 1A - 1C - Three (3) Photographs of road

Deputy Zoning Commissioner's Order dated August 27, 1990 (Denied in part; Dismissed in part)

Notice of Appeal received September 17, 1990 from Benjamin Bronstein, Attorney on behalf of the Petitioner

cc: Shmuel Kaplan, President - Friends of Lubavitch, Inc.
311 W. Montgomery Avenue, Rockville, MD 20850

Benjamin Bronstein, Esquire - Evans, George and Bronstein
29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204

Harry S. Shapiro, Esquire (on behalf of Protestants)
400 West Pennsylvania Avenue, Towson, MD 21204

Mr. Robert Goldman, President - Smith-Greenspring Assoc.
P.O. Box 20879, Baltimore, MD 21209

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Appeal Checklist - Appeal Case No. 90-483-SPHA
FRIENDS OF LUBAVITCH, INC. - Petitioner
September 20, 1990
Page 2

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastorowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

September 25, 1990

Harry S. Shapiro, Esquire
400 W. Pennsylvania Avenue
Towson, MD 21204

RE: Friends of Lubavitch, Inc. /
Old Pimlico Synagogue

Dear Mr. Shapiro:

The Board is in receipt of your correspondence of September 19, 1990, regarding the above-referenced matter.

In response to your letter, please be advised that it has been the standard procedure of this Board to consolidate a zoning case with a related CRG case, and this consolidation has been done many, many times in the past. Therefore, when the subject matter is set in for hearing before the Board, both cases will be scheduled for hearing on the same date, and you will receive the appropriate Notice of Assignment at that time.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals
for Baltimore County

cc: Benjamin Bronstein, Esquire
People's Counsel for Baltimore County

9/17/90 -Letter from B. Bronstein requesting consolidation of this matter w/CBA-90-116 (Old Pimlico Synagogue).

9/24/90 -Letter from H. Shapiro, counsel for protestants, objecting to consolidation.

9/25/90 -Response from B. Bronstein opposing separate hearing dates.

9/25/90 -Letter from WTH to H. Shapiro --matters to be set together, as has been Board's practice for many years with regard to CRG and related zoning appeals.

10/10/90 - Following parties notified of hearing set for February 27, 1991 at 10:00 a.m. in combination with CBA-90-116 (Old Pimlico Synagogue):

Benjamin Bronstein, Esquire
Harry S. Shapiro, Esquire
Harris, Smariga, Matz, Inc.
Pat Keller
Ann M. Nastorowicz
W. Carl Richards, Jr.
Arnold Jablon
Current Planning
Economic Dev. Comm.
David L. Thomas
Shmuel Kaplan, Pres. - Friends of Lubavitch, Inc.
Robert L. Goldman, Pres., Smith-Greenspring Assoc.
P. David Fields
J. Robert Haines
James E. Dyer
Docket Clerk - Zoning
Peapacka Counsel - East Annapolis
Developers Engineering Division
Robert E. Covahey
S. Wallis
Nancy C. West

10/18/90 -Letter for postponement received from H. Shapiro -circuit court conflict on hearing date of 2/27/91

10/31/90 -Notice of Reassignment of both cases sent to above --rescheduled for hearing on 12/05/90 (date became available as result of postponement).

11/21/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to March 6, 1991 at 10:00 a.m. at request of Counsel for Developer.

12/5/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to March 19, 1991 at 10:00 a.m. at request of Counsel for Protestants.

12/31/90 - Above parties notified of POSTPONEMENT and REASSIGNMENT to May 3, 1991 at 9:00 a.m.

5/3/91 - Memos due 5/28/91. Hearing concluded this day.

MICROFILMED

FRIENDS OF LUBAVITCH, INC. AND OLD PIMLICO SYNAGOGUE
CASE NOS. 90-483-SPHA & CBA-90-116

SE/cor Old Pimlico & Micalor Rds. 3rd Election District
2nd Councilmanic District

SPH-Determination re RTA; VAR-Setbacks & CRG Decision

February 22, 1990 CRG meeting wherein the Plan was approved.

February 26 Notice of Appeal received from Benjamin Bronstein, Esquire on behalf of the Developer.

March 21 Notice of Appeal received from Robert L. Goldman, President of the Smith-Greenspring Assoc., Inc., Protestants.

FOLLOW ENTRIES UNDER CASE NO. 90-483-SPHA beginning with May 3, 1991 Board Hearing.

Case No. 90-483-SPHA (Friends of Lubavitch, Inc.)

May 2, 1990 Petition for Special Hearing filed by Benjamin Bronstein, Esquire on behalf of Petitioner to determine whether an R.T.A. is created by a non-buildable DR parcel of a larger BL parcel and to determine whether the proposed improvements are planned in such a way that compliance to the extent possible with the R.T.A. use requirements, will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

May 2 Petition filed by Benjamin Bronstein for Variance to permit a front setback of 30' in lieu of the required 50' and a side setback of 30' in lieu of the required 35'.

August 27 Order of the Deputy Zoning Commissioner DENYING Petition for Variance; DENYING Petition for Special Hearing in part; and DISMISSING Petition for Special Hearing.

September 17 Notice of Appeal received from Benjamin Bronstein, Esquire on behalf of Petitioner.

May 3, 1991 Hearing before the Board of Appeals.

June 20 Opinion and Order of the Board of Appeals GRANTING the Petitions for Special Hearing and Variances and further AFFIRMING the decision of the County Review Group.

FRIENDS OF LUBAVITCH, INC. AND OLD PIMLICO SYNAGOGUE
CASE NOS. 90-483-SPHA & CBA-90-116

SE/cor Old Pimlico & Micalor Rds. 3rd Election District
2nd Councilmanic District

SPH-Determination re RTA; VAR-Setbacks & CRG Decision

July 19 Order for Appeal filed in the Circuit Court for Baltimore County by Harry S. Shapiro, Esquire on behalf of Protestants.

July 22, 1991 Certificates of Notice sent to interested parties.

July 29 Petition to accompany Appeal filed in the Circuit Court for Baltimore County by Mr. Holzer.

August 16 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.

December 24 Order of the Circuit Court AFFIRMING Board of Appeals. (Hon. Alfred L. Brennan, Sr.)

**CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL GENERAL**

DOCKET 96 PAGE 333 CASE NO. 91CG3102 CATEGORY APPEAL

IN RE:
PETITIONS FOR SPECIAL HEARING AND ZONING
VARIANCE - S/E Corner Old Pinlico & Nicotol Roads
3rd Election District
2nd Councilmanic District
Also, appeal of CRG Decision Friends of
Lubavitch, Inc.
Petitioner

ATTORNEYS
Benjamin Bronstein
205 Susquehanna Bldg.
29 West Susquehanna Ave. (04)
296-0200

SMITH-GREENSPRING ASSOC. INC.
MR. & MRS. ROBERT GOLDMAN
MR. & MRS. ELLIOTT LEWIS
MR. & MRS. ERNEST FEIBELMAN
MR. & MRS. MARTIN EMER
MR. & MRS. RONALD HOLSTEIN
MR. & MRS. ALLAN ZUKERBERG
MR. & MRS. RONALD WEINBERG
Appellants'

HARRY S. SHAPIRO
400 W. Pennsylvania Ave. (04)
825-0110

**TRANSCRIPT IN BASEMENT
LOCATION: 124 131**

COSTS

(1) July 19, 1991 - Appellants' Order for Appeal from the Decision of the County Board of Appeals (d. 8CBA-90-116)

(2) July 22, 1991 - Certificate of Notice, fd.

(3) July 29, 1991 - Appellants' Petition, with Request for Hearing, fd.

(4) Aug. 14, 1991 - App. of Benjamin Bronstein for the Appellee & Same Day Answer to Petition for Appeal fd.

(5) Aug. 16, 1991 - Transcript of Record, fd. (Transcript in G1)

(6) Aug. 16, 1991 - Notice of filing of record, fd.

(7) Nov. 13, 1991 - Memorandum of Appellants, fd.

(8) Nov. 15, 1991 - Appellee's Motion to Dismiss Administrative Appeal, fd.

November 18, 1991 Hon. Alfred L. Brennan, Sr. Hearing postponed by the Court and reset for 12/16/91 at 9:30 a.m.

(9) Nov. 29, 1991 - Appellant's Answer to Petition to Dismiss Administrative Appeal with Request for Hearing fd.

(10) Dec 3, 1991 - Order of Court Denying Motion to Dismiss Administrative Appeal fd. (ALE,SR)

(11) Dec 9, 1991 - Copy of Appellants' Memorandum and Transcript of Record fd. (copy of Transcript in 3-1)

(12) Dec. 12, 1991 - Appellee's Memorandum, fd. (CVR)

MICROFILMED

96 333 91CG3102

91CG3102

CASE NO.

December 16, 1991 H. R. Alfred L. Brennan, Sr. Hearing had. Appellants', Smith Greenspring Assoc., Inc., et al., Appeal from the decision of County Board of Appeals (d. 8CBA-90-116) - DENIED. Order to be filed.

(1) Dec 24, 1991 - Order of Court that the Opinion and Order for the Board of Appeals of MD dated June 20, 1991, is hereby affirmed in all respects, with costs to be paid by Appellants' fd. (ALB,SR)

COPIED

FRIENDS OF LUBAVITCH PRE-DEVELOPMENT CONFERENCE

CRG # 89333
1.2.5.1.124/14

PROJECT NAME: BAIC LUBAVITCH CON. DATE: 1-17-89

OWNER: Friends of Lubavitch COUNCILMANIC DISTRICT: 62 ADC MAP NO.: 16-C-101

DEVELOPER: Same LOCATION: Old Pinlico Rd & Nicotol Rd

ENGINEER: Harris Smariga Matz, Inc.

NO. OF UNITS (RESIDENTIAL): _____ ACREAGE (COMMERCIAL): 0.834 FEE: 7.82

CHECK LIST

For discussion of the following items, please see the Department of Public Works, Room 321, County Office Building.

☒ Master Plan Intent and/or Conflicts (Highways)

☒ Tidal and/or Riverine Flooding, Water Courses

☒ Proximity to water and sewer (incl. sewer and water plan)

☒ Outline of CRG Review Process

☒ State and/or Federal Permits, applicable

☒ Agencies to contact (information sheet)

☒ Required for CRG submission

☒ Plan checklist (cross reference noted from the Plan)

☒ Certification of delinquent accounts

☒ No. of Plans (approximate)

For discussion of the following items, please see the Office of Planning & Zoning, Current Planning Division, Room 107, County Office Building.

DR-3 Zoning which with zoning for requirements

☐ a. Classification

☐ b. RIA

☐ c. Hearings (special exceptions, variances, etc.)

☒ Master Plan Intent and/or Conflicts: Capital Improvement Program

☒ Community Issues

☒ Planning Board Referral

☒ Landscape Plan

☒ Schematic

☒ Buffers, will need buffering

☒ Screening

☒ Tree Preservation

☒ Historical and/or Archeological Sites

☒ Agricultural Sites

☒ Open Space (Dept. of Recreation & Parks)

☒ Waiver Requests under Section 22-43

☒ Vehicular and Pedestrian Circulation (Internal and External)

For discussion of the following items, please see the Department of Environmental Protection and Resource Management, Room 416, County Courts Building.

☐ Storm Water Management, Water Quality

☐ Critical Areas

☐ Wetlands, Streams, Stream Buffers

☐ Schematic Grading

☐ Mitigative Measures (Sec. 22-99)

☐ Hydrogeological Study, Environmental Effects Report

Next Step: Submit 1 check print and completed check list to Tom Watson, Room 321, County Office Building.

Comments:

APPLICANT'S SIGNATURE: Robt. Schap

OPZ REPRESENTATIVE: David M. Mosen 1-17-89

DPW REPRESENTATIVE: Tom Watson 1-17-89

DEPRM REPRESENTATIVE: _____

PLAN CHECKLIST

Baltimore County, Maryland

In addition to the Plan, have the following been submitted?

YES NO N/A

1. Pre-development conference checklist or waiver, pursuant to Section 22-547

2. Hydrogeologic study and environmental impact report

3. Notarized certificate indicating that there are no delinquent accounts

4. Fees?

The Plan shall contain the following general information:

YES NO N/A

1. Group the following items:

a. Development name

b. Applicant's name, address, and phone no.

c. Name, address and phone number of person who prepared the Plan, with appropriate (DD)

d. Map scale

e. Date

2. North point

3. Vicinity map, to scale

4. Election district

5. Councilmanic district

6. Census tract

7. Watershed and subwatershed

8. Three (3) coordinate ticks

9. In chart form:

a. Site acreage (gross and net area calculations)

b. Common open space, required and proposed, with acreage noted, and note if open space waiver will be requested

c. Parking, reserved and proposed, including handicapped spaces

d. Density calculations by zoning classification, proposed dwelling units by housing type and indicate whether units are for sale or rental

e. For all development, indicate quantity of landscape planting required and how quantity was calculated

f. Floor area ratio in all commercial and industrial zones

10. Plan outline, including bearings and distances

11. Proposed and existing well areas

12. Proposed and existing septic areas

13. Sewer and water lines, with reference drawing numbers

14. Fire hydrant locations

15. Lot lines, limitations for development in chart form

16. Easements, with areas of 252 or greater shown cross-hatched

17. Proposed, shown schematically

18. Existing wooded areas and vegetation proposed to be removed

19. Location and quantity of proposed plantings for all development, with the exception of residential, which must indicate quantity of landscape planting required and how quantity was calculated

20. Existing streams, bodies of water and bridges

21. Floodplains or flood areas, 100-year

22. Riverine or 100-year flood

23. Existing buildings on the site, with all buildings noted as to proposed status

24. Historic buildings noted

25. Existing buildings adjacent to the site with uses noted, street address and ownership

26. Current zoning overlay and official

Indicate all residential transition areas

December, 1984

26. For all residential transition areas show:

a. Existing and proposed uses

b. Height and width of elevation of all proposed buildings

c. Building setbacks and distances between buildings

d. Whether existing wooded areas are to be retained as the buffer or, if buffer areas are open or semi-wooded and additional plantings are required to effectively buffer the area

27. Existing and proposed lighting

28. Ownership of subject property, address of the property owner(s), deed references and property map(s)

29. Ownership of adjacent properties, with deed references

30. Proposed lot and building layout with setbacks on all sides

31. Areas of common open space, with acreage of each area noted. Also, note who will retain and maintain the open space

32. Proposed parking layout including dimensions

33. Street layout - paving and right-of-way widths for existing and proposed streets

34. For parkable driveways - show dimensions of driveway, existing and proposed profiles, width of paving and type of paving material, note maintenance agreements

35. Estimated average daily trips (ADT's) based upon proposed development

36. Determine and dimension handicapped parking spaces and note location of all access ramps

37. Estimate and note location of all access ramps

38. Estimate and note location of all access ramps

39. Existing and proposed storm drains, include sizes of existing storm drains

40. Existing and proposed utility systems, include sizes of existing storm drains

41. Storm water management areas, after 3/31/84

a. Easement requested

b. Easement requested

c. Easement requested

d. Easement requested

e. U.S.D.A. Soil Textural classifications

f. Proposed methods of storm water management, management area shown, plans, calculations and documentation for selected methods

42. Wetlands

43. Critical areas

44. Archeological sites

45. Endangered species habitat

46. Hazardous materials sites and description of materials

47. Revision Block (List the date of each revision and what the revisions are).

Comments:

Harris Smariga Matz, Inc.
Engineers • Surveyors • Planners
Landscape Architects
115B Sudbrook Lane
Pikesville, Maryland 21208
(301) 486-1511
FAX (301) 486-2573

LETTER OF TRANSMITTAL

DATE: 2-16-90 JOB NO: 40274

ATTENTION: Tom Watson

TO: BALTIMORE COUNTY
BUREAU OF PUBLIC SERVICES

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES: 17 DATE: _____ NO: _____ DESCRIPTION: CRG PLAN - REVISED PER PRE-CRG COMMENTS

RECEIVED
FEB 16 1990
BUREAU OF PUBLIC SERVICES

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☐

☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

SIGNED: Neil Weinstein

HARRIS SMARIGA MATZ, INC.
115B Sudbrook Lane
Pikesville, Maryland 21208
(301) 486-1511

LETTER OF TRANSMITTAL

DATE: 2-16-90 JOB NO: 40274

ATTENTION: Tom Watson

TO: Baltimore County, Public Services
111 West Chesapeake Ave
Pikesville, Md

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES: 2 DATE: _____ NO: _____ DESCRIPTION: Check Prints
Checklist
Pre-development Checklist

RECEIVED
DEC 22 1989
BUREAU OF PUBLIC SERVICES

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

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☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☒ For review and comment ☐

☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

SIGNED: Neil Weinstein

HARRIS SMARIGA MATZ, INC.
115B Sudbrook Lane
Pikesville, Maryland 21208
(301) 486-1511

LETTER OF TRANSMITTAL

DATE: 1-17-89 JOB NO: 40274

ATTENTION: Tom Watson

TO: Baltimore County, Public Services
111 West Chesapeake Ave
Baltimore County

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via _____ the following items:

☐ Shop drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐

COPIES: 32 DATE: 10-22-89 NO: _____ DESCRIPTION: CRG Checklist (CRG)
Hydro Geologic report
Environmental impact report
Pre-dev conference checklist
Copy of water management waiver request
Check print
Certification of delinquent accounts
Check for CRG fee

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☒ For review and comment ☐

☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

SIGNED: Neil Weinstein

Keep in File.

PER HIS WRITTEN REQUEST #360

SEND COPIES OF ALL CORRESPONDENCE
HEARING NOTICES ETC.
TO:

MR. ROBERT GOLDMAN.
PRESIDENT/SMITH - GREENSPRING ASSOC.
P.O. Box 20879 BALTO. MD. 21209.

(PROTESTANT.)

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

February 23, 1990

Robert E. Covahey, P.E.
Chief Bureau of Public Services
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Old Pimlico Synagogue CRG
Plan

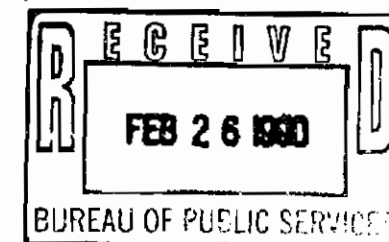
Dear Mr. Covahey:

The CRG plan for Old Pimlico Synagogue received approval by the CRG on February 22, 1990. On behalf of the owner/developer, friends of Lubavitch, Inc., please note an appeal to the Board of Appeals from the decision of the CRG granting approval.

I have enclosed my check in the amount of \$75.00 to cover costs. Thank you for your kind attention to this matter.

Very truly yours,
EVANS, GEORGE & BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
Enclosure
cc: Rabbi Kaplan
Rick Chadsey
Steuart J. Macklin



LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

April 12, 1990

Commissioner J. Robert Haines
Zoning Commissioner for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Old Pimlico Synagogue
Item No. 1 360

Dear Commissioner Haines:

I have filed on behalf of Friends of Lubavitch, Inc., a Petition for Special Hearing and a Petition for Zoning Variance. It is my understanding from Rabbi Shmuel Kaplan, President of the Synagogue, that you will favorably consider expediting the hearing date. The site has CRG approval. The building is urgently needed by the membership in that they are now required to have services at the homes of various members.

Thank you for your kind consideration.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
cc: Rabbi Kaplan

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

May 28, 1991

The Honorable William T. Hackett
Chairman
Baltimore County Board of Appeals
County Office Building
Towson, Maryland 21204

Hand-Delivered

RE: Old Pimlico Synagogue
Case No. 1 90-483-SPHA

Dear Mr. Chairman:

I am enclosing in triplicate a Memorandum in Lieu of Oral Argument. Attached to the Memorandum are applicable sections of the Baltimore County Zoning Regulations. Thank you for your kind consideration.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/eg
Enclosure
cc: Harry S. Shapiro, Esquire

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

September 13, 1990

Honorable J. Robert Haines
Zoning Commissioner for Baltimore County
Office of Planning & Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

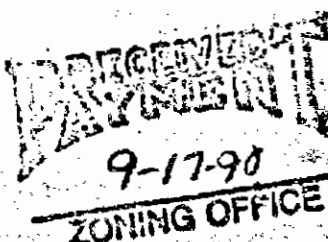
Re: Friends of Lubavitch, Inc.
Case No. 1 90-483-SPHA

Dear Mr. Haines:

Enclosed please find an Order to Enter Appeal and a check in the amount of \$275.00 to cover the costs for filing in the above referenced case.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
Enclosures



LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

September 17, 1990

The Honorable William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
M.S. 1304

Re: Friends of Lubavitch, Inc.
Old Pimlico Synagogue

Dear Mr. Hackett:

On February 23, 1990, on behalf of the Friends of Lubavitch, Inc. (owner and developer), an appeal was noted to the Board of Appeals from the decision of the CRG. A Cross-Appeal was subsequently noted on behalf of the Smith Greenspring Association.

On August 27, 1990, the Zoning Commissioner of Baltimore County passed an order in Case Number 90-483-SPHA (Friends of Lubavitch, Inc., Petitioner). On behalf of the Petitioner, an appeal was noted on September 21, 1990 from the Zoning Commissioner's order to the Board of Appeals.

I am hereby requesting that both cases be consolidated for hearing. I would appreciate your consideration for setting this matter in for hearing on the earliest available date.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
cc: Harry S. Shapiro, Esquire
Attorney for Smith Greenspring Association, et. al.

RECEIVED
COUNTY BOARD OF APPEALS
90 SEP 18 11:11 AM '90

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

September 24, 1990

The Honorable William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Friends of Lubavitch, Inc.
Old Pimlico Synagogue

Dear Mr. Hackett:

I have received a copy of a letter dated September 19, 1990 wherein Mr. Shapiro objects to the consolidation of the two appeals. I suggest that the appeals be scheduled on the same day with the zoning case to proceed the CRG Appeal. It seems to me that Mr. Shapiro should dismiss his CRG Appeal in view of the fact that the entire case seems to turn on the outcome of the zoning decision. In any event, I would vigorously oppose separate dates for the appeals in that it will delay my client's project, add additional costs, and present an additional burden to the Board's busy hearing schedule.

Thank you for your kind consideration.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
cc: Harry S. Shapiro, Esquire

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COUNTY BOARD OF APPEALS
90 SEP 28 10:11 AM '90

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSEUR, JR.

November 12, 1990

County Board of Appeals
of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

Re: Old Pimlico Synagogue
Case No. 1 CBA-90-116

Dear Ms. Weidenhammer:

Thank you for your notice of October 31, 1990 reassigning the above entitled case for December 5, 1990. Regrettably, I am unable to proceed at that time as I will be unavailable for any trial or hearings for medical reasons beginning November 19 through the first week in January.

I would therefore appreciate your rescheduling at the earliest available date thereafter other than February 4 through 14. I am counsel of record in Roslyn Station which is scheduled for hearing before the Court of Special Appeals during that time.

Thank you for your kind cooperation.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein
Benjamin Bronstein

BB/mlh
cc: Harry Shapiro
Rabbi Shmuel Kaplan

MICROFILMED

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3718

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS

January 7, 1991

Board of Appeals for Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: The Honorable William T. Hackett, Chairman

Re: Friends of Lubavitch, Inc.
Case No. 1 CBA-90-116 and
90-483-SPHA

Dear Mr. Hackett:

At the request of the opponents in the above entitled matter this case has been reassigned for hearing on May 3, 1991. The appeal from the CRG was originally noted on February 23, 1991. An appeal from the decision of the Zoning Commissioner was noted on September 21, 1990. The request by Mr. Shapiro and by his clients for continuances have placed a severe and unconscionable burden on the synagogue members of the Friends of Lubavitch. I urge the Board to advance the date of the hearing of appeal to an earlier date should an earlier date become available.

Thank you for your kind attention to this matter.

Very truly yours,
EVANS, GEORGE AND BRONSTEIN
Benjamin Bronstein

BB/mlh
cc: Harry S. Shapiro
Rabbi Kaplan

24-1111 8-11116
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
May 10, 1990

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

Baltimore County Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: ROBERT L. GOLDMAN & SMITH - GREENSPRING ASSOCIATION, INC.

Dear Sir/Madam:

This office has been asked to represent the above parties in connection with a case involving Zoning Petitions filed on behalf of Friends of Lubavitch, Inc., a/k/a Old Pimlico Synagogue concerning property on the southeast corner of Pimlico and Micalor Roads in the 3rd Election District of Baltimore County, the said Zoning Petition, or Petitions, being referred to as Item # 360.

I would appreciate your entering my appearance in this case, and your advice concerning the time and date of any hearing.

Thanking you for your kind cooperation, I remain

Very truly yours,
HARRY S. SHAPIRO

HSS/lb

cc: Benjamin Bronstein, Esquire
cc: Mr. Robert L. Goldman

NOTE: Copy of Notice of Hearing mailed to Synagogue on 5/11/90.

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

June 12, 1990

Baltimore County Zoning Commissioner
County Office Building
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING &
ZONING VARIANCE, Case No: 90-483-SPHA

Dear Sir/Madam:

I am writing to you as attorney for the property owners identified herein, and I hereby request that these persons be made parties in the pending case presently scheduled for a hearing on Friday, June 15, 1990 before the Office of the Zoning Commissioner.

These persons are as follows:

Mr. and Mrs. Elliott Lewis, 2301 Baythorne Court, Baltimore, MD 21209
Mr. and Mrs. Ernest Feibelman, 2300 Baythorne Court, Baltimore, MD 21209
Mr. and Mrs. Martin Emmer, 2302 Baythorne Court, Baltimore, MD 21209
Mr. and Mrs. Ronald Holstein, 2305 Baythorne Court, Baltimore, MD 21209
Mr. and Mrs. Robert Goldman, 6601 Pimlico Road, Baltimore, MD 21209

Very truly yours,
HARRY S. SHAPIRO

HSS/lb

cc: Mr. and Mrs. Elliott Lewis
cc: Mr. and Mrs. Ernest Feibelman
cc: Mr. and Mrs. Martin Emmer
cc: Mr. and Mrs. Ronald Holstein
cc: Mr. and Mrs. Robert Goldman
cc: Benjamin Bronstein, Esquire

RECEIVED
JUN 13 1990
ZONING OFFICE

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

September 19, 1990

The Honorable William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
Towson, MD 21204

Re: Friends of Lubavitch, Inc.
Old Pimlico Synagogue

Dear Mr. Hackett:

I am writing to you as attorney for the protestants concerning the zoning appeal recently noted with the Baltimore County Board of Appeals as well as the protestants in the CRG Appeal pending with the Baltimore County Board of Appeals.

We object to the request by Mr. Benjamin Bronstein under his letter of September 17, 1990 for a consolidation of the two appeals. We believe that different experts, and different witnesses will be necessary in the two appeals.

Therefore, any consolidation would be a burden upon the protestants as well as the Board.

Additionally, if the Board of Appeals affirms the Zoning Commissioner in connection with the zoning case, the CRG Appeal will be moot.

Therefore, we do not believe that it would serve any useful purpose to have a consolidation of these two matters.

If you feel it appropriate, we would be happy to argue the point at a special hearing before your Board for this purpose.

Very truly yours,
HARRY S. SHAPIRO

HSS/lb
cc: Benjamin Bronstein, Esquire

24-1111 8-11116
RECEIVED
COUNTY BOARD OF APPEALS

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
October 1, 1990

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

The Honorable William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: FRIENDS OF LUBAVITCH, INC.
OLD PIMLICO SYNAGOGUE

Dear Mr. Hackett:

I am responding to the additional communication sent to you from Benjamin Bronstein dated September 24, 1990.

It is important to note that the CRG decision was conditional upon the appropriate zoning by the Appellant. However, the Appellant never obtained the appropriate zoning.

Therefore, there is no final decision relating to the CRG which would place the Appellant in the position to appeal to the Board of Appeals.

It is our position that a condition precedent to any appeal by the Appellant would be the zoning which was never obtained.

Very truly yours,
HARRY S. SHAPIRO

24-1111 8-11116
RECEIVED
COUNTY BOARD OF APPEALS

HSS/lb
cc: Benjamin Bronstein, Esquire

MICROFILMED

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
October 15, 1990

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

County Board of Appeals of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

RE: FRIENDS OF LUBAVITCH, INC.
CBA-90-116, 90-483-SPHA

Dear Sir/Madam:

This office has received a notice of a hearing in the above matter for February 27, 1991 at 10:00 a.m. However, I have a previously scheduled trial in the Circuit Court for Baltimore County scheduled for February 26, 1991 which could take several days.

Therefore, I would appreciate a postponement of the above matter. If your office could call me, I would be happy to explore other dates with you.

Thanking you for your kind cooperation, I remain

Very truly yours,
HARRY S. SHAPIRO

HSS/lb

cc: Benjamin Bronstein, Esquire
cc: Robert L. Goldman

24-1111 8-11116
RECEIVED
COUNTY BOARD OF APPEALS

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
November 13, 1990

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: FRIENDS OF LUBAVITCH, INC.
Case No: CBA-90-116 and 90-483-SPHA

Dear Ladies and Gentlemen:

This case was previously set for a hearing for 10:00 a.m. on February 27, 1991, and on October 15, 1990 a letter was sent to your office seeking a postponement in view of the fact that I have a previously scheduled matter which would take several days.

In said letter I suggested that this office would be happy to explore other dates with you so that there could be a mutual scheduling for all interested parties. This becomes essential in view of the multitude of experts that are necessary for this hearing.

Subsequently, we received a notice from your office of a re-scheduling at an earlier date on December 5, 1990. Apparently, some earlier date became open, and Mr. Bronstein suggested this date.

However, our architectural witness, who has made a complete study of the issues in this case, has a previous commitment which will take him out of the State on the December 5, 1990 date.

Therefore, I request once again that we receive some alternate dates from your office so that I might be able to explore a mutually convenient date with all parties in this case.

Looking forward to hearing from you, I remain

Very truly yours,
HARRY S. SHAPIRO

P.S. Since this letter was dictated, I received a letter dated November 12, 1990 from Mr. Ben Bronstein. If you can give us some alternative dates, I shall be happy to confer with Mr. Bronstein and attempt to arrange a mutually convenient time for this hearing.

HSS/lb
cc: Mr. Ben Bronstein
cc: Mr. Robert Goldman

MICROFILMED

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
November 21, 1990

(301) 825-0110

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

Baltimore County Board of Appeals
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

RE: FRIENDS OF LUBAVITCH, INC.
Case No: CBA-90-116 and 90-483-SPHA

Dear Ladies and Gentlemen:

I recently called your office concerning the new scheduling of the above matter from the December 5, 1990 date. I heard over the telephone that the date of March 6, 1991 has been selected by your office for a new date. However, I will be out of the state for that entire week. I advised the Clerk in your office that it may be an advantage for everybody concerned if I would call Mr. Bronstein's office, find out what dates might be available for him, and then communicate same to your office so that a date may be selected which would not be in conflict with any of the parties.

Mr. Bronstein's office advises that he would be available on March 11, March 14, and March 15 of 1991. My schedule would also be available for those dates.

If those dates are not available on your calendar, I would appreciate your advice so that I might be able to explore other dates from Mr. Bronstein's office.

Thanking you for your kind cooperation, I remain

Very truly yours,
HARRY S. SHAPIRO

HSS/lb
cc: Ben Bronstein, Esquire
cc: Mr. Robert Goldman

24-1111 8-11116
RECEIVED
COUNTY BOARD OF APPEALS

MICROFILMED

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

December 12, 1990

County Board of Appeals of
Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: FRIENDS OF LUBAVITCH, INC.
Case No: CBA-90-116, and 90-483-SPHA

Dear Sir/Madam:

I am sorry to have to report that one of the key parties in this case, Robert L. Goldman, has called this office to advise that he shall be out of the state on March 19, 1991, and he has requested a postponement.

If you would give this office some alternative dates in early April, I shall be happy to explore same with Mr. Goldman and Mr. Bronstein.

Very truly yours,

HARRY S. SHAPIRO

HSS/lb
cc: Robert L. Goldman
cc: Benjamin Bronstein, Esquire

05-1111 01 33006
STREET ADDRESS
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MICROFILMED

LAW OFFICES
HARRY S. SHAPIRO & ASSOCIATES, P.A.
400 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

BALTIMORE, MARYLAND OFFICE
ATLANTIC AMERICAN BUILDING
324 W. BALTIMORE STREET

January 8, 1991

Board of Appeals for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: The Honorable William T. Hackett, Chairman

RE: FRIENDS OF LUBAVITCH, INC. Case No: CBA-90-116 and 90-483-SPHA

Dear Mr. Hackett:

I have received a copy of a letter dated January 7, 1991 from Mr. Bronstein requesting a further change from the May 3, 1991 hearing date in the above matter. As this date was arranged as a final date, we would object to any other advances in such scheduling as our clients are alerting all of their people, and are making all necessary preparations for the hearing on May 3, 1991.

Very truly yours,

HARRY S. SHAPIRO

HSS/lb
cc: Benjamin Bronstein, Esquire
cc: Robert Goldman

01-1111 01 00715
STREET ADDRESS
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Colbert Matz Rosenfeld, Inc.
Civil Engineers • Surveyors • Planners

December 5, 1990

Mr. Arnold Jablon, C. Victor
Baltimore County Zoning Office
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Old Pimlico Synagogue
"Split and Interim Request"
CBA-90-116

Dear Mr. Jablon,

We hereby request approval of a minor building change for this project as being within the spirit and intent of the original zoning approval (Case No. 90-483-SPHA and CBA-90-116).

The proposed change is to extend a portion of the building at the rear by 4'-0" to provide a stairway to the lower level. The extension is within all setbacks and the required 75-foot buffer along the easterly property line.

This change is to the plan which was approved by the ORC on August 12, 1990 and by the Zoning Office. A copy of the plan is enclosed, with the change reflected.

We have contacted the Smith-Greenspring Association and they have agreed to write a letter in support of this request. We look forward to your approval.

Yours truly,

John M. Floam
Project Planner

cc: Rabbi S. Kaplan
Mico Holder

Speed
Letter

Road, Suite 205 Baltimore, Maryland 21208
(410) 552-3387 / Fax (410) 552-7953

December 16, 1990
3rd Election District

Dear Ms. Floam:

Please be advised that the zoning office will consider the stairway addition as within the spirit and intent of the referenced zoning hearings. Prior to a permit approval or revision, the site plan must be accompanied by the approval letter of the Smith-Greenspring Association.

If you need further assistance, please contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

CERTIFICATION AS TO DELINQUENT ACCOUNTS

This Certification is submitted in connection with the development known as _____ and is given in accordance with the provisions of Section 22-55 (c) of the Baltimore County Code, 1978, as amended.

I, _____, now make oath that to the best of my knowledge and belief there are no delinquent accounts for any other development due and owed Baltimore County, Maryland by the applicant, a person with a financial interest in the proposed development, or any person who will perform contractual services on behalf of the proposed development.

FOR FRIENDS OF LUBAVITCH, INC.
Rabbi S. Kaplan, President
Affiant

I HEREBY CERTIFY, that on this 10 day of January 1991, before me, the subscriber, a Notary Public in and for the County and State aforesaid, personally appeared Rabbi S. Kaplan, and made oath in due form of law that the matters and facts hereinabove set forth are true.

Notary Public
NOTARY PUBLIC

My Commission Expires:

July 1, 1990

NOTE:

If applicant is a corporation, this certification must be completed by an authorized officer and if applicant is a partnership or joint venture, it must be completed by a general partner or venturer or an officer thereof, if the partner or venturer is a corporation.

NOTARY PUBLIC
Baltimore County, MD



SMITH-GREENSPRING ASSOCIATION, INC. P.O. BOX 20879 • BALTIMORE, MARYLAND 21209

November 14, 1989

Mr. George Neff
Director, Baltimore County Department of Public Works
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Neff,

The "Friends of Lubavitch, Inc." has advised our Association of their intention to seek approval for the construction of a Lubavitch Synagogue on a parcel of residentially zoned land in Baltimore County near Old Pimlico and Micalol Roads.

Please be advised that our Association is diametrically opposed to the granting of any waivers in the normal hearing processes for this property. We also request that we be promptly notified of any meeting or hearing regarding this property.

Sincerely,

Robert L. Goldman, President
6801 Pimlico Road
Baltimore, Md. 21209

CERTIFIED

RECEIVED
NOV 16 1989
BUREAU OF PUBLIC SERVICES

RECEIVED
NOV 14 1989
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY



SMITH-GREENSPRING ASSOCIATION, INC.

P.O. BOX 20879 • BALTIMORE, MARYLAND 21209

March 20, 1990

Mr. Robert Covahey
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Subject: Appeal of Old Pimlico Synagogue CRG

Dear Mr. Covahey:

As a citizen of Baltimore County, President of the Smith-Greenspring Association, Inc. and on behalf of its Board of Directors, I wish to appeal the February 22, 1990 decision of the CRG Panel which approved the "Old Pimlico Road Synagogue" CRG Plan. Enclosed is a check for \$75.00 to cover costs in this matter.

Our Association believes that the CRG Panel erred in its failure to consider the fact that the site plan had not been approved in accordance with Baltimore County Zoning Regulations. Furthermore, the excessive size of the proposed structure is not compatible with the character and general welfare of the surrounding residential premises.

Very truly yours,

Robert L. Goldman, President
6801 Pimlico Road
Baltimore, Md. 21209

cc: Board of Directors

RECEIVED
MAR 21 1990
BUREAU OF PUBLIC SERVICES

RECEIVED
MAR 20 1990

MICROFILMED BUREAU OF PUBLIC SERVICES

April 29, 1991

Mr. William Hackett
Chairman
County Board of Appeals
111 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Hackett:

Please be advised that I am opposed to the construction of Lubavitch Synagogue to be constructed at Pimlico & Micalol Roads in Baltimore County.

The hearing is to take place on the appeal of the synagogue on Friday, May 3, 1991 at 10:00 a.m. I am unable to be present, but please take this letter into consideration at the hearing. Let the authorities know I live near Pimlico Rd. & Smith Ave. and am opposed to the zoning of this property. The proposed building is too large for the property. I hope the requested variances are denied at this hearing.

Sincerely,

Barbara Lichtenberg
Mrs. Barbara Lichtenberg
2418 Forest Green Rd.
Baltimore, MD 21209

True Copy Test:
W. T. Hackett
Chairman, County Board of Appeals

01-1111 05 00715

MICROFILMED

BENNARD B. PERLMAN
6603 BAYTHORNE ROAD
BALTIMORE, MARYLAND 21209

April 24, 1991

Mr. William T. Hackett, Chairman
County Board of Appeals
Room 315
County Office Building
Towson, Maryland 21204

Case # CBA-90-116
Old Pimlico Synagogue

Dear Mr. Hackett:

I am most disappointed at not being able to attend the zoning hearing for the proposed Old Pimlico Road Synagogue on May 3rd, but my wife and I shall be visiting our son, a rabbi, and his family in Israel at that time (He was the first graduate of Pikesville Senior High to gain admission to Yale University, from which he graduated in 1975).

As I remarked at the hearing on June 15, 1990, I am not opposed to the location of a Synagogue on the corner of Pimlico and Micalol roads, which is some four blocks from my home. My opposition to the plans and renderings, as presented at the hearing last June---I have not been privy to any revisions since then if, indeed, any have been made---has to do with its incompatibility with the immediate environs. It is my belief that the Synagogue should not be built there for the following reasons:

1. The structure appears to be at least 50% too large for the lot, both in the area it would occupy and in its total mass.
2. The proposed building material, calculated to give the facade the appearance of limestone, is in stark contrast to the wood and brick homes in the neighborhood.
3. The proposed tower further strengthens the visual impact of this edifice, to the detriment of neighboring homes. It is as though the Exxon Valdez were moored in Baltimore's Inner Harbor. It would simply be totally out of scale.
4. Although it was stated at the hearing last June that the Synagogue entrance would be on Micalol Road, a side street, according to the plans, it would be placed diagonally at the northwest corner of the building, so that the entrance would actually be on well-travelled Pimlico Road, since congregants walking to the Synagogue would be more likely to enter it from Pimlico Road.

While there are obviously other reasons for opposing the Synagogue as proposed, I believe that these points alone argue for its rejection.

Sincerely,

Bennard B. Perlman

True Copy Test:
W. T. Hackett
Chairman, County Board of Appeals

MICROFILMED

Mr. Robert Haines
Baltimore County Zoning Commissioner
Courts Building
401 Rosley Avenue
Towson, Maryland 21204

Dear Mr. Haines,

The "Friends of Lubavitch, Inc." has advised our Association of their intention to seek approval for the construction of a Lubavitch Synagogue on a parcel of DR 3.5 residentially zoned land in Baltimore County near Old Pinlico and Micael Roads. Recently we received a copy of their plans which envision a 7600 sq. ft. "Heritage and Educational Center" building on a 0.634 acre net area lot. The site is completely in a Residential Transition Area (RTA).

Although we clearly recognize the right to construct a "new church" in a residential area, our Association, as well as the surrounding community, are particularly concerned with the inappropriateness of this construction in our neighborhood. We believe that the proposed plan is not compatible with the character and general welfare of the surrounding residential premises.

The size of the building is much too large and the site is much too small to provide the required landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. It is our understanding that in accordance with County Regulations this defect may lead to a public hearing to ascertain the plans compliance with general RTA use requirements.

Prior to further review we believe that the following items must be addressed:

1. The proposed structure is divided into three equal area parts, a museum, an adult education center and a sanctuary. Since only 1/3 of the structure will be used for worship the question arises as to how compatible the other two uses are in a neighborhood setting. Is a

January 19, 1990

RECEIVED
JUN 15 1990

Dear Mr. Haines,

ZONING OFFICE

I am writing to you regarding the proposed change in zoning for the property at Old Pinlico and Micael Roads, where a synagogue would like to build.

In the seven years that I have lived in the neighborhood, I've watched the destruction of forests and green areas both along Greenspring and Old Pinlico. I no longer see deer but do still see some other small wild animals.

My family and I are very upset that the last small tract of forest on Old Pinlico might be destroyed for any reason.

We feel that the trees are important to keep the air quality and for the ecology of the area.

I have watched much new construction such as the USFAG project, homes and townhomes with disappointment that some areas are not being preserved as "GREENBELT".

The traffic on residential Old Pinlico, Smith Ave, and Greenspring Ave., is much greater than a few years ago and both the noise levels and pollution is worse. I shudder for the safety of pedestrians crossing the streets even at the lights. We have seen animals hit by cars and children crying for their death.

It now takes me longer to make a turn out of my street on to Smith Ave. Both myself and my children have seen numerous traffic accidents at all major intersections from Park Hts. to Old Pinlico along Smith Ave. Advance green lights for turning would surely help but more traffic generated both by cars and people would be dangerous.

I have chatted with many of my neighbors and they are all in agreement with me that more building and tearing down trees would be bad for us all.

While some construction is always going on let us not forget that we made the zoning laws for very good reasons and making such major exceptions in setback requirements are detrimental to the whole feel and look and safety of what is mostly a residential neighborhood.

Please, please can we not conserve this small forest and designate it greenbelt for the sake of our air, noise and traffic congestion.

Lets not destroy more of what nature in some cases took 100 years to make.

Thankyou,

Dale Berman

Dale Berman

Ari Berman

Ari Berman

Alisa Berman

Alisa Berman

Daniel Berman

6603 Lincs Ave
Baltimore MD 21209



Chabad-Lubavitch MARYLAND REGION

311 West Montgomery Avenue, Rockville, Maryland 20850 • 301/340-6858 • Fax 301/340-8702

June 20th, 1990

Ann Nastarowicz
Deputy Zoning Commissioner
Baltimore County, Maryland
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JUN 27 1990
ZONING OFFICE

Dear Commissioner Nastarowicz,

At the hearing last week I presented to you a petition in support of our proposed Synagogue on Old Pinlico Road. Inadvertently, one page of the petition remained in my attache case.

Enclosed please find the missing page. I trust that you can include it with the other pages.

Sincerely yours,

Shmuel Kaplan

Rabbi Shmuel Kaplan
RSK/ani
Enc:

Chabad-Lubavitch Baltimore
659 Deaneville Road
Baltimore, Maryland 21209
301/466-2666
LUBAVITCH CENTER ANNAPOLIS
1800 West Leger Drive
1240M Gemini Drive
Annapolis, Maryland 21403
301/263-5544
NATHANIEL & SYLVIA RY
RETRAIT CENTER
Baltimore, Maryland 21209
Chabad-Lubavitch Baltimore
Glean Israel Day Camp
Arlene, Alice & Jewish
Radio Program
Student Services
• Education
• Counseling
• American University Mission
Project Pals - Drug Abuse
Prevention Education
Children's Jewish Enrichment
• Jewish Bakery
• Jewish Music
• Menachem Factory
• Tivim Kin
Adult Education
• Holiday Information
• Torah On The Line
Speakers Bureau
Super Phone
• Dial a Jewish Store
• Discover Your Hebrew Birthday
Ocean City Mission
Calendar
Crisis Intervention
Free Emergency Loan Fund

THE UNDERSIGNED, OWNERS OF PROPERTY IN BALTIMORE COUNTY, HEREBY PETITION THE ZONING COMMISSIONER FOR BALTIMORE COUNTY TO APPROVE THE SITE PLAN AND THE RELIEF REQUESTED IN CASE NUMBER 90-483-SPHA. THE UNDERSIGNED SUPPORT THE USE OF THE PROPERTY AS A SYNAGOGUE BY FRIENDS OF LUBAVITCH, INC.

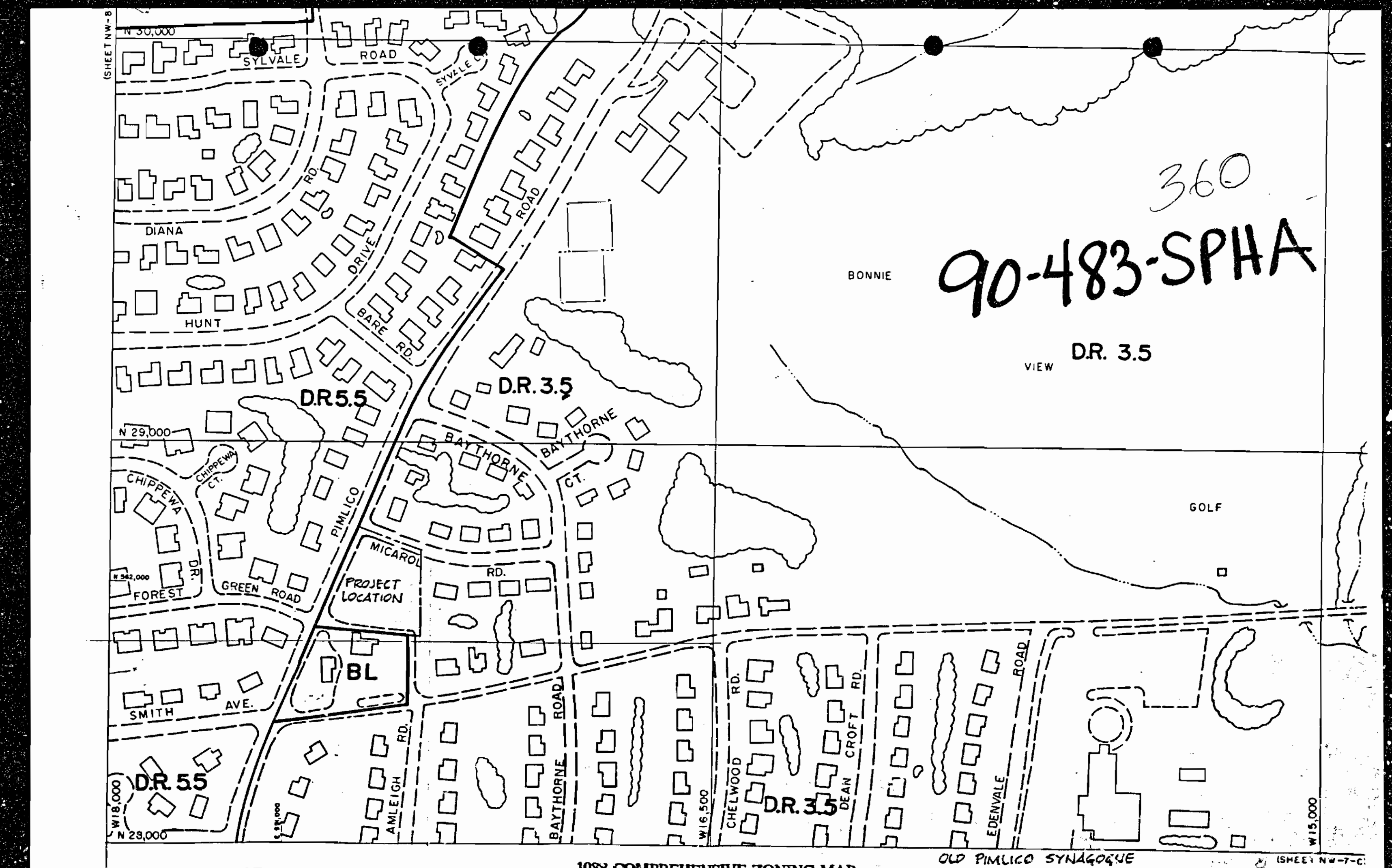
NAME	ADDRESS
Daniel Berman	6607 Greenspring Ave. 21207
Burt A. Berman	66013 Greenspring Dr 21209
Daniel Berman	6504 Greenspring Avenue
Elaine Brown	6504 Greenspring Ave.
Dr. T. K. Smith	6604 Greenspring
Em. Fuchs	6606 Greenspring Ave.
Julie Goldsmith	2415 Hal Circle
Charles K. Kees	6604 Tray Court
Ellie G. G.	2518 South Ave
Rene H. H.	2531 Farrington Rd.
Toby Fader	2526 Farrington Rd.
Sara L.	2527 Farrington Rd.

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Lynnette D. D.	2811 Lupton Ave 21214
Robert Shmuel Kaplan	6509 Deaneville Rd 21209
STUART HARKLIN	3000 Chestnut Ave 21211
Alan Auerbach	2325 Micael Rd. 21209
Mike Lawrence	6613 Amelagh Rd 21209
JERRY SILVER	6722 Old Pinlico Rd 21209
RICHARD F. MATZ	19 MARQUE WOODS COURT 21208

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
LARRY CAPLAN	6612 AMELAGH RD
RON WEINBERG	2409 FOREST GREEN RD
Cynthia Kubit	6708 Chippewa Drive
Elaine Goldman	6601 Pinlico Rd
Burt Goldman	" "
Muriel Goldman	6605 Tray Ct 21209
Bernard The Berman	6603 Baythorne Rd 21209
Dale Berman	6603 Lincs Ave 21209
Ronal Butler	6600 Lincs Ave 21209
Elliot D. D.	2301 Baythorne Ct 21209
Angus B. D.	2419 Lightfoot Dr. 21209
Willy L.	" "
Lee Shumberg	6511 Deaneville Rd 21209
Susan Sachs	2224 Smith Ave 21209
Quintana J. Berman	2411 West Dr. 21209
Zella Berman	" "
DR. JAMES F. BLAS	6707 Baythorne Rd 21209
Elaine A. Smith	6801 Old Pinlico Rd
Debra Harklin	2407 Forest Green Rd
Dr. W. L. D.	2410 Smith Ave 21209
Dolly Berman	2304 Baythorne Ct.
Ann Shumberg	2322 Micael Rd
Walter E. Jones	2327 Micael Rd
Thomas G. G.	6212 Lincs Ave 21209
Marcia Friedman	6506 Baythorne Road
Lawrence Friedman	21209



ORIGINAL

IN THE MATTER OF: * BEFORE THE
FRIENDS OF LUBAVITCH * COUNTY BOARD OF APPEALS
and * OF BALTIMORE COUNTY
OLD PIMLICO SYNAGOGUE * Case No. CBA-90-116
* combined with
* Case No. 90-483-SPHA
* May 3, 1991

The above-entitled matters came on for hearing
before the County Board of Appeals of Baltimore County at
the County Office Building, at 9 o'clock a.m., May 3,
1991.

Reported by:
C.E. Peatt

MICROFILMED

BOARD OF APPEALS



IN THE MATTER OF THE
THE APPLICATION OF
FRIENDS OF LUBAVITCH, INC.
FOR A SPECIAL HEARING AND
VARIANCES AND
OLD PIMLICO SYNAGOGUE
RE: CRG DECISION
ON PROPERTY LOCATED ON THE
SOUTHEAST CORNER OLD PIMLICO
AND MICAROL ROADS
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 90-483-SPHA AND
CASE NO. CBA-90-116

OPINION

These two cases come before the Board on appeal from a
decision of the Deputy Zoning Commissioner denying in part and
dismissing in part the respective petitions, and an appeal from the
decision of the County Review Group (CRG) approving the subject
plan. The Petitioner was represented by Benjamin Bronstein,
Esquire, and the Protestants were represented by Harry S. Shapiro,
Esquire.

Robert Goldman, President of the Smith-Greenspring
Association, testified in opposition to the approval of the CRG,
said approval being predicated upon the zoning matters in this
case.

In Case No. 90-483-SPHA, David Thaler, Engineer, testified at
length to the plan as offered by Petitioner's Exhibit No. 1. His
testimony addressed at length the physical aspects of the proposed
synagogue on the site and the need for the requested variances to
allow the synagogue to be erected. He specifically noted in his
testimony that the plan as presented retained the large trees
presently on the site. He specifically testified as to the
compliance of this proposal with the Residential Transition Area
(RTA) requirements and the buffer requirements for the proposed use

Exhibit #1

90-483 SPHA

P.E.

1

2

3

4

5

6

7

8

9

Plat

Cabriel Plat

Section Plan -

Front - sketch -

Microl sketch

Schedule proposed floor plan

Photograph - E. H. Shapiro

Sign - Seal -

Photograph

PROFESSIONAL QUALIFICATIONS

DAVID S. THALER, P.E., L.S.
7115 Ambassador Road
Baltimore, Maryland 21207

EDUCATION

Baltimore Polytechnic Institute	1966
Lehigh University BS	Civil Engineering 1970
Lehigh University M.A.	Management 1971
Lehigh University Ph.D.	Economics 1978
Lehigh University Ph.D.	Business & Economics (completed all but dissertation)

PROFESSIONAL ENGINEER

Washington, D.C.	Virginia
Pennsylvania	Delaware

REGISTERED LAND SURVEYOR - Maryland

LICENSED REAL ESTATE BROKER - Maryland

MEMBERSHIP IN PROFESSIONAL OR TECHNICAL SOCIETIES

American Society of Civil Engineers since 1970 - Fellow
National Society of Professional Engineers - since 1971
Baltimore Chapter - President 1985/86
Professional Engineers in Construction Division - Charter Member - since 1972
Maryland Society of Professional Engineers - Director 1985-1989
Engineering Society of Baltimore - since 1977
Society of American Military Engineers - since 1972
Beta Gamma Sigma (National Business Honorary) 1975
Maryland Society of Surveyors - since 1979
Home Builders Association of Maryland Inc., Baltimore County Chapter
Board of Directors 1978 - 1979
Secretary/Treasurer 1979, second Vice President 1980, 1981,
Vice President 1982
Home Builders Association of Maryland, Inc.
Board of Directors since 1988
Chairman, Editorial Board Maryland Builder - since 1988
Chairman, Land Use Committee - 1987-1990
Land Development Council - Vice President 1991

AWARDS

Civil Engineer of the Year - American Society of Civil Engineers 1990
Engineer of the Year - Engineers Week Council of Maryland 1984/1985
Outstanding Young Engineer in Maryland - 1983/1984
Maryland Society of Professional Engineers.
JOURNALISM AWARD - 1983/1984, 1984/1985
Maryland Society of Professional Engineers.

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 4, 1990



Dennis F. Kaurissen
County Executive

Benjamin Bronstein, Esquire
23 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 360, Case No. 90-483-SPHA
Petitioner: Friends of Lubavitch, et al
Petition for Zoning Variance and
Special Hearing

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted
with the above referenced petition. The following comments are not
intended to indicate the appropriateness of the zoning action
requested, but to assure that all parties are made aware of plans or
problems with regard to the development plans that may have a bearing
on this case. Director of Planning may file a written report with the
Zoning Commissioner with recommendations as to the suitability of the
requested zoning.

Enclosed are all comments submitted from the members of the Committee
at this time that offer or request information on your petition. If
similar comments from the remaining members are received, I will
forward them to you. Otherwise, any comment that is not informative
will be placed in the hearing file. This petition was accepted for
filing on the date of the enclosed filing certificate and a hearing
scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO
MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS
REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Samuel Kaplan
Friends of Lubavitch, Inc.
311 W. Montgomery Avenue
Rockville, MD 20850

MICROFILMED

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

TO: Mr. Robert Covahey DATE: February 21, 1990
FROM: Stephen E. Weber
SUBJECT: C.R.G. Comments

PROJECT NAME: Old Pimlico Synagogue
LOCATION: Old Pimlico Road

The proposed development is not within a traffic deficient zone
and the surrounding roadways have sufficient capacity to handle the
additional traffic to be generated by this development.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEN/RF/lab

MICROFILMED



SMITH-GREENSPRING ASSOCIATION, INC.

P.O. BOX 20879 • BALTIMORE, MARYLAND 21209

January 19, 1990

Mr. Robert Haines
Baltimore County Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Haines,

The "Friends of Lubavitch, Inc." has advised our
Association of their intention to seek approval for the
construction of a Lubavitch Synagogue on a parcel of
DR 3.5 residentially zoned land in Baltimore County near
Old Pimlico and Micarol Roads. Recently we received a copy
of their plans which envision a 7600 sq. ft. "Heritage and
Educational Center" building on a 0.834 acre net area lot.
The site is completely in a Residential Transition Area
(RTA).

Although we clearly recognize the right to construct a
"new church" in a residential area, our Association, as well
as the surrounding community, are particularly concerned
with the inappropriateness of this construction in our
neighborhood. It is our understanding that in accordance
with County Regulations this defect may lead to a public
hearing to ascertain the plans compliance with general RTA
use requirements.

The size of the building is much too large and the site is
much too small to provide the required landscaped but
otherwise unimproved yard areas of 100 feet between any
improvement and any property line other than street
frontages. It is our understanding that in accordance
with County Regulations this defect may lead to a public
hearing to ascertain the plans compliance with general RTA
use requirements.

Prior to further review we believe that the following
items must be addressed:

1. The proposed structure is divided into three equal area
parts, a museum, an adult education center and a
sanctuary. Since only 1/3 of the structure will be used
for worship the question arises as to how compatible
the other two uses are in a neighborhood setting. Is a

Det. Sub. 8
90-483SPHA
SPH

MICROFILMED

AT THE BOARD OF DIRECTORS MEETING ON APRIL 25, 1991
RESOLUTION OF THE SMITH-GREENSPRING ASSOCIATION, INC.

Whereas the responsibility for review and action on all matters involving the health, transportation, zoning and public safety are placed in said Association's board of directors; and

Whereas said board of directors has met and duly considered the proposed development of the lot located at Old Pimlico Road and Micalol Road; and

Whereas the Board concludes that the proposed development is incompatible with the character and general welfare of the surrounding residential premises due to:

- The size of the proposed improvements being too large for the size of the lot where they are proposed to be located; and
- The traffic and parking problems that will be caused by the proposed use; and
- The insufficient buffer and set-back zones proposed for the improvements; and
- The conflicting design, color and structure of the proposed improvements in comparison with the surrounding residential premises;

It is this 25th day of April, 1991, resolved by the Smith-Greenspring Association, Inc., that it is opposed to the proposed development and improvements for the lot located at the corner of Old Pimlico Road and Micalol Road.

Smith-Greenspring Association, Inc.
By: Robert L. Goldman, President

Attest:
James Sheedman
Secretary, Smith-Greenspring, Assoc., Inc.

Robert L. Goldman
President, Smith-Greenspring, Assoc., Inc.

Photostat: Exh 2
90-4835 PHA
5/3/91

RECEIVED

At the annual Meeting on December 5, 1990

RESOLUTION OF THE SMITH-GREENSPRING ASSOCIATION, INC.

Whereas the Smith-Greenspring Association, Inc. Constitution and By-laws is the governing document of said association; and
Whereas said Constitution and By-laws provide that an objective of the Association is to provide a forum through which the Association's members can democratically and effectively work to improve their community in the areas of health, education, recreation, transportation, zoning, public safety and all other areas affecting the community's general well-being; Now Therefore,

It is this 5th day of December, 1990, resolved by the Smith-Greenspring Association, Inc. that responsibility for review and action on all matters involving the health, education, recreation, transportation, zoning, public safety and all other areas affecting the community's well-being are hereby placed in said Association's board of directors or a duly elected health committee, education committee, transportation committee, zoning committee, public safety committee or such other committee as shall be elected to deal with any and all other areas affecting the community's well-being.

And be it further resolved that this resolution shall remain in effect until the Association's next annual meeting.

Smith-Greenspring Association, Inc.
By: Robert L. Goldman, President

Attest:
James Sheedman (SEAL)
Secretary, Smith-Greenspring, Assoc., Inc.

Robert L. Goldman (SEAL)
President, Smith-Greenspring, Assoc., Inc.

Photostat: Exh 3
90-4835 PHA
5/3/91

MICROFILMED

THE UNDERSIGNED, OWNERS OF PROPERTY IN BALTIMORE COUNTY, HEREBY PETITION THE ZONING COMMISSIONER FOR BALTIMORE COUNTY TO APPROVE THE SITE PLAN AND THE RELIEF REQUESTED IN CASE NUMBER 90-483-SPHA. THE UNDERSIGNED SUPPORT THE USE OF THE PROPERTY AS A SYNAGOGUE BY FRIENDS OF LUBAVITCH, INC.

NAME

Mr. & Mrs. Alan Jacobach
Mr. & Mrs. Sed Halitzky
Mr. & Mrs. Harry Hirsch
Mr. & Mrs. David Glickowich
Mr. & Mrs. Zehava Chaban
Mr. & Mrs. Howard Kaplan
Mr. & Mrs. Henry Rabin
R. Daniel
D. & Mrs. Stuart Weinberg

ADDRESS

2325 Micalol Rd.
2324 Micalol Rd.
2321 Micalol Rd.
2414 Forest Green Rd.
101 WINDBLOWN CT. (Greengate)
2438 Sylvan Rd.
6604 TRAY CT.
BALTO. MD 21209
6901 Greenspring Ave.
BALTO. MD 21209
6603 Glenvale Rd.
BALTO. MD 21209

PETITIONER'S
EXHIBIT 8

MICROFILMED

LAW OFFICES
EVANS, GEORGE AND BRONSTEIN

SUSQUEHANNA BUILDING, SUITE 205
25 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(301) 296-0200
FAX (301) 296-3719

February 6, 1990

L. ROBERT EVANS
HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL J. CHOMEL
DOUGLAS A. STUBBS
WILLIAM R. LEVASSOUR, JR.

The Smith-Greenspring Association, Inc.
P.O. Box 20879
Baltimore, Maryland 21209

Attn: Robert L. Goldman, President

Re: Friends of Lubavitch, Inc.

Dear Bob:

I have obtained a copy of your letter to Robert Haines, Zoning Commissioner, in which you voice complaints about the proposed land use plan for the synagogue.

As you well know, a copy of that plan was sent to Jay Liner in a good faith gesture. Although my client could proceed with construction of the contemplated structure with minimal approvals, it has gone beyond the minimum legal requirements in an attempt to create the most aesthetically pleasing use of the property.

In the spirit of cooperation, I sent Jay Liner the preliminary plan (before filing with Baltimore County authorities) for your review and comment. I and my client are shocked and dismayed to discover that you have not only rejected the offered hand of cooperation, but are attempting to utilize the information in the plan as a sword to obstruct the entire project.

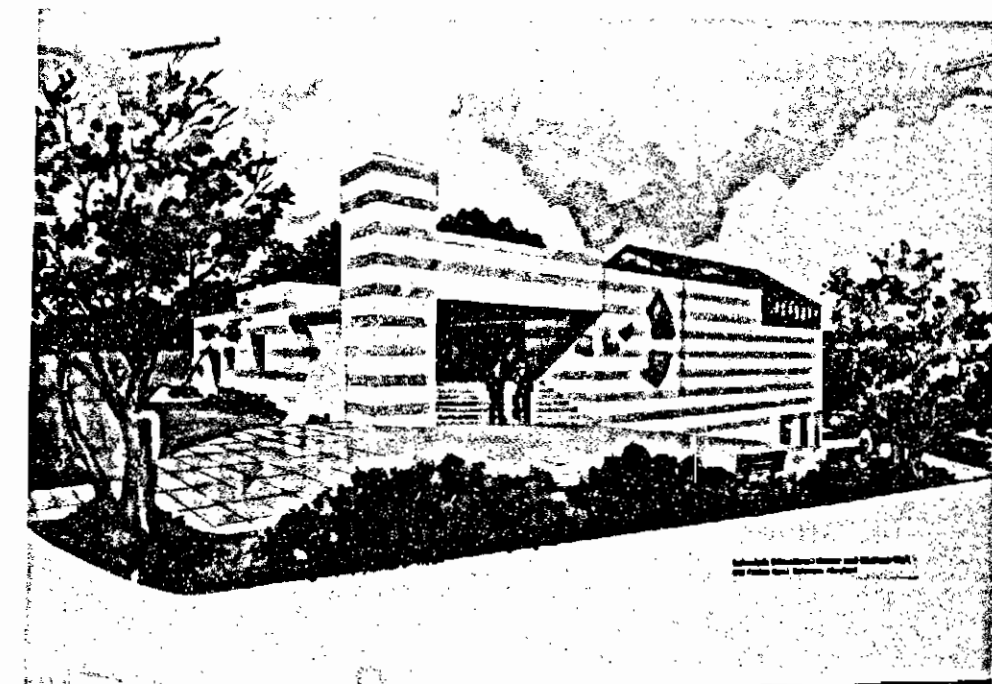
Your actions in this regard give the appearance of having obtained the information (to which you were not otherwise entitled) under the subterfuge of cooperation. You failed even to extend the slightest courtesy of sending me a copy of your letter to the Zoning Commissioner.

Not surprisingly, my client and I feel ill-used by your behavior. You have spurned our good faith efforts and left us no alternative than to proceed without any further attempt to reach an accommodation with you.

Photostat: Exh 9
90-4835 PHA
5/3/91

RECEIVED

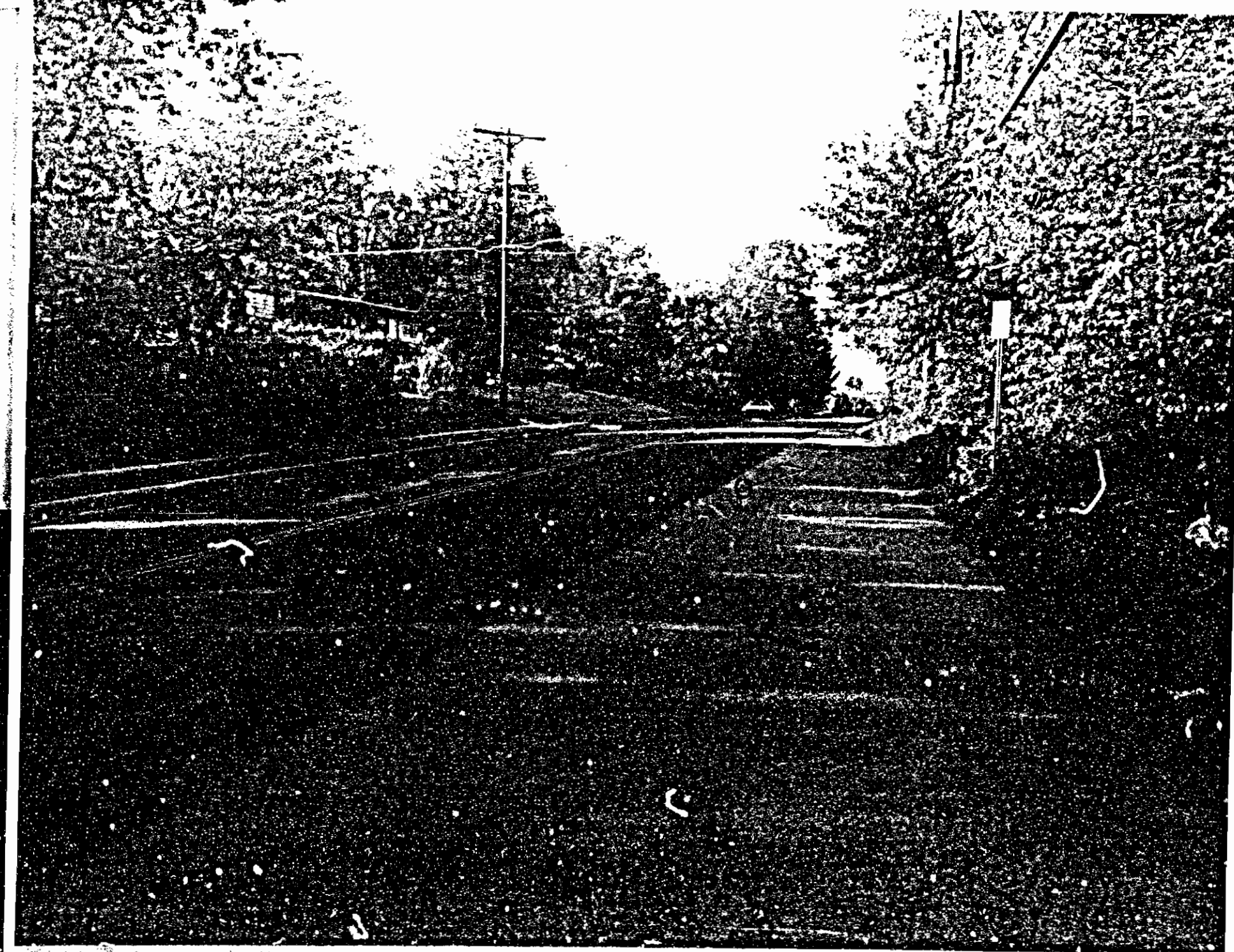
Photostat: Exh 1
90-4835 PHA
5/3/91



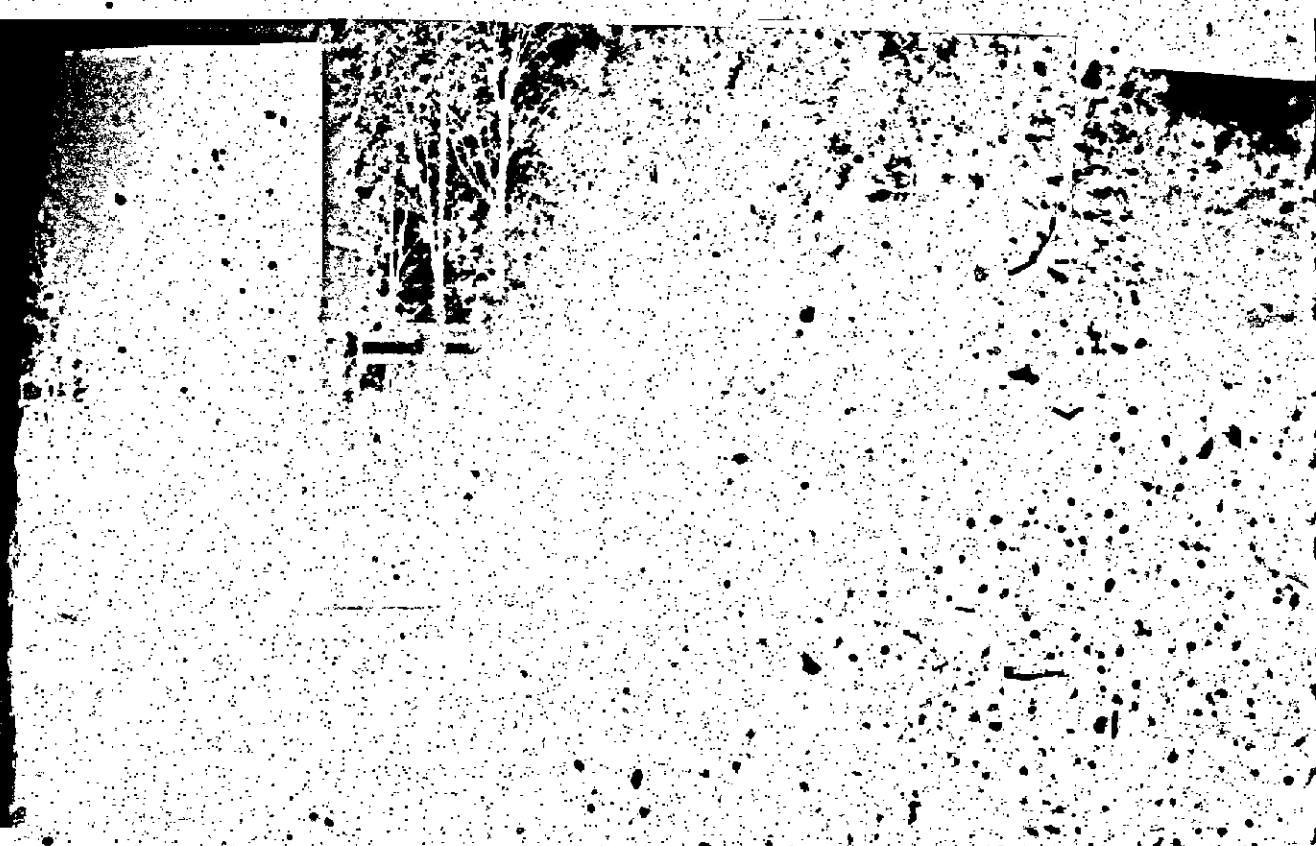
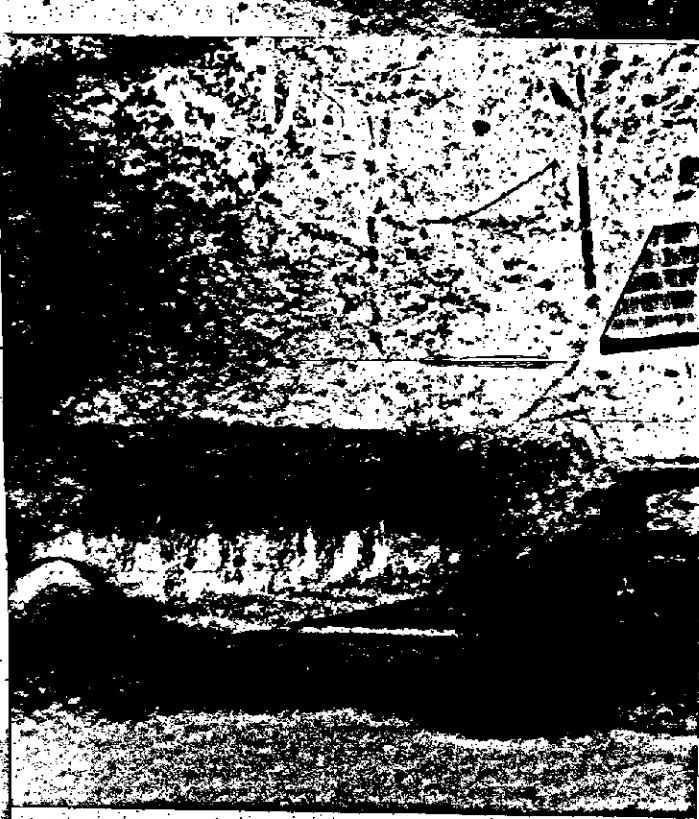
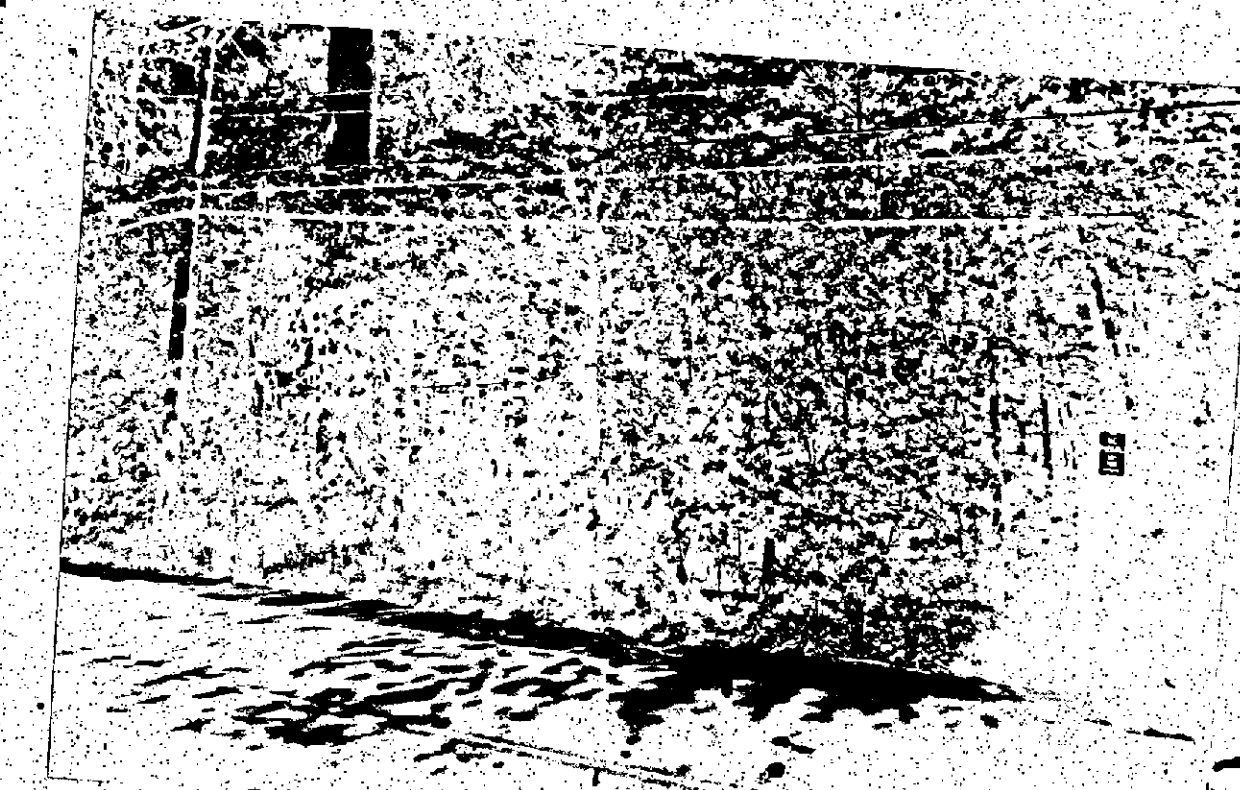
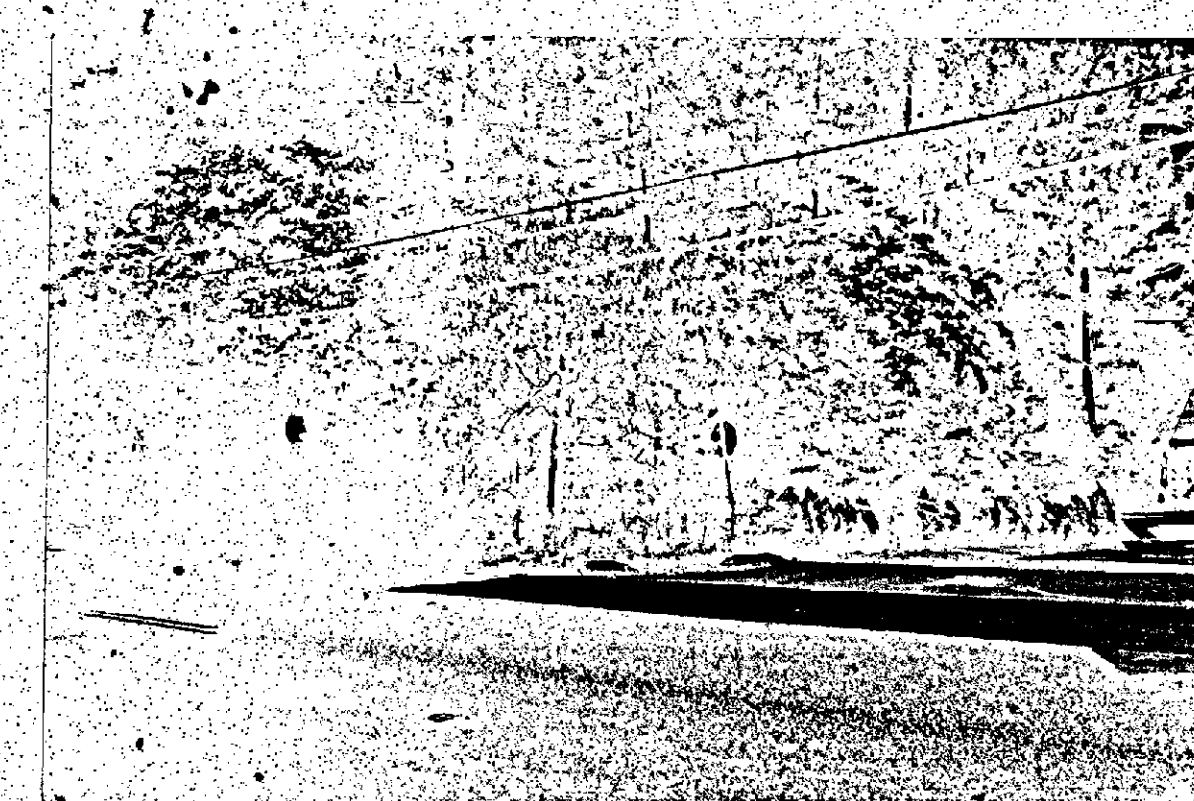
Photostat: Exh 7
90-4835 PHA
5/3/91



Photostat: Exh 7
90-4835 PHA
5/3/91



90-483-SPHA
PET. EXH 4
Old Pimlico Synagogue



CIRCUIT COURT FOR BALTIMORE COUNTY

MICROFILMED

receipt
No 3512

Dennis F. Rasmussen
County Executive

receipt

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE • REVENUE DIVISION
COMPTROLLER - TAXATION, SALES AND LABOR

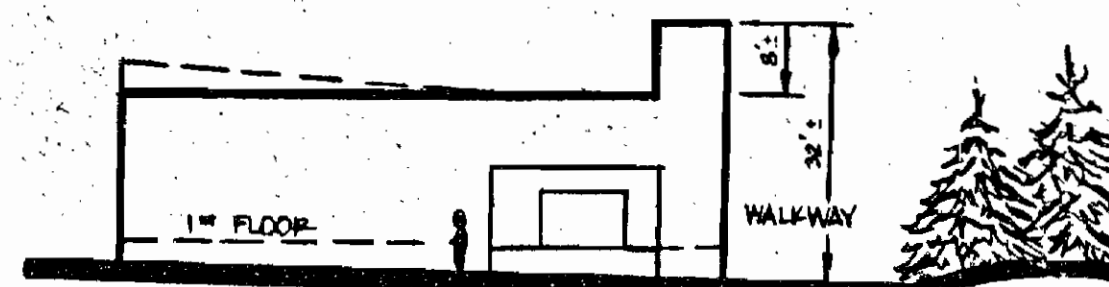
INVOICE NO. 180464

Dennis F. Rasmussen
Guest, Emeritus

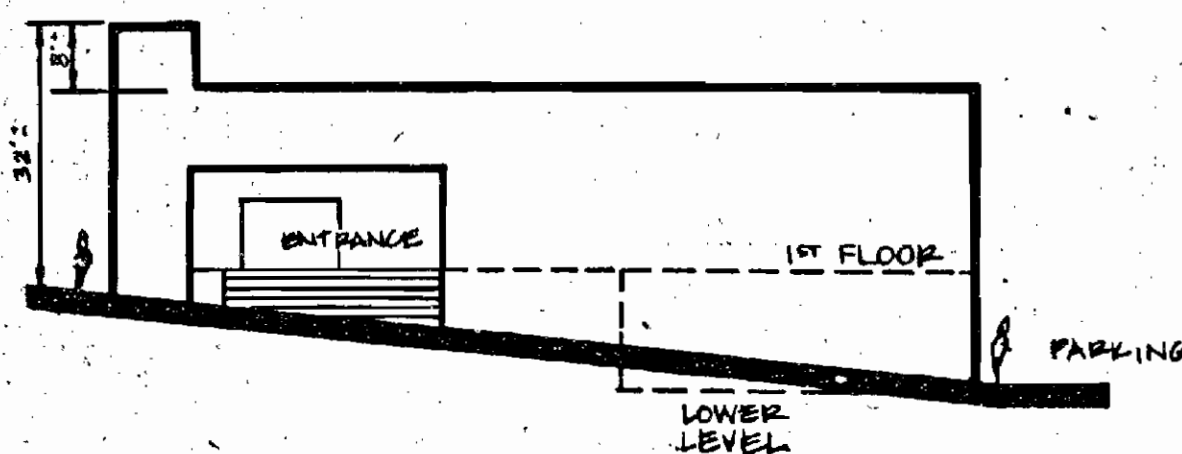
OCT 12 1990
BUREAU OF PUBLIC RELATIONS

Reassigned
to 12/05/90 at
10:00 a.m.

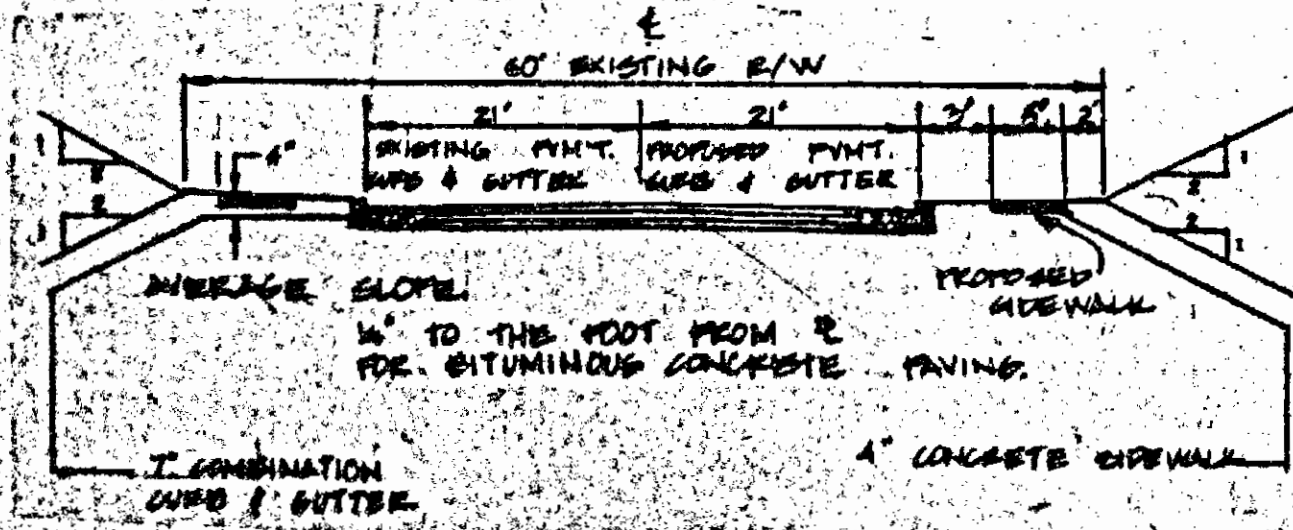
MICROFILMED



BUILDING HEIGHT
EAST - WEST
SECTION
NOT TO SCALE

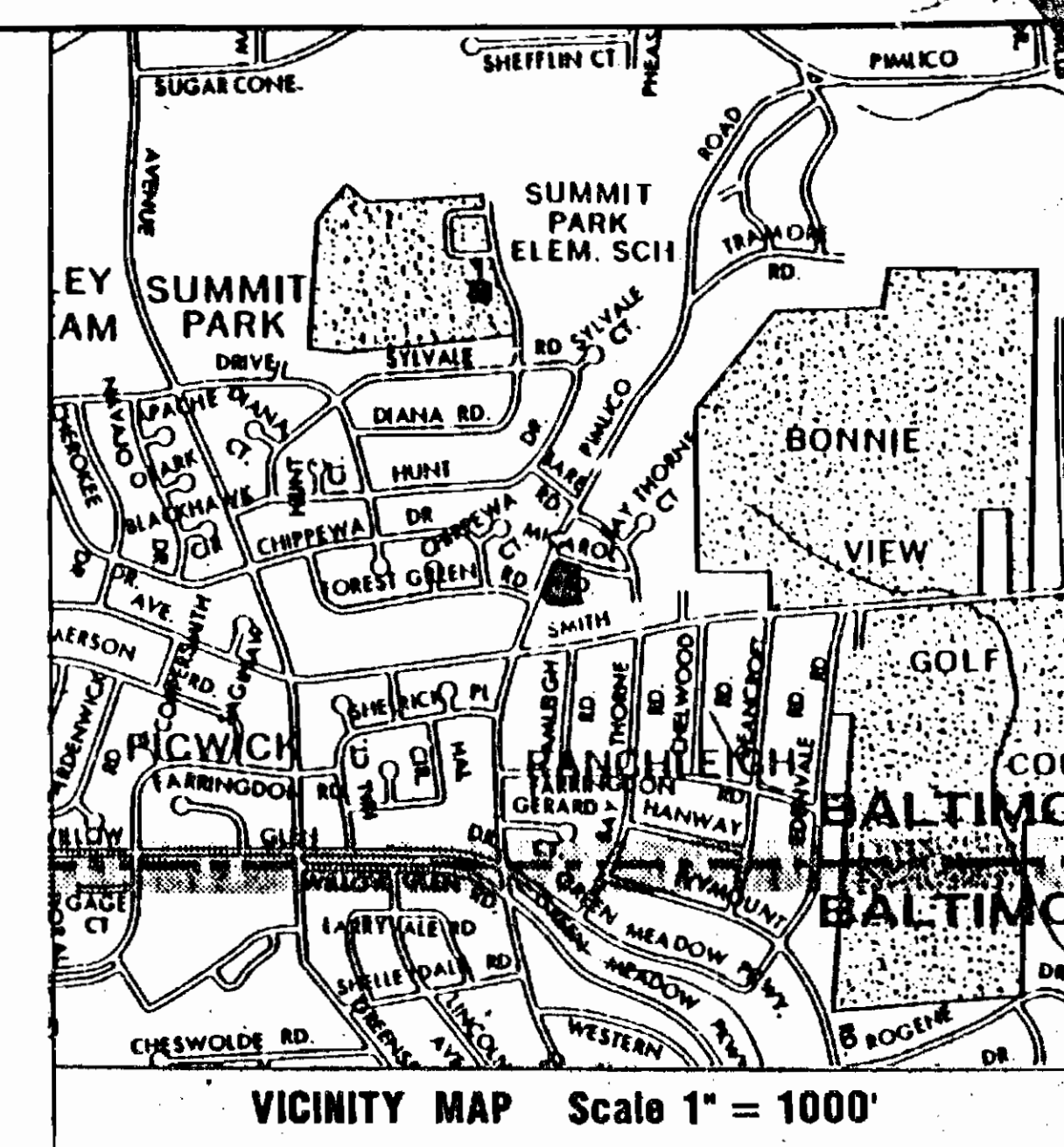


BUILDING HEIGHT
NORTH - SOUTH
SECTION
NOT TO SCALE

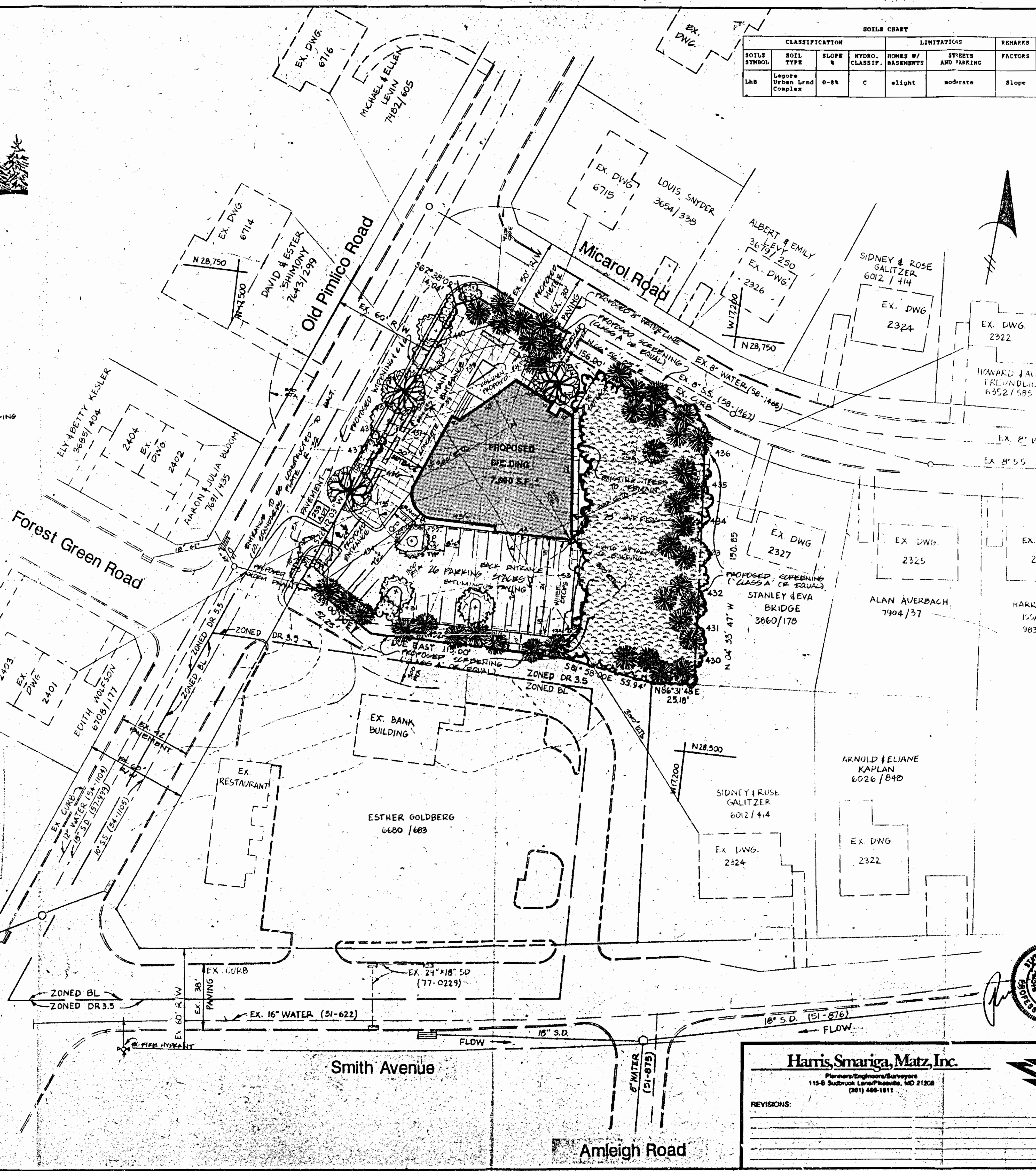


ROAD & STREET DETAILS
42' STREET ON 60' R/W
NOT TO SCALE

SOILS CHART						
CLASSIFICATION		LIMITATIONS		REMARKS		
SOILS SYMBOL	SOIL TYPE	SLOPE %	HYDRO. CLASSIF.	ROSES W/ BASEMENTS	STREETS AND PARKING	FACTORS
LH8	Legore Urban Land Complex	0-8%	C	slight	moderate	Slope



VICINITY MAP Scale 1" = 1000'



- GENERAL NOTES
1. SITE DATA
 - A. EXISTING USE: VACANT
 - B. EXISTING ZONING: DR 3.5
 - C. PROPOSED USE: SYNAGOGUE W/100 SEATS
 - D. ZONE ACREAGE: 1.0889
 - E. HIGHWAY RIGHT-OF-WAY: 230' AC
 - F. TOTAL AREA OF LOT: 9.245 AC
 - G. TOTAL AREA OF LOT: 20.1 AC
 - H. SUBDIVISION: 52
 2. SITE LOCATION
 - A. ELECTION DISTRICT: 3
 - B. CONGRESSIONAL DISTRICT: B
 - C. CENSUS TRACT: 4014.02
 - D. PRELIMINARY PLANNING: 313 C
 - E. WATERWAYS: 23
 - F. SUBDIVISION: 52
 3. PROPERTY INFORMATION
 - A. OWNER/DEVELOPER:
 - FRIENDS OF LIBERTY, INC.
 - 313 W. MONTGOMERY AVENUE
 - BALTIMORE, MARYLAND 21201
 - (301) 340-0950
 - ATTN: RABBI SHIMON KAPLAN
 - B. THE MAP REFERENCE: 78-1-100
 - C. PLAT: 6151 W. WASHINGTON SQUARE
 - D. DEED REFERENCE: 6077/499
 - E. TAX ACCOUNT NO. 1: 3100000000
 4. VERIFICATION FOR EXISTING FEATURES:
 - A. TOPOGRAPHY: COUNTY TOPO IN 6-2
 - B. SURVEY: SURVEY PROPERTY, PRELIMINARY PLAT, VIA ASSOCIATES, INC.
 - C. SURVEY: 2015 SURVEY OF BALTIMORE COUNTY
 5. THIS SITE DOES NOT CONTAIN TO THE BEST OF OUR KNOWLEDGE:
 - HISTORICAL BUILDINGS
 - CRITICAL AREAS
 - ARCHAEOLOGICAL SITES
 - 100-YEAR FLOOD PLAIN
 - WETLANDS
 - ENDANGERED SPECIES OR HABITAT
 - HAZARDOUS MATERIAL SITE
 - 300 OR GREATER SLOPES
 6. PROVIDING PARKING: ONE PER 8 SEATS IN PRINCIPAL PLACE OF WORSHIP. 24 PARKING SPACES.
 7. PROPOSED PARKING: 24 PARKING SPACES (100 SEATS)
 8. SITE IS COMPLETELY IN (ITAL) REDEVELOPING TRANSFERRED AREA.
 9. SITE IS WOODED.
 10. ALL CURBS AND GUTTERS, PAVEMENT SHALL CONFORM TO BALTIMORE COUNTY STANDARDS.
 11. A LANDSCAPE PLAN REVIEWED AND APPROVED BY THE BALTIMORE COUNTY OFFICE OF PLANNING AND DESIGN SHALL BE SUBMITTED WITHIN THE TERM OF ANY EXISTING PERMIT.
 12. ON SITE LIGHTING SHALL BE PROVIDED AND SHIELDED AS TO CONTAIN ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT MOTORWAY OR INTO THE PATH OF TRAVELING VEHICLES.
 13. WATER & SEWER WILL BE PERFORMED W/1, S1
 14. A WATER HAS BEEN REQUESTED FROM FORM: WATER MANAGEMENT REQUIREMENTS.

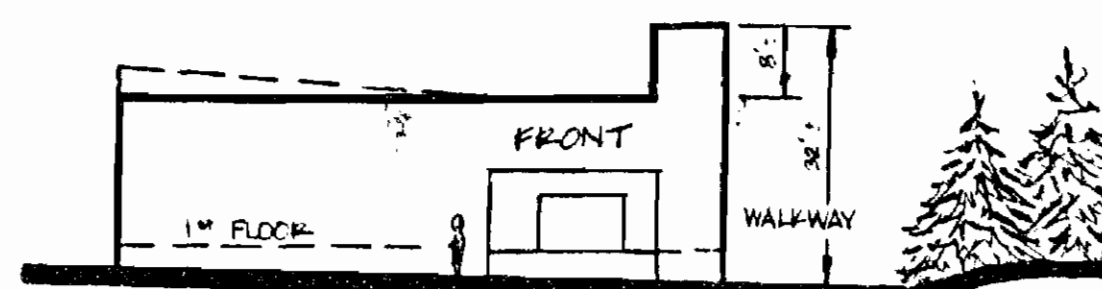
Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
115-B Sudbrook Lane/Placerville, MD 21028
(301) 486-1111

REVISIONS:

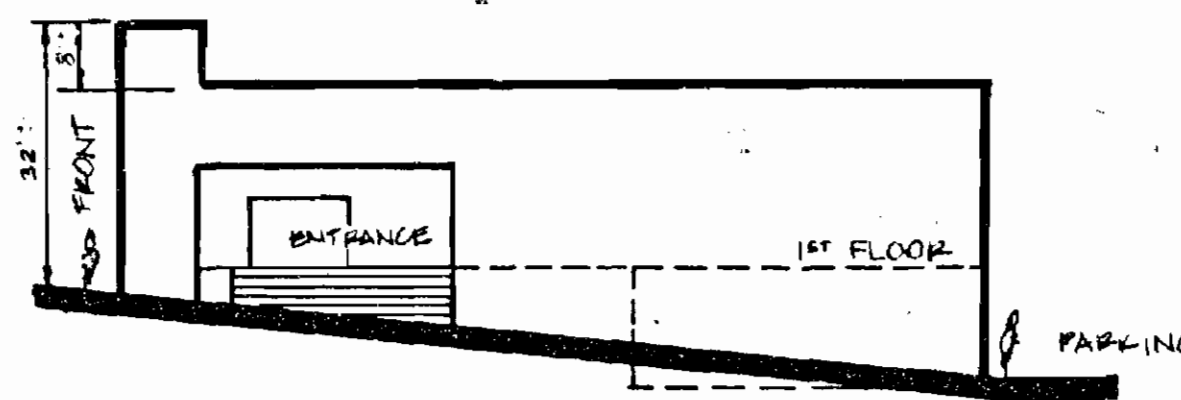
C.R.G. PLAN
OLD PIMLICO
SYNAGOGUE

C.R.G. # 89553 MICROFILMED
Baltimore County, Maryland

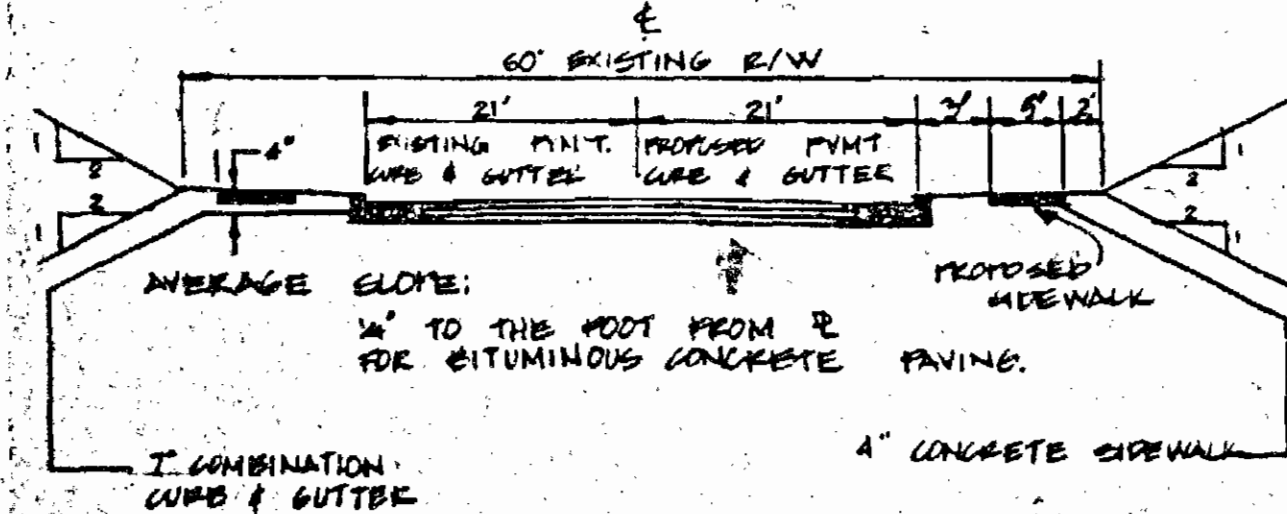
SCALE:
1" = 30'
DRAWN BY:
L.J.G.
CHECKED BY:
NEW
DATE:
12-22-89
SHEET:
OF: 1
PROJECT:
NO. 40294



BUILDING HEIGHT
EAST - WEST
SECTION
NOT TO SCALE



BUILDING HEIGHT
NORTH - SOUTH
SECTION
NOT TO SCALE

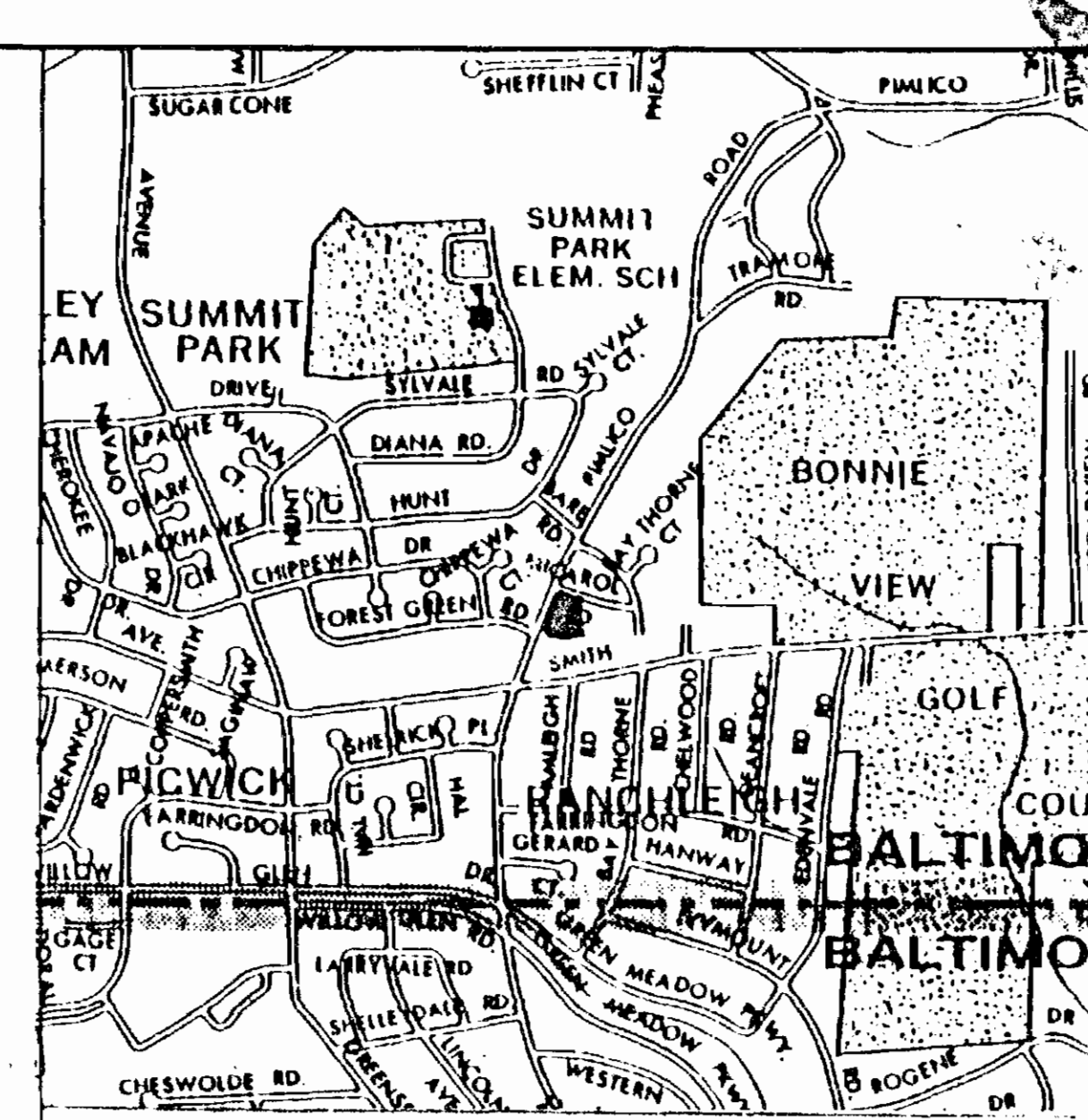


ROAD & STREET DETAILS
42' STREET ON 60' R/W
NOT TO SCALE

SOILS CHART						
CLASSIFICATION				LIMITATIONS		REMARKS
SOILS SYMBOL	SOIL TYPE	SLOPE %	HYDRO. CLASSIF.	FOUND. W/ BASEMENTS	STREETS AND PARKING	FACTORS
LhB	Legore Urban Land Complex	0-8%	C	slight	moderate	Slope

2 SIDED - NON ILLUMINATED SIGN

SCALE: 1/4" = 1'



VICINITY MAP Scale 1" = 1000'

1. SITE DATA
 - A. EXISTING USE: VACANT
 - B. EXISTING ZONING: OR 3.5
 - C. PROPOSED USE: SYNAGOGUE W/104 SEATS
 - D. GROSS ACRES: 1.044
 - E. NET AREA OF LOT: 0.814 AC
 - F. NET AREA OF LOT: 0.814 AC
 - G. OPEN SPACE: 30% AC
2. SITE LOCATION
 - A. ELECTION DISTRICT: 3
 - B. CONGRESSIONAL DISTRICT: 2
 - C. COUNTY TRACT: 10 W 02
 - D. REGIONAL PLANNING: 313 C
 - E. WATER SHED: 21
 - F. SUBSEVERED: 32
3. PROPERTY INFORMATION
 - A. OWNER/DEVELOPER:
 - FRYDMAN & KAPLAN, INC.
 - 312 W. MONTGOMERY AVENUE
 - BALTIMORE, MARYLAND 21201
 - TEL: 366-8888
 - ATTN: PABLO SHIMON KAPLAN
 - B. TAX MAP REFERENCE: 78-1-184
 - C. PLAT: 8151 MT. WASHINGTON RUNNIT
 - D. DEED REFERENCE: 8077499
 - E. TAX ACCOUNT NO.: 2100010359
4. REFERENCE FOR EXISTING FEATURES:
 - A. TOPOGRAPHY: COUNTY TOPO 8-C
 - B. BOUNDARY: GOLDEN PROPERTY
 - C. ASSOCIATES, INC.
 - D. SOILS: SOIL SURVEY OF BALTIMORE COUNTY
5. THIS SITE DOES NOT CONTAIN TO THE BEST OF OUR KNOWLEDGE:
 - HISTORICAL BUILDINGS
 - CRITICAL AREAS
 - HISTORICAL BUILDINGS
 - CRITICAL AREAS
 - ARCHAEOLOGICAL SITES
 - 100-YEAR FLOOD PLAIN
 - WETLANDS
 - ENDANGERED SPECIES OR HABITAT
 - HAZARDOUS MATERIALS SITE
 - HAZARDOUS MATERIALS SITE
 - ENDANGERED SPECIES OR HABITAT
 - HAZARDOUS MATERIALS SITE
 - 25% OR GREATER SLOPE
6. REQUIRED PARKING: ONE PER 4 SEATS IN PRINCIPAL PLAZA OF SYNAGOGUE. 26 PARKING SPACES / 104 SEATS.
7. SITE IS CONSIDERED IN IDEAL PRESENTIAL TRANSPORT AREA.
8. SITE IS MINOR.
9. ALL CURB AND GUTTER, PAVEMENT SHALL COMPLY TO BALTIMORE COUNTY STANDARDS.
10. A LANDSCAPE PLAN PREPARED AND APPROVED BY THE BALTIMORE COUNTY OFFICE OF PLANNING AND DESIGN WILL BE APPROVED BEFORE THE EXISTENCE OF ANY BUILDING PERMITS.
11. ON SITE LIGHTING SHALL BE ARRANGED AND SHIPPED AS TO COMPLY ALL LIGHT POLLUTION REGULATIONS. THE LIGHTING SHALL BE DESIGNED TO PROVIDE PROPER LIGHT FOR THE SITE AND TO PROTECT THE ADJACENT NEIGHBORHOODS FROM LIGHT POLLUTION. LIGHTING SHALL BE DESIGNED TO PROVIDE PROPER LIGHT FOR THE SITE AND TO PROTECT THE ADJACENT NEIGHBORHOODS FROM LIGHT POLLUTION.
12. WATER AND SEWER WILL BE PROVIDED BY THE CITY.
13. STORMWATER MANAGEMENT IS SHOWN ON THIS PLAN. HOWEVER, A MAJOR HAS BEEN REQUESTED FROM STORMWATER MANAGEMENT ENGINEERS FOR THE SITE. IF WATER IS DESIGNED, STORMWATER MANAGEMENT SHALL BE PROVIDED FOR 2, 10 AND 100 YEAR STORMS.
14. ALL STORM WELLS SHALL BE PROVIDED WITH 4" DIA. AND ALL ZONING SIGN REQUIREMENTS.
15. RETAINMENT PAVING ARE USED FOR ALL PAVING, HANDICAPPED AND ADA COMPLIANT, AND ARE TO BE EXPEDITIOUSLY STIPPED. PAVING DAYS AND ACCESS HAS BEEN APPROVED BY THE DEPARTMENT OF TRANSPORTATION, INC.
16. EXISTING USE VACANT LAND.
17. VARIANCE WILL BE REQUESTED FOR FRONT, REAR AND SIDE YARD SETBACKS.
18. WATER QUALITY WILL BE PROVIDED FOR THE FIRST HALF INCH OF RAINFALL FROM ALL INTERFERING AREAS. WATER QUALITY MEASURES WILL BE COMPLETED WITH THE POLICE OF THE DEPARTMENT OF ENVIRONMENT PROTECTION AND RESOURCE MANAGEMENT.
19. PAVING DAYS AND ACCESS HAS BEEN APPROVED BY THE DEPARTMENT OF TRANSPORTATION, INC.
20. EXISTING PAVING WILL BE ALLOWED ON SITE.
21. ALL AREAS EXCEPT THAT USED FOR BUILDINGS, SIDEWALKS AND DRIVEWAYS SHALL BE PLANTED WITH VEGETATION COVER. PLANTING SHALL BE COMPLETED AS SOON AS POSSIBLE AFTER FINAL GRADING AND FINISHING OF THE SITE.
22. ALL AREAS EXCEPT THAT USED FOR BUILDINGS, SIDEWALKS AND DRIVEWAYS SHALL BE PLANTED WITH VEGETATION COVER. PLANTING SHALL BE COMPLETED AS SOON AS POSSIBLE AFTER FINAL GRADING AND FINISHING OF THE SITE.
23. ALL AREAS EXCEPT THAT USED FOR BUILDINGS, SIDEWALKS AND DRIVEWAYS SHALL BE PLANTED WITH VEGETATION COVER. PLANTING SHALL BE COMPLETED AS SOON AS POSSIBLE AFTER FINAL GRADING AND FINISHING OF THE SITE.
24. APPLICATION OF FERTILIZERS, PESTICIDES AND PESTICIDES WILL NOT EXCEED RECOMMENDATIONS OF THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION SERVICE.
25. FILLING WILL NOT OCCUR IN CHASED OR LIQUID DRAINAGE DITCHES OR SWALES.
26. INVESTIGATION FOR WATER QUALITY WILL BE INVESTIGATED.
27. THE PRESERVATION OF THE LARGE NATIVE TREES ADJACENT TO OLD PIMLICO ROAD HAS BEEN INVESTIGATED.
28. MICAROL ROAD IS AN EXISTING COUNTY ROAD OF WHICH NO ADDITIONAL IMPROVEMENTS ARE REQUIRED.
29. RAMP SHALL BE PROVIDED FOR PHYSICALLY HANDICAPPED PERSONS BY ALL STREET INTERSECTIONS.

90-483-SPHA

PETITIONER'S
EXHIBIT 1



Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
115-B Sudbrook Lane/Paoli, MD 21208
(301) 486-1811

REVISIONS:

360

1.25 TO ACCOMPLISH PETITION FOR SPECIAL HEARING AND PETITION FOR ZONING VARIANCE

OLD PIMLICO SYNAGOGUE

A RE SUBMITTED TO THE ZONING BOARD ON 11/1/40

Baltimore County, Maryland

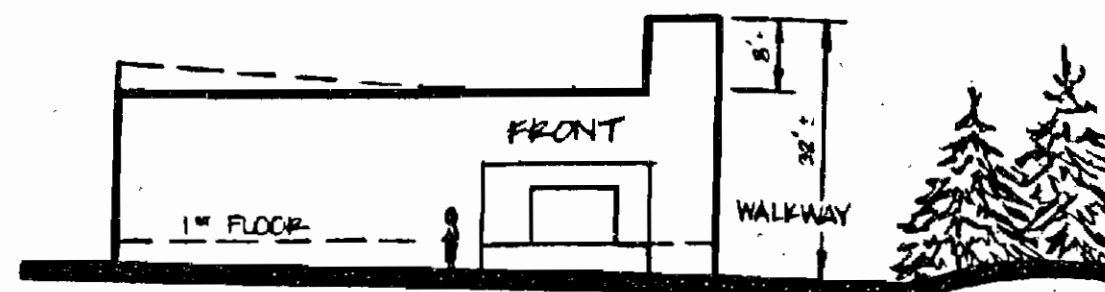
11/1/40

SCALE: 1/4" = 1'

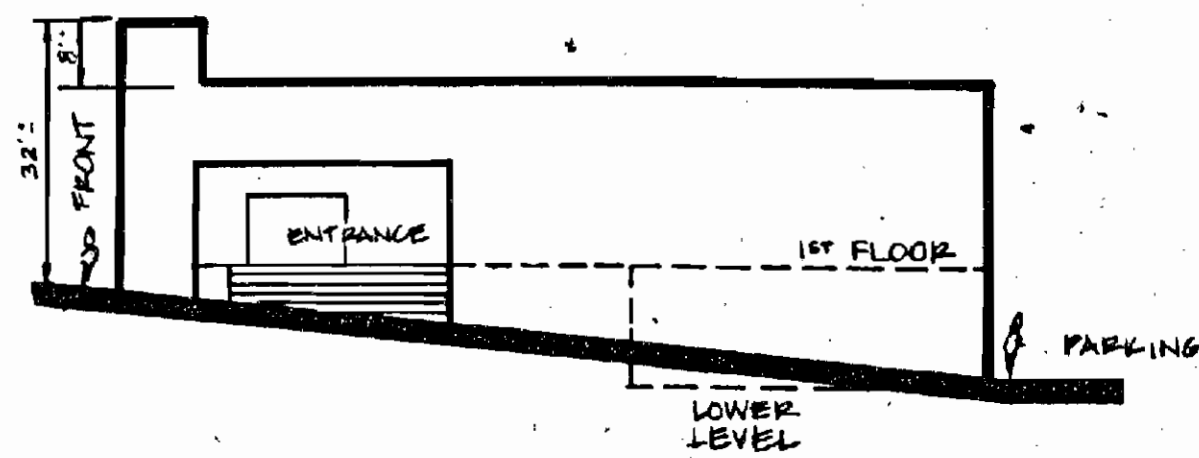
DATE: 11/1/40

SHEET: 1 OF 1

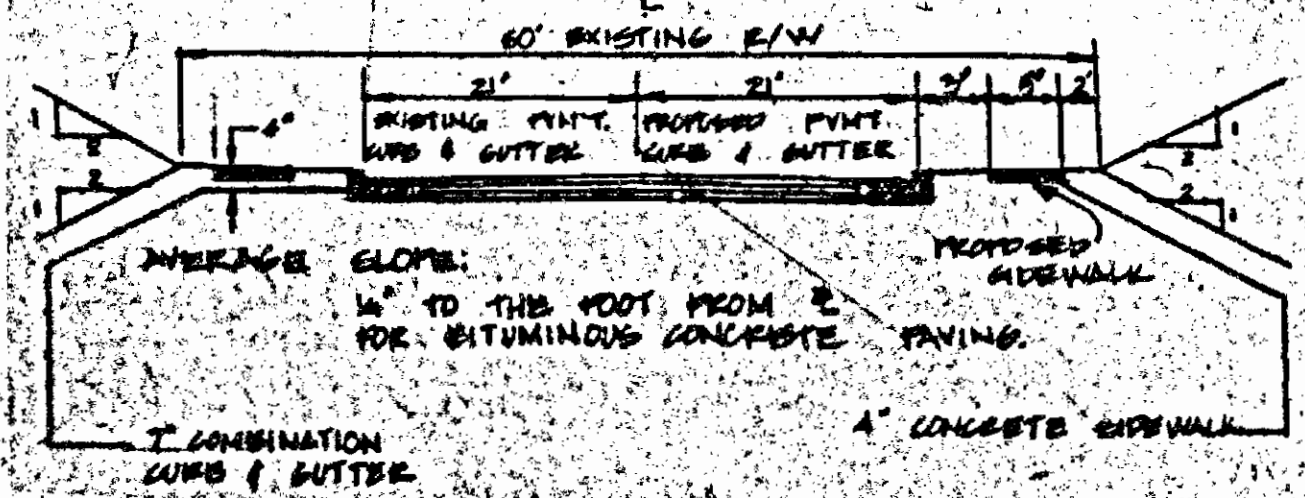
PROJECT: NG 483



BUILDING HEIGHT
EAST - WEST
SECTION
NOT TO SCALE

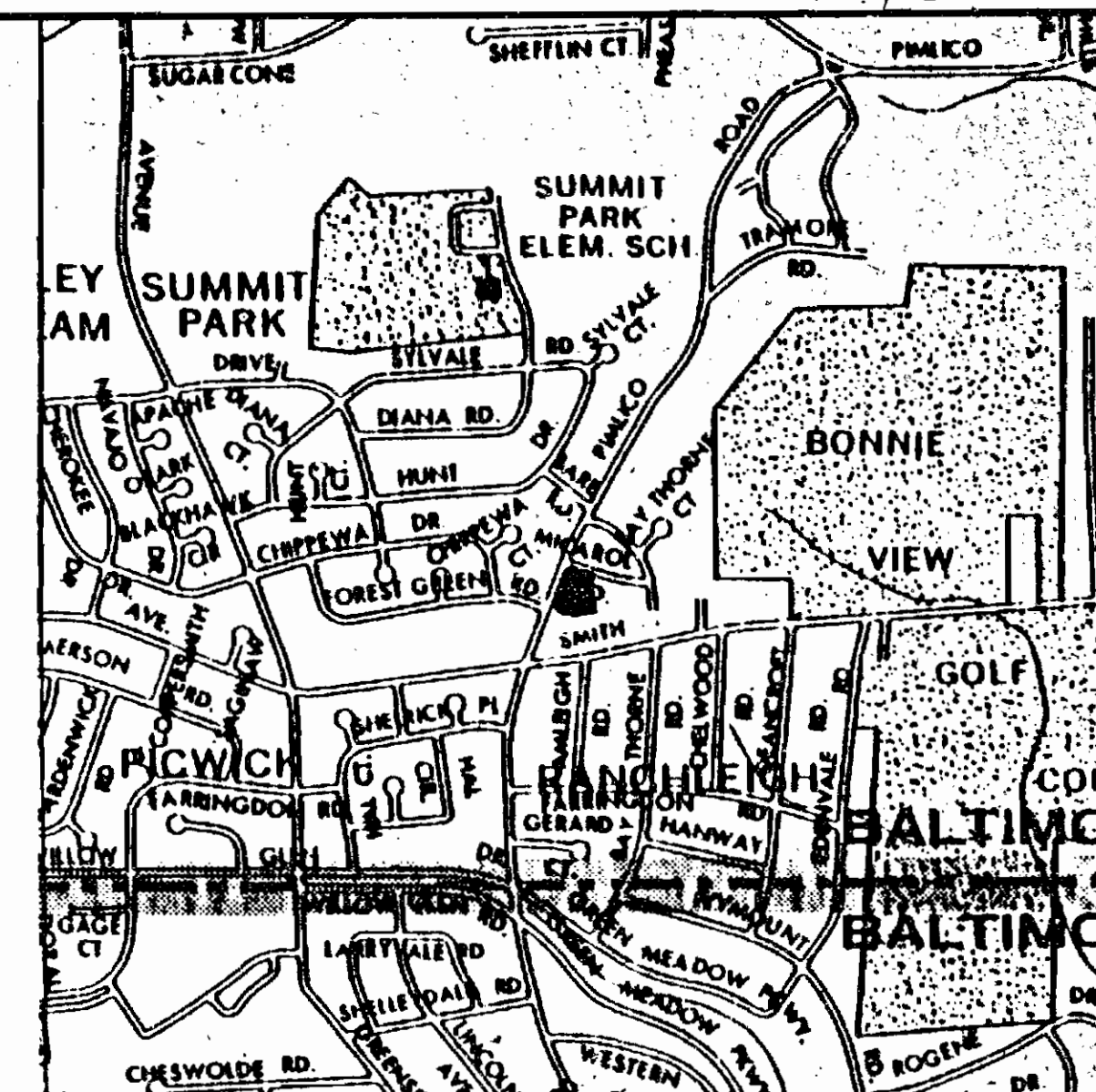


BUILDING HEIGHT
NORTH - SOUTH
SECTION
NOT TO SCALE



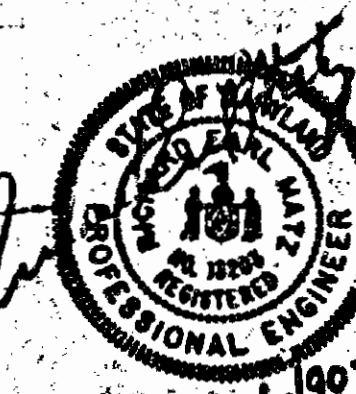
ROAD & STREET DETAILS:
42' STREET ON 60' R/W
NOT TO SCALE

SOILS CHART					
SOILS SYMBOL	SOIL TYPE	SLOPE %	HYDRO. CLASSIF.	ROUTES W/ BARRIERS	STREETS AND PARKING
LHB	Legore Urban Land Complex	0-8%	C	slight	moderate
					Slope



VICINITY MAP Scale 1" = 1000'

1. SITE DATA
- EXISTING USE: VACANT
 - EXISTING ZONING: DR 3.5
 - PROPOSED USE: SYNAGOGUE W/104 SEATS
 - GROSS AREA: 1.0845
 - NET AREA OF LOT: 0.344 AC
 - OPEN SPACE: 30% AC
2. SITE LOCATION
- ELECTION DISTRICT: 3
 - COUNCILMANIC DISTRICT: 2
 - CURBS TRACT: 6036.03
 - REGIONAL PLANNING: 312 C
 - WATERED: 21
 - SUBDIVISION: 53
- PROPERTY INFORMATION
- OWNER/DEVELOPER:
FRIENDS OF SHARVITZ, INC.
311 W. MONTGOMERY AVENUE
BOWLING GREEN, MARYLAND 21201
(301) 344-6050
ATTN: RABBI SHARVITZ KAPLAN
 - TAX MAP REFERENCE: 70-1-145
 - PLAT: 0.51 AC. BALTIMORE COUNTY
 - DEED REFERENCE: 8077/459
 - TAX ACCOUNT NO.: 1100019339
4. REQUIREMENTS FOR EXISTING FEATURES
- TOPOGRAPHY: COUNTY MAP DR 3.5
 - ADJACENT: WOODS PROPERTY. PRELIMINARY PLAT: 77A
 - ADJACENT: RAILROAD PROPERTY OF BALTIMORE COUNTY
5. THIS SITE DOES NOT CONTAIN TO THE BEST OF OUR KNOWLEDGE:
- | | |
|----------------------|---------------------|
| HISTORICAL BUILDINGS | WETLANDS |
| CRITICAL AREAS | ENDANGERED SPECIES |
| ARCHAEOLOGICAL SITES | HAZARDOUS MATERIALS |
| 100-YEAR FLOOD PLAIN | 5% OR GREATER SLOPE |
6. REQUIRED PARKING: ONE PER 4 SEATS IN PRINCIPAL PLACE OF WORSHIP. 36 PARKING SPACES
- PROPOSED PARKING: 36 PARKING SPACES (100 SEATS)
7. SITE IS COMPLETELY IN (100%) RESIDENTIAL TRAFFIC OF AREA.
8. SITE IS WOODED
9. ALL CURBS AND GUTTER, PAVEMENT SHALL CONFORM TO BALTIMORE COUNTY STANDARDS
10. LANDSCAPE PLAN REVIEWED AND APPROVED BY THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING WILL BE REQUIRED BEFORE THE ISSUANCE OF ANY BUILDING PERMITS
11. ON-SITE LIGHTING SHALL BE PROVIDED AND DESIGNED AS TO CONFORM TO ALL CITY LIGHTING REQUIREMENTS. THE LIGHTING SHALL BE DESIGNED TO PROVIDE ILLUMINATION TO THE SITE AND TO PREVENT REFLECTED LIGHT SPILL FROM EXISTING OR PROPOSED LIGHT FIXTURES. THE LIGHTING SHALL BE DESIGNED TO CONFORM TO THE CITY OF BALTIMORE LIGHTING REQUIREMENTS.
12. WATER AND SEWER WILL BE PUBLIC UTILITY.
13. STORMWATER MANAGEMENT IS DONE ON THIS PLAN. HOWEVER, A LETTER HAS BEEN REQUESTED FROM STORMWATER MANAGEMENT REQUIREMENTS.
14. ALL SIGNS WILL CONFORM WITH SECTION 613 (B.C.S.D.) AND ALL PARKING SIGN POLICIES.
15. STORMWATER PAVING ARE USED FOR ALL PARKING, DRIVEWAYS AND YARDS. SIGNS AND LIGHTS TO BE CONFORMED TO CITY OF BALTIMORE REQUIREMENTS. THE LIGHTING SHALL BE DESIGNED TO CONFORM TO THE CITY OF BALTIMORE LIGHTING REQUIREMENTS.
16. EXISTING AND VACANT LAND.
17. VARIANCE WILL BE REQUESTED FOR FRONT, REAR AND SIDE YARD SETBACKS.
18. WATER QUALITY WILL BE PROVIDED FOR THE FIRST 100' OF THE SITE. THE SITE SHALL BE CONFORMED WITH THE POLICIES OF THE DEPARTMENT OF ENVIRONMENT PROTECTION AND RESOURCE MANAGEMENT.



PETITIONER'S
EXHIBIT 2

MICROFILMED

Harris Smariga Matz, Inc.

REVISIONS:

RE-SUBDIVISION OF LOTS 232 AND 42.40 MOUNT
WASHINGTON
C.R.G. PLAN
OLD PIMLICO
SYNAGOGUE
C.R.G. # 89553
PLANNING # II - 447
Baltimore County, Maryland

SCALE:
1" = 30'
DRAWN BY:
LJC
CHECKED BY:
NEW
DATE:
12-2-93
SHEET
OF 1
PROJECT
NO. 90214

and RTAs. The proposed setbacks of the structure are consistent with the existing setbacks of structures in the surrounding residential premises.

In the absence of any evidence that another plan exists which meets more of the RTA requirements, the affirmative testimony including the plan, the testimony of Mr. Thaler and the comments of the Office of Planning and Zoning that Petitioner's plan meets RTA requirements to the extent possible and provides for extensive screening and buffering, the inescapable conclusion to be drawn is that the proposed plan should be approved.

B. The Court of Appeals has held that retention of nature, existing trees constitutes the type of practical difficulty which will justify the granting of a variance from setback requirements. The plan in the present case goes beyond this - not only does it preserve existing nature trees, it augments them with additional vegetation and landscaping buffers. Under the governing principles of law, the requested zoning variances should be granted.

C. The only evidence before the Board is the un rebutted expert testimony of David Thaler that an unbuildable DR strip isolated in a BL zone does not create an RTA. This conclusion is consistent with the logic and spirit of the RTA -- to create a buffer for adjoining residential uses. Where a residential use cannot be constructed, the need for which RTAs were created does

11

not exist. It must be concluded, therefore, that at unbuildable strip in a DR zone does not create an RTA.

Respectfully submitted

Benjamin Bronstein
Benjamin Bronstein
Evans, George & Bronstein
205 Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
(301) 296-0200

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, That on this 28 day of May, 1991, a copy of the foregoing Memorandum in Lieu of Oral Argument was mailed postage pre-paid to Harry S. Shapiro, Esquire, 400 West Pennsylvania Avenue, Towson, Maryland 21204, attorney for Protestants.

Benjamin Bronstein
Benjamin Bronstein

12

development of the County on the basis of a comprehensive rationale; [Bill No. 100, 1970.]

F. That, in light of the above findings, it is in the interest of the general welfare that new zoning classifications, formulated so as to avoid such effects in future residential development, be established as hereinafter provided. [Bill No. 100, 1970.]

1800.2--Purpose. The D.R. zoning classifications are established, pursuant to the legislative findings set forth above, in order to: [Bill No. 100, 1970.]

A. Foster a greater variety in housing types within future residential developments; [Bill No. 100, 1970.]

B. Allow more feasible preservation of natural features and induce the reservation of ample and more suitably designed open spaces and parks, in order to better satisfy the needs of residents without economic disadvantage to developers; [Bill No. 100, 1970.]

C. Allow greater flexibility in subdivision-development planning and provide for the inducement of more creative as well as more economic approaches to residential development, with the goal of desirable and distinctive identity and character of individual residential locales; [Bill No. 100, 1970.]

D. Provide the means to satisfy differing housing-market requirements without rezoning, and thus without disruptive changes in density potential; and [Bill No. 100, 1970.]

E. Provide for the application of residential zoning classifications in a manner more nearly in accord with comprehensive plans and comprehensive-planning goals. [Bill No. 100, 1970.]

Section 1801--REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL. [Bill No. 100, 1970.]

1801.1--General Use Regulations in D.R. Zones. [Bill No. 100, 1970.]

A. Uses Permitted as of Right. The following uses, only, are permitted as of right in D.R. zones of all classifications, subject to the restrictions herein-after prescribed:

1B-2

1. Dwellings, including, but not limited to, one-family detached houses, one-family semi-detached houses, one-family group houses, patio houses, side-and-back-attached houses, two-family houses, town-house apartment buildings (including group-house apartment buildings), garden apartment buildings, and other apartment buildings.

In the case of housing for the elderly and assisted living facilities of fewer than four, see Section 432. [Bill No. 36, 1988.]

2. Trailers (see Section 415)

3. Churches, other buildings for religious worship, or other religious institutions

4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks

5. Other cables; conduits; gas, water, or sewer mains; or storm-drain systems: all underground

6. Excavations, uncontrolled (as defined in Section 101)

7. Farms or limited-acreage wholesale flower farms (see Section 404)

8. Garages, community

9. Hospitals [Bill No. 37, 1988.]

10. Local open space tracts or other common amenity open space

10A. Privately sponsored day care and nursery programs, as an ancillary use, within housing for the elderly projects, as defined in Section 101 of these regulations. [Bill No. 47, 1982.]

11. Research institutes or laboratories in existence at the time of the adoption of Bill No. 122, 1984, subject to the Zoning Regulations in effect at the time of the approval by Baltimore County of the institute or laboratory. [Bill No. 100, 1970; No. 122, 1984.]

12. Schools, except business or trade schools or such schools as are permitted by special exception (see

1B-3

APPROVED JUL 0 1 1989

1802.2--Regulations, Standards, and Controls for Density, Bulk, Open Space, and Parking. [Bill No. 100, 1970.]

A. Dwellings. Except as provided in subsections 432.2 and 432.3, the maximum gross residential densities and height of dwellings shall be as prescribed in the table below; provided, however, that higher or additional standards for the provision of other amenity open space, standards and methods for the inclusion and equitable apportionment of public amenity open space within the calculations of gross areas of tracts abutting the open space, and standards providing for greater heights of buildings in appropriate circumstances, all as more particularly set forth in Section 504, shall control when adopted pursuant to the authority of said section. [Bills No. 100, 1970; No. 5, 1979; No. 80, 1981; No. 156, 1983; No. 26, 1988; No. 36, 1988.]

Zoning Class.	Except for Elderly Housing Facilities, Max. Gross Residential Density, in Dwelling or Density Units Per Acre	Maximum Height of Buildings in Feet	Maximum Gross Residential Density for Elderly Housing Facilities in Density Units Per Acre
D.R. 1	1.0 Dwelling units/acre	50	1.0 Density units/acre
D.R. 2	2.0 " " " "	50	2.0 " " " "
D.R. 3.5	3.5 " " " "	50	3.5 " " " "
D.R. 5.5	5.5 " " " "	50	5.5 " " " "
D.R. 10.5	10.5 " " " "	50	10.5 " " " "
D.R. 16	16.0 Density " " " "	60	16.0 " " " "

[Bill No. 100, 1970; No. 5, 1979; No. 80, 1981; No. 156, 1983; No. 26, 1988; No. 36, 1988.]

B. Other Principal Uses. Density, bulk, and open space regulations, standards, or controls for principal uses other than dwellings within zones of different classification shall be governed by provisions adopted pursuant to the authority of Section 504. [Bills No. 100, 1970; No. 26, 1988.]

C. In a D.R. 16 zone... included by Bill No. 100, 1970, and deleted by Bill No. 124, 1981.]

APPROVED JUL 0 1 1989

1B-4

h. Accessory signs (see Section 413) [Bill No. 100, 1970.]

i. Swimming pools, tennis courts, garages, utility sheds, satellite receiving dishes (subject to Section 429) or other accessory structures or uses (all such accessory structures or uses subject to the height and area provisions for buildings as set forth in Section 400). [Bill No. 71, 1987.]

B. DWELLING-TYPE AND OTHER SUPPLEMENTARY USE RESTRICTIONS BASED ON EXISTING SUBDIVISION AND DEVELOPMENT CHARACTERISTICS. [Bill No. 100, 1970; No. 124, 1981.]

1. Residential Transition Areas and Uses Permitted Therein. [Bill No. 100, 1970; No. 124, 1981.]

a. Definitions. For the purposes of this article: [Bill No. 100, 1970; No. 124, 1981.]

1. A residential transition area is any D.R. zone or part thereof which lies

(a) within 300 feet of any point on a dwelling other than an apartment building, or

(b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is two acres or less in area. [Bill No. 100, 1970; No. 124, 1981.]

2. A Residential Transition Use is any Use [Bill No. 124, 1981.]

(a) permitted as of right under Paragraph 1801.1.A, or

(b) any use permitted by special exception under paragraph 1801.1.C, except an accessory use permitted only by special exception, or

(c) any parking area permitted under paragraph 409.B.B. [Bills No. 124, 1981; No. 26, 1988.]

REV 3/89

1B-5

APPROVED JUL 0 1 1989

b. Restrictions in residential transition areas. A residential transition use is permitted, either as a matter of right or by special exception in accordance with sub-paragraph 1801.2.B.1, any buildings that are connected by an exterior passageway, which is no more than one story in height, shall be considered as detached buildings and such passageway, whether or not completely enclosed, shall not be included when determining the maximum width or length of any elevation of a detached building. [Bill No. 124, 1981; No. 109, 1982.]

1. The maximum height of any building is 35 feet. [Bill No. 124, 1981.]

2. The maximum width or length of any elevation of a detached building or group of attached buildings is 130 feet. However, notwithstanding the provisions of paragraph 1801.2.B.1, any buildings that are connected by an exterior passageway, which is no more than one story in height, shall be considered as detached buildings and such passageway, whether or not completely enclosed, shall not be included when determining the maximum width or length of any elevation of a detached building. [Bill No. 124, 1981; No. 109, 1982; No. 55, 1984.]

3. (a) The following setback is to be measured along a line which is perpendicular at any point along the property line. For purposes of this requirement, the property line is the outermost boundary of the lot or site of the new use to be developed. [Bill No. 124, 1981; No. 109, 1982.]

The minimum building setback from any residential lot line that is in a residential transition area, and that exists at the time the new use is to be established, is 75 feet if the front or side of any proposed building faces the lot line, or 150 feet if the rear of any proposed building faces the lot line. [Bill No. 124, 1981; No. 109, 1982.]

(b) A buffer area shall be provided and situated so as to effectively screen off-site dwellings, yard areas, and vacant lots of two (2) acres or less in area, that lie within 300 feet of a proposed building or parking lot. The buffer area may not be less than 50 feet

in width if the front or side of any proposed building faces the lot line, or not less than 75 feet in width if the rear of any proposed building faces the lot line or the new use is a parking lot. [Bill No. 124, 1981; No. 109, 1982.]

(c) The requirements of (a) and (b) of this part 3. are not affected by the existence of a public or private road, right-of-way, or easement, or a proposed road, right-of-way, or easement, between or intersecting the new use and the residential lot line or the off-site dwelling or lot. [Bill No. 109, 1982.]

(d) The requirements of (a) and (b) of this part 3. are not affected by the placement of a dwelling or dwellings of the same type between the new use and the use and the residential lot line or off-site dwelling or lot, if any portion of the tract proposed to be developed includes a proposed use which is dissimilar to the existing dwellings in the residential transition area. In such cases, the buffer area shall be provided between the new use and the dissimilar use. [Bill No. 109, 1982.]

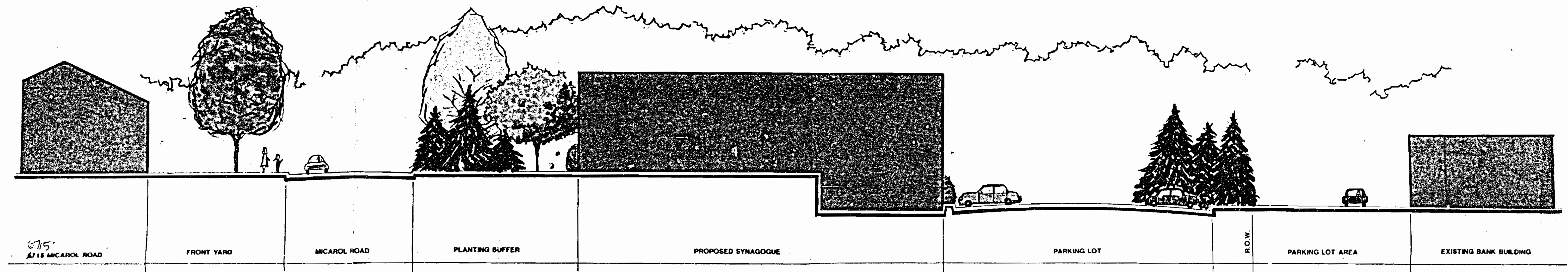
4. A minimum separation is required between detached principal buildings in a residential transition area. The minimum separation shall be a distance equal to one and one-half times the height of the higher building. [Bill No. 124, 1981.]

5. (a) The purpose of the buffer area requirement is to provide a method of screening a proposed residential transition use from any existing dwelling or lot in a residential transition area. In order to accomplish that purpose, the buffer area shall be screened in accordance with the requirements of the Landscaping Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. [Bill No. 124, 1981; No. 109, 1982; No. 31, 1984.]

1B-6

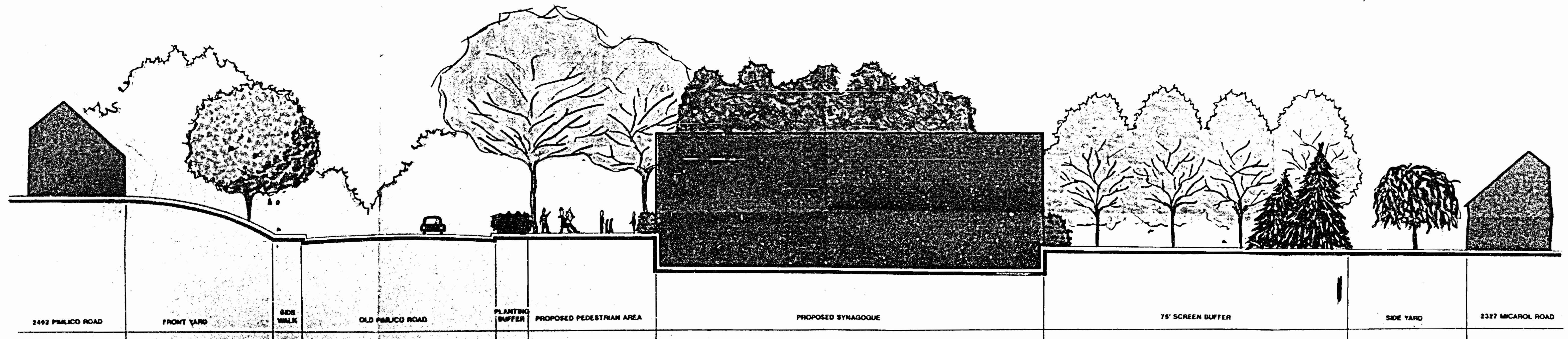
APPROVED JUL 0 1 1989

1B-7



NORTH - SOUTH SECTION

SCALE 1"=10'



WEST - EAST SECTION

SCALE 1"=10'

**PETITIONER'S
EXHIBIT 3**

MICROFILMED

Harris, Smariga, Matz, Inc.

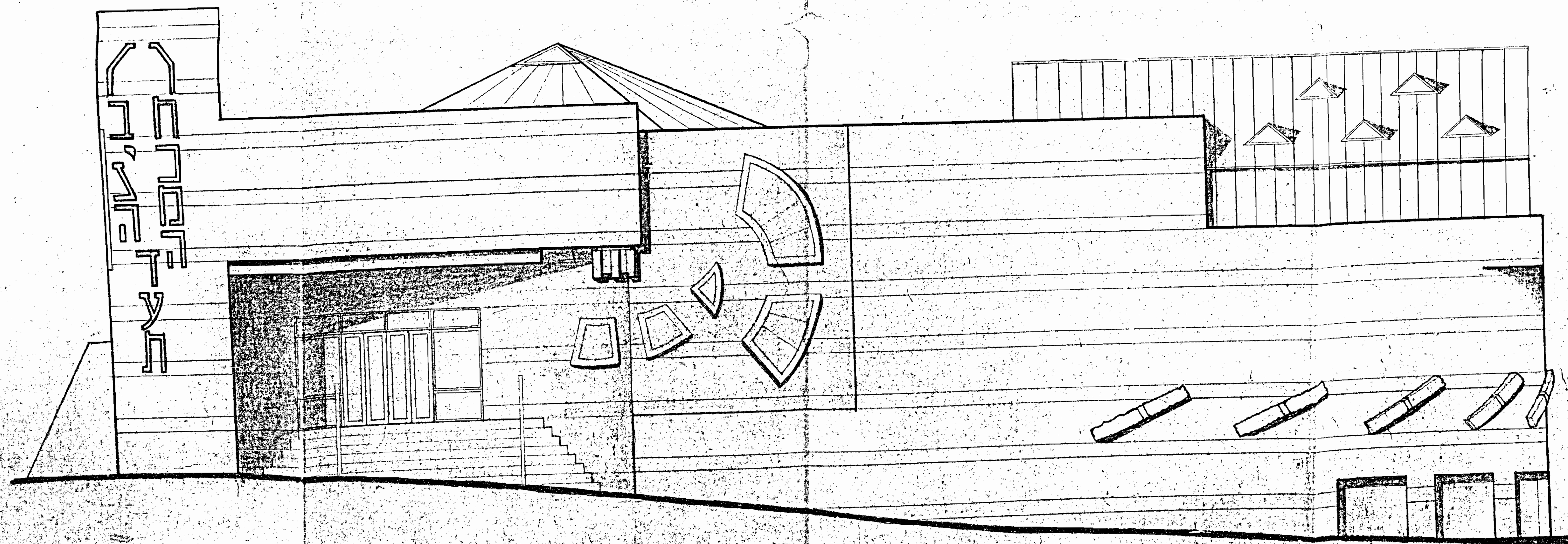
Planners/Engineers/Surveyors
124 Church Lane, Suite 100, Baltimore, MD 21208
(301) 486-1871



REVISIONS:

**SECTION PLAN
OLD PIMLICO SYNAGOGUE**

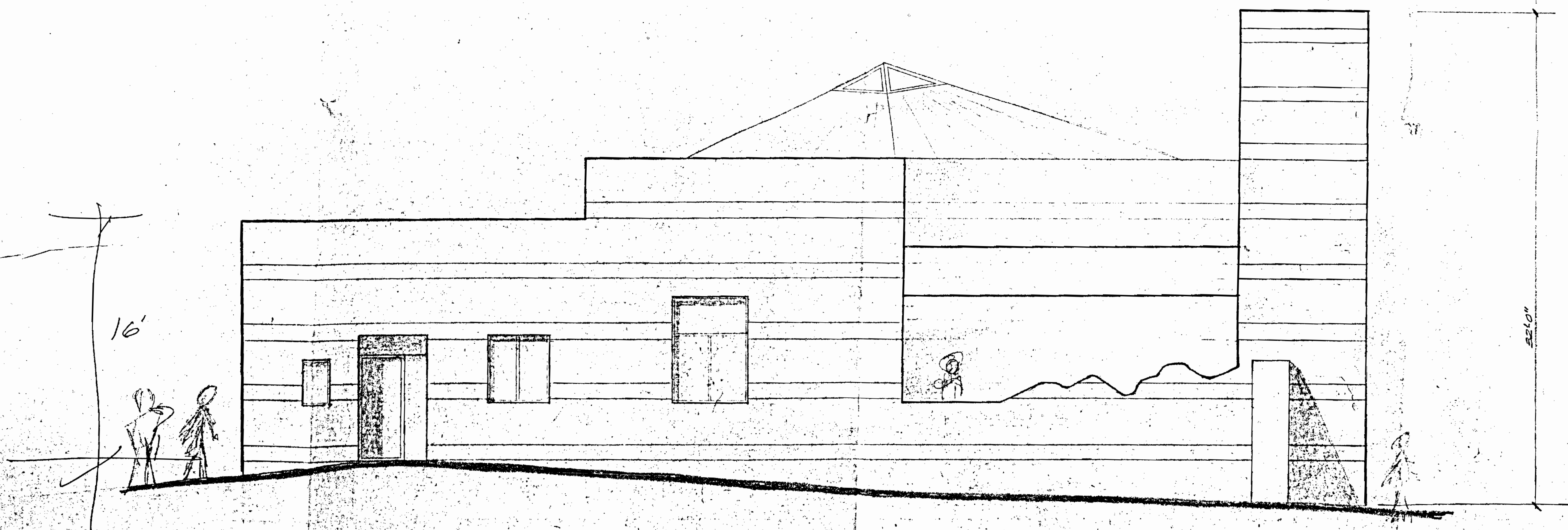
SCALE
As shown
DRAWN BY
J.M.
CHECKED BY
DATE
01-01-00
SHEET
OF
PROJECT
NO. 414-004



OLD PANLICO ROAD ELEVATION
SCALE: 1/4" = 1'-0"

PETITIONER'S
EXHIBIT 4

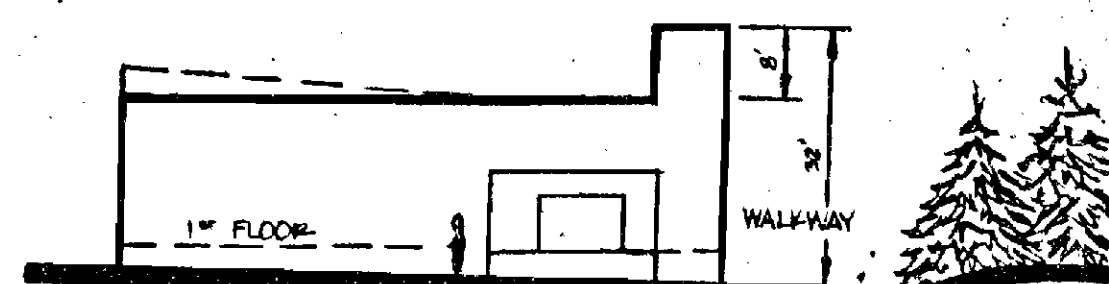
MICROFILMED



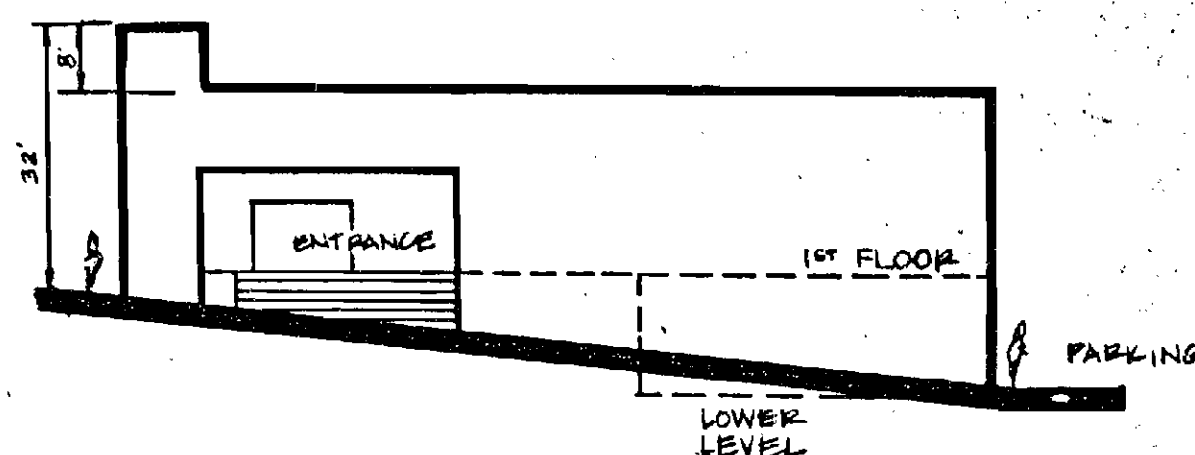
MICAROL ROAD ELEVATION
SCALE: 1/4" = 1'-0"

PETITIONER'S
EXHIBIT 5

MICROFILMED



BUILDING HEIGHT
EAST - WEST
SECTION
NOT TO SCALE



BUILDING HEIGHT
NORTH - SOUTH
SECTION
NOT TO SCALE

SHOW X-SECTION OF IMPROVEMENTS TO ROADS.

SUBMIT NEXT

- ✓ 1-32 FOLDED PRINTS
- ✓ 2- THIS PRINT
- ✓ 3- HYDRO. STUDY (SHORT FORM)
- ✓ 4- ENVIRO. EFFECTS. REPORT.
- ✓ 5- NOTIF. CERTS. OF DEL. ACCT'S.
- ✓ 6- CRG FEE \$768.00 (CERT. OR CASHIERS)
- 7- PRELIM S.W.M. CALC'S OR WAIVER
- 8- ALL WAIVERS

NOTES:
CHECKLISTS ADD TO BE
COMPLETED & SENT IN WITH 2 COPIES
OF THE CRG PLAN FOR REVIEW!

SOILS CHART					
SOILS SYMBOL	SOIL TYPE	SLOPE %	HYDRO. CLASSIF.	ROSES W/ BASEMENTS	STREETS AND PARKING
LH	Urban Land Complex	0-8%	C	slight	moderate
					Slope

CHECK MICROWAVE PATH
MRS. MICHEL 877-2148



VICINITY MAP Scale 1" = 1000'

ON SITE LIGHTING SHALL BE ARRANGED AND SHELVED AS TO CONFINE ALL DIRECT LIGHT RAYS ENTIRELY WITHIN THE BOUNDARY LINE OF THE SITE AND TO PREVENT REFLECTED LIGHT RAYS FROM SHINING OR GLARING ONTO ANY PORTION OF ANY ADJACENT HIGHWAY OR INTO THE PATH OF ONCOMING VEHICLES.

NOTES SHALL BE MIN OF NO. 1 (4/32) IN SIZE

NOT LEGIBLE

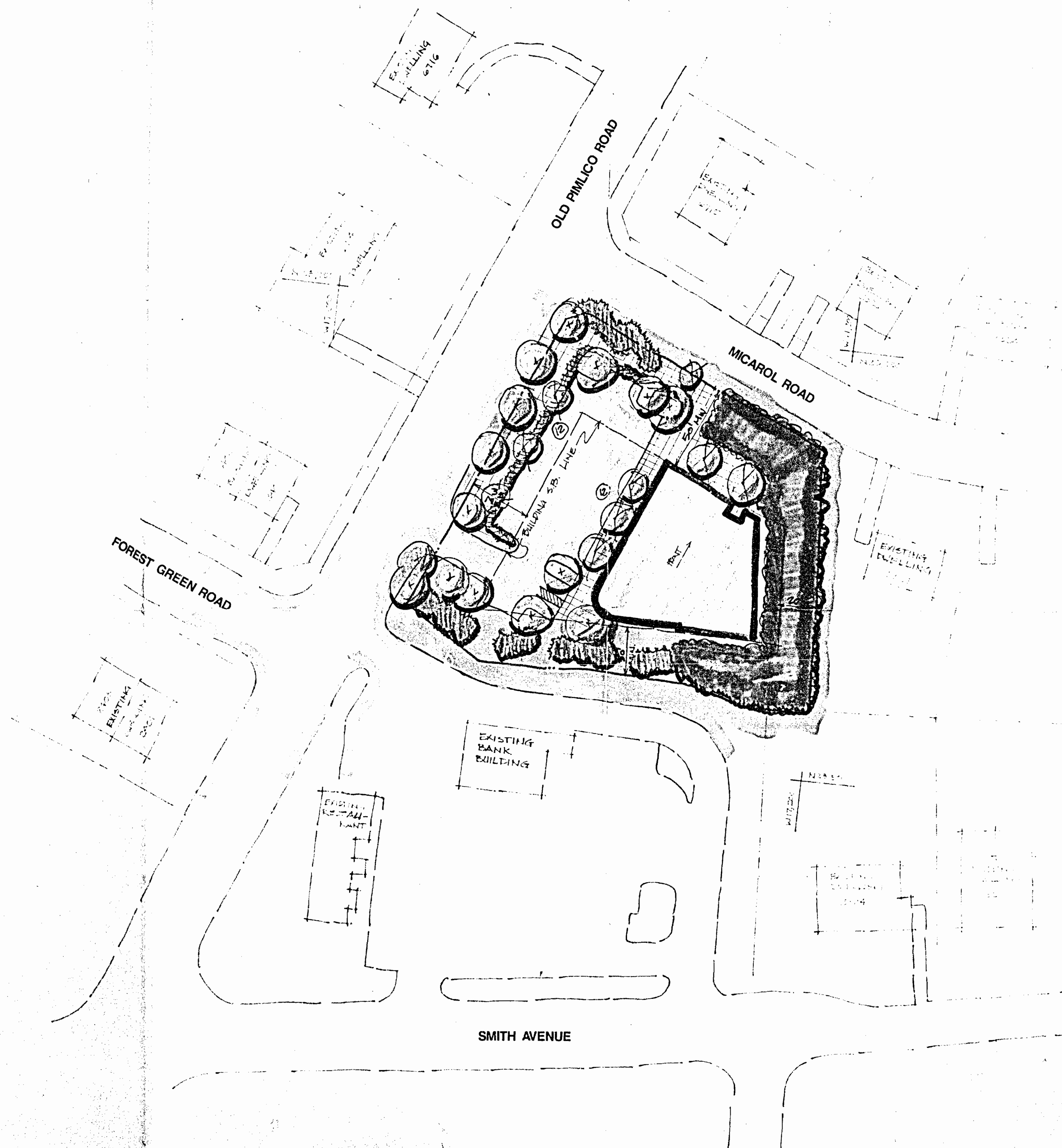
1. SITE DATA
 - A. EXISTING USE: VACANT
 - B. EXISTING ZONING: DR 3.3
 - C. EXISTING ADJACENT USES: RESIDENTIAL
 - D. EXISTING ADJACENT ZONING: DR 3.3
 - E. EXISTING ADJACENT SETBACKS: 25' SIDE
 - F. EXISTING ADJACENT EASEMENTS: 10' SIDE
 - G. EXISTING ADJACENT EASEMENTS: 10' SIDE
2. SITE LOCATION
 - A. SECTION: DR 3.3
 - B. SECTION: DR 3.3
 - C. SECTION: DR 3.3
 - D. SECTION: DR 3.3
 - E. SECTION: DR 3.3
 - F. SECTION: DR 3.3
 - G. SECTION: DR 3.3
3. PROPERTY INFORMATION
 - A. OWNER/DEVELOPER: HARRIS, SMARIGA, MATZ, INC.
 - B. ADDRESS: 110-B BUDWICK LANE, BALTIMORE, MD 21208
 - C. PHONE: (410) 496-1011
 - D. FAX: (410) 496-1011
 - E. E-MAIL: HSMATZ@AOL.COM
 - F. E-MAIL: HSMATZ@AOL.COM
 - G. E-MAIL: HSMATZ@AOL.COM
4. REFERENCES FOR DESIGN FEATURES
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
5. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
6. EXISTING BUILDING: ONE PINE ST. PRINCIPAL PLACE OF BUSINESS
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
7. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
8. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
9. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
10. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
11. THIS SITE DOES NOT COMPLY TO THE CODE OF BALTIMORE
 - A. PROFESSIONAL: COUNTY OF BALTIMORE
 - B. PROFESSIONAL: COUNTY OF BALTIMORE
 - C. PROFESSIONAL: COUNTY OF BALTIMORE
 - D. PROFESSIONAL: COUNTY OF BALTIMORE
 - E. PROFESSIONAL: COUNTY OF BALTIMORE
 - F. PROFESSIONAL: COUNTY OF BALTIMORE
 - G. PROFESSIONAL: COUNTY OF BALTIMORE
12. WATER & SEWER WILL BE PUBLIC. W1, S1

PRINTS MADE
DEC 21 '03
HARRIS, SMARIGA, MATZ, INC.

Harris, Smariga, Matz, Inc.
Planning, Engineering & Surveying
110-B Budwicks Lane, Baltimore, MD 21208
(410) 496-1011

OLD PIMLICO
SYNAGOGUE
CRG # 89333
MICROFILMED
Baltimore County, Maryland
PROJECT NO. 40294

SCALE: 1" = 30'
DRAWN BY: L.J.G.
CHECKED BY:
DATE: 10-2-89
SHEET: 1 OF 1
PROJECT NO. 40294



OLD PIMLICO SYNAGOGUE

SCHEMATIC LAYOUT

ALTERNATE 'A' (COMBINES WITH SECT. V.B.2. C.M.D.P.)

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS/LANDSCAPE ARCHITECTS/SURVEYORS/LAND PLANNERS
7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21207
(301) 944-ENGR (301) 944-3647

SCALE: 1"=30'

DATE: APRIL 30, 1991

MICROFILMED

Post 5/15
ID over
90-482 SDHA

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180
HEARING ROOM - Room 301
County Office Building
October 31, 1990
NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-90-116 OLD PIMLICO SYNAGOGUE
RE: CRG Decision
2/22/90 - CRG Meeting wherein the Plan was approved.
COMBINED WITH
CASE NO. 90-483-SPHA FRIENDS OF LUBAVITCH, INC.
SE/cor Old Pimlico & Micalor Rds.
3rd Election Dist /2nd Councilmanic Dist.
SPH -Determination re RTA; VAR -Setbacks
8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on February 27, 1991 at 10:00 a.m. has been REASSIGNED pursuant to a request by Counsel for Protestants and a scheduling conflict on February 27, 1991. This matter will be heard on December 5, 1990 as a result of that date having come available at this time; and has been

REASSIGNED FOR: WEDNESDAY, DECEMBER 5, 1990 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
Harris, Smariga, Matz, Inc.-Engineer
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Atty

Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

County Board of Appeals of Baltimore County
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REASSIGNED FOR: WEDNESDAY, DECEMBER 5, 1990 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
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Docket Clerk - Zoning
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Kathleen C. Weidenhammer
Administrative Assistant

MICROFILMED

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COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180
HEARING ROOM - Room 301
County Office Building
November 21, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

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8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on December 5, 1990 at 10:00 a.m. has been POSTPONED pursuant to a request by Counsel for Petitioner/Developer and has been

REASSIGNED FOR: WEDNESDAY, MARCH 6, 1991 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
Harris, Smariga, Matz, Inc.-Engineer
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Atty

LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 494-3180
HEARING ROOM - Room 301
County Office Building
November 21, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT

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CASE NO. CBA-90-116 OLD PIMLICO SYNAGOGUE
RE: CRG Decision
2/22/90 - CRG Meeting wherein the Plan was approved.
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CASE NO. 90-483-SPHA FRIENDS OF LUBAVITCH, INC.
SE/cor Old Pimlico & Micalor Rds.
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SPH -Determination re RTA; VAR -Setbacks
8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on December 5, 1990 at 10:00 a.m. has been POSTPONED pursuant to a request by Counsel for Petitioner/Developer and has been

REASSIGNED FOR: WEDNESDAY, MARCH 6, 1991 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
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Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
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TOWSON, MARYLAND 21204
(301) 494-3180
HEARING ROOM - Room 301
County Office Building
December 5, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT

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CASE NO. CBA-90-116 OLD PIMLICO SYNAGOGUE
RE: CRG Decision
2/22/90 - CRG Meeting wherein the Plan was approved.
COMBINED WITH
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SE/cor Old Pimlico & Micalor Rds.
3rd Election Dist /2nd Councilmanic Dist.
SPH -Determination re RTA; VAR -Setbacks
8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on March 6, 1991 at 10:00 a.m. has been POSTPONED pursuant to a request by Counsel for Protestants and has been

REASSIGNED FOR: TUESDAY, MARCH 19, 1991 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
Harris, Smariga, Matz, Inc.-Engineer
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(301) 494-3180
HEARING ROOM - Room 301
County Office Building
December 5, 1990
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CASE NO. CBA-90-116 OLD PIMLICO SYNAGOGUE
RE: CRG Decision
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SE/cor Old Pimlico & Micalor Rds.
3rd Election Dist /2nd Councilmanic Dist.
SPH -Determination re RTA; VAR -Setbacks
8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on March 6, 1991 at 10:00 a.m. has been POSTPONED pursuant to a request by Counsel for Protestants and has been

REASSIGNED FOR: TUESDAY, MARCH 19, 1991 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
Harris, Smariga, Matz, Inc.-Engineer
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Atty

LindaLee M. Kuszmaul
Legal Secretary

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County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
Hearing Room -
Room 301, County Office Bldg.
December 31, 1990
NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. CBA-90-116 OLD PIMLICO SYNAGOGUE
RE: CRG Decision
2/22/90 - CRG Meeting wherein the Plan was approved.
COMBINED WITH
CASE NO. 90-483-SPHA FRIENDS OF LUBAVITCH, INC.
SE/cor Old Pimlico & Micalor Rds.
3rd Election Dist /2nd Councilmanic Dist.
SPH -Determination re RTA; VAR -Setbacks
8/27/90 - D.Z.C.'s Order DENYING in part;
DISMISSING in part.

which had been scheduled for hearing on March 19, 1991 at 10:00 a.m. has been POSTPONED pursuant to a request by Counsel for Protestants and has been

REASSIGNED FOR: FRIDAY, MAY 3, 1991 at 9:00 a.m.

cc: Benjamin Bronstein, Esquire-Counsel for Petitioner/Developer
Shmuel Kaplan, Pres.
Friends of Lubavitch, Inc.
Harry S. Shapiro, Esquire -Counsel for Protestants
Robert L. Goldman, Pres.
Smith-Greenspring Assoc.
Harris, Smariga, Matz, Inc.-Engineer
P. David Fields
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LindaLee M. Kuszmaul
Legal Secretary

MICROFILMED

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
HEARING ROOM - Room 301
County Office Building
APPEAL HEARINGS SCHEDULED FOR THE WEEK OF APRIL 23, 1991

TUESDAY 4/30 10 a.m. BLACKSTRAP DEVELOPMENT CO.
#CR-91-114-X SE/s Whitehall Rd. (150' S of
Item 8, IV, 90-91 Whitehall Rd.) and 1750' W of c/l
of Vernon Road
7th Election District
3rd Councilmanic District

Reclassification from M.L. to R.C.2
SE-Country Club/Golf oriented and
associated facilities/structures
(Documented)

WEDNESDAY 5/1 10 a.m. THINGELSTAD PROPERTY
#CBA-90-160 800 Hillstead Drive
Lutherville, Maryland 21093
RE: Waiver granted by Planning Board
(#90-216)

FRIDAY 5/3 (CASE NO. 90-492-SPHA POSTPONED TO 7/10/91)

FRIDAY 5/3 9 a.m. OLD PIMLICO SYNAGOGUE
#CBA-90-116 RE: CRG Decision

AND #90-483-SPHA FRIENDS OF LUBAVITCH, INC.
SE/cor Old Pimlico & Micalor
Rds.
3rd Election District
2nd Councilmanic District
SPH-Determination re RTA;
VAR-Setbacks

cc: Executive Office Public Services County Council
Law Office People's Counsel Planning Office
Current Planning Docket Clerk - Zoning Board Members
Court Reporter Information Desks (2)

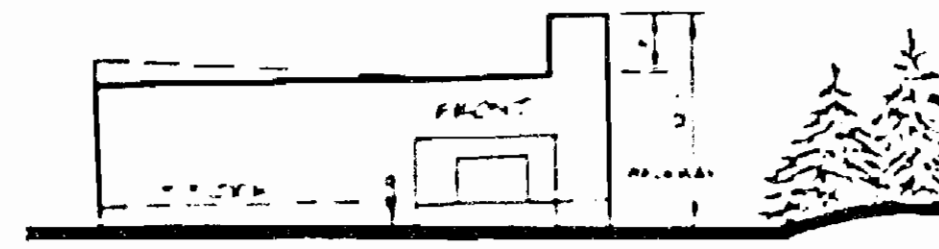
III 356

Zone History

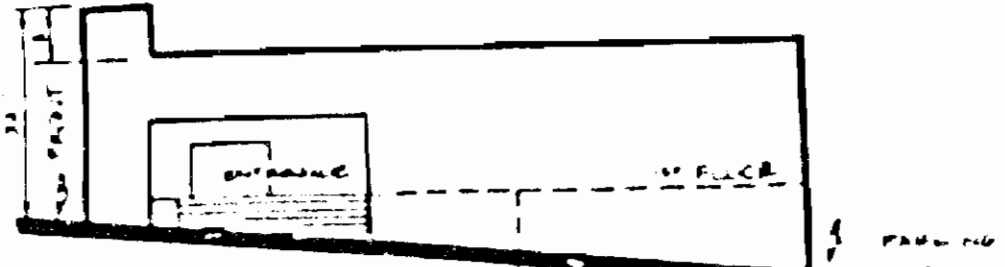
- 1 In Case No. 90-0435 PHA, on 8/27/90, by Order of the Deputy Zoning Commissioner, petition for a Special Hearing to determine compliance with R.T.A. was denied, variances from front and side yard setbacks were denied, and petition for a Special Hearing to determine whether R.T.A. is created by a non-buylable D.R. zone on a B.L. parcel was dismissed.
- 2 In Case No. 90-0435 PHA and CIBA UD 116 on June 20, 1991, the County Board of Appeals ordered that:
 - a. The petition for Special Hearing for use of the subject site as a synergistic be granted;
 - b. The petition for Variances for a front yard setback of 30 feet in lieu of the required 50 feet, and a side yard setback of 30 feet in lieu of the required 35 feet be granted; and
 - c. The decision of the County Hearing group which approved the subject plan be affirmed.
- 3 In Case No. 91-063-102 UD/333 on December 23, 1991, the Circuit Court for Baltimore County ordered that the Opinion and Order of the Board of Appeals, dated June 20, 1991, is affirmed in all respects.

SECRETARY OF DEFENSE

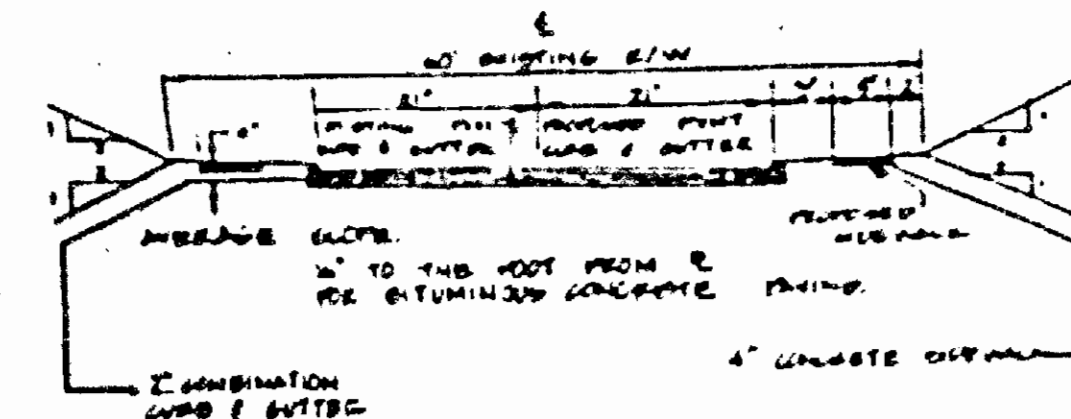
Stormwater Management will be provided for 2 "0 and "10 year storms. Storm drainage from the developed portion of the site will drain to Old Primar Road. The existing storm drain in Old Primar Road will be upgraded and hydraulic computations have been submitted to DEPRM for approval. DEPRM has approved this diversion by letter from Robert A. Wirth, P.E., dated June 18, 1992, subject to conditions.



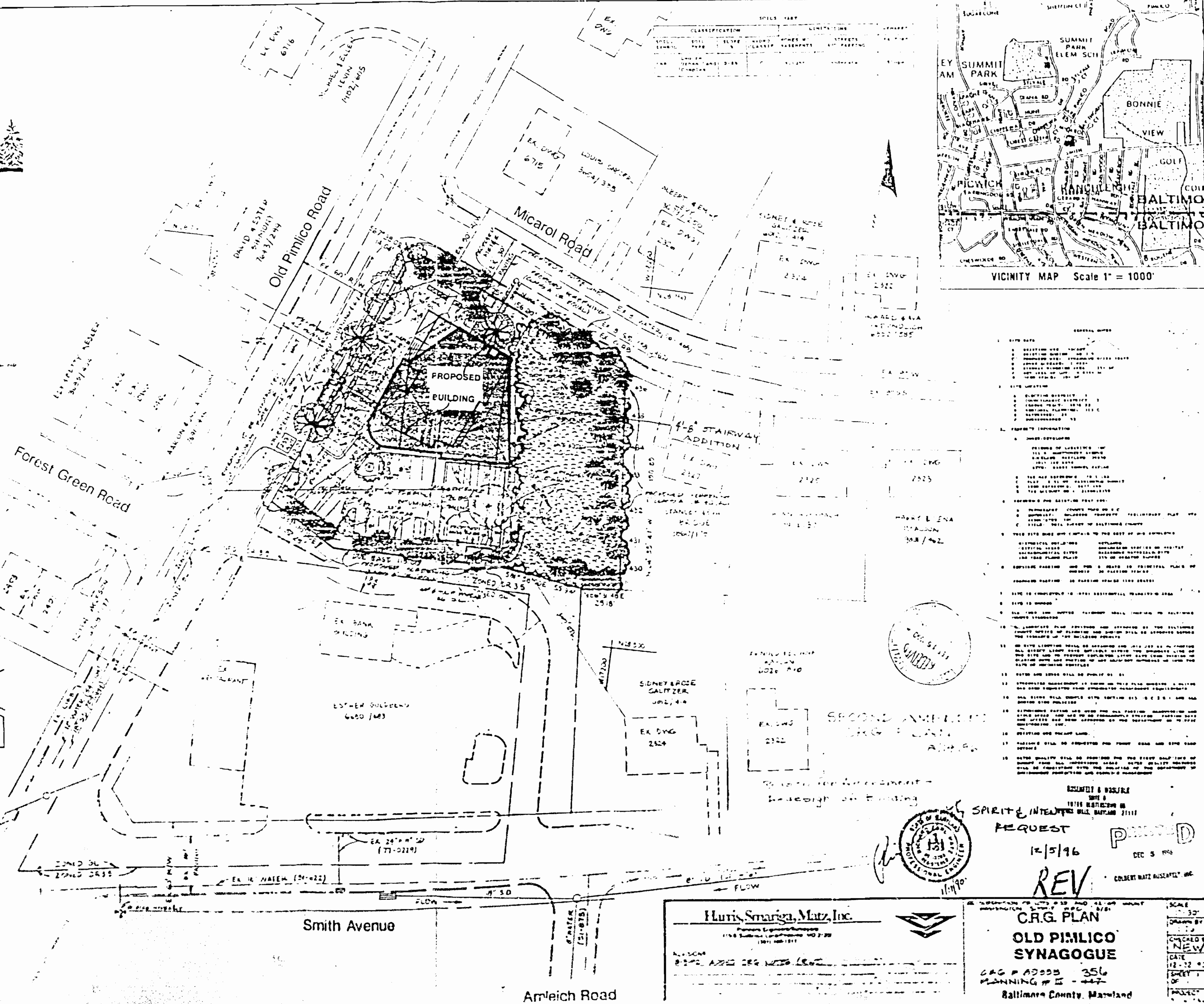
BUILDING HEIGHT
EAST - WEST
SECTION
NOT TO SCALE



BUILDING HEIGHT
NORTH - SOUTH
SECTION



ROAD & STREET DETAILS
42' STREET ON 60' HW
NOT TO SCALE



SPRIT & INTENT

REQUEST

12/5/96

REV

DEC 3 1964

PLUMET WATZ BUSINTE

Harris, Smariga, Matz, Inc.

C.R.G. PLAN

**OLD PINLICO
SYNAGOGUE**

CAC # A9993 - 356
 PLANNING # II - 447
 Baltimore County, Maryland

SCALE
30
DRAGS
10
CITY CAL
NE
CATE
12-22
SURVEY
OF
POUL-EC

(b) No other uses are permitted within the buffer area, except walkways, site landscaping, storm drain easements, and public utility uses other than a public utility service center or a storage yard or a road or a right-of-way. [Bill No. 124, 1981; No. 109, 1982; No. 31, 1984.]

6. (a) The maximum height of any lighting fixture in a residential transition area is 16 feet. [Bill No. 124, 1981.]

(b) Any lighting fixture in a residential transition area shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of any lighting fixture shall also be limited in order to accomplish this purpose. [Bill No. 124, 1981.]

7. The provisions of Section 307 of these regulations are not applicable to the requirements of this sub-subparagraph. [Bill No. 124, 1981.]

c. Exceptions to residential transition

The restrictions contained in sub-subparagraph b. of this sub-paragraph B.1 do not apply to: [Bill No. 124, 1981; No. 109, 1982.]

1. Except in a case arising under sub-subparagraph b.3.(d), a proposed dwelling to be placed in a residential transition area containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or a lesser number of dwelling units and party walls as the existing dwelling units. [Bill No. 124, 1981; No. 109, 1982.]

1B-8

2. Public utility uses (except public utility service centers and storage yards.) Such uses shall be governed by the provisions of Sections 411, 502 and such other applicable sections of these regulations. [Bill No. 124, 1981.]

3. Notwithstanding the provisions of Section 104, the reconstruction of an existing church, community building, or other structure devoted to civic, social, recreational, fraternal, or educational activity which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. [Bill No. 124, 1981.]

4. An addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained. [Bill No. 109, 1982.]

5. A new church or other building for religious worship constructed on a parcel of land large enough to provide landscaped but otherwise unimproved yard areas of 100 feet between any improvement and any property line other than street frontages. [Bill No. 109, 1982.]

6. A new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. [Bill No. 109, 1982.]

7. Shoreline fishing and shellfish facilities. Such uses shall be governed by the provisions of Section 500.4 and subparagraphs 1A01.2.C9, 1A02.2.B.10, 1A04.2.B.7, and 1B01.1.C.7A of these regulations. [Bill No. 124, 1981; No. 109, 1982.]

1B-9

APPROVED JUL 0 1 1989

8. An addition to an existing trailer park or mobile home park or to property which is a part of such park or contiguous to such park, if the park is lawfully in existence in a D.R. Zone on the effective date of this act. [Bill No. 109, 1982.]

9. An addition to an existing community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, including parking areas and driveways, provided all other applicable zoning regulations, including setback, parking, and screening requirements, are maintained. [Bill No. 109, 1982.]

10. A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. [Bill No. 109, 1982.]

11. Any zoning petition prepared in accordance with Bill No. 124, 1981 and filed prior to June 30, 1982. [Bill No. 109, 1982.]

12. The conversion of a dwelling to a bed and breakfast home, bed and breakfast inn, or country inn pursuant to Section 402D or 402E. [Bill No. 113, 1988.]

13. Notwithstanding the provisions of Section 104, the reconstruction of an existing nursing home which is destroyed by fire or other casualty. However, such reconstruction may not increase the size or ground floor area of the structure or alter the location or use of the structure. [Bill No. 37, 1988.]

d. The provisions of Sub-subparagraphs a and b of this subparagraph shall not apply to existing developments as described in Sub-paragraph A.1 of Subsection 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of said subsection. [Bill No. 100, 1970; No. 124, 1981.]

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1B-10

2. Use Regulations in Existing Developments. In existing developments as described in Subparagraph A.1 of Subsection 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Office of Planning and Zoning, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504. [Bill No. 100, 1970.]

3. Use Regulations for Existing Subdivision Tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subparagraph A.2 of Subsection 1B02.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated and if not inconsistent with the plan, the uses shall be those permitted under zoning regulations in effect at the time the tentative approval was granted. [Bill No. 100, 1970.]

c. Uses Permitted by Special Exception. The following uses, only, are permitted by special exception in all D.R. Zones, subject to the restrictions hereinafter prescribed: [Bill No. 105, 1982.]

1. Boarding or rooming houses

2. Boat yards, including marinas

3. Camps, public or quasi-public, including day camps

4. Conservatories for music or other arts

5. Convalescent homes

6. Community buildings, swimming pools, commercial beaches, golf courses, country clubs, or other similar civic, social, recreational, or educational uses, including tennis facilities, provided that no tennis facility in a D.R. 1 or D.R. 2 zone shall comprise more than 4 courts and no tennis facility in a D.R. 3.5, D.R. 5.5, D.R. 10.5, or D.R. 16 zone shall comprise more than 6 courts (see Section 406A). [Bill No. 62, 1978.]

6A. Community care centers [Bill No. 142, 1979.]

7. Excavations, controlled (see Section 403)

1B-11

822 307.1

less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above. [B.C.Z.R., 1955.]

Section 304--USE OF UNDERSIZED SINGLE-FAMILY LOTS [B.C.Z.R., 1955.]

A one-family dwelling may be erected on a lot having an area or width at the building line less than that required by the height and area regulations, provided: [B.C.Z.R., 1955.]

a. That such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to adoption of these Regulations; and [B.C.Z.R., 1955.]

b. That all other requirements of the height and area regulations are complied with; and [B.C.Z.R., 1955.]

c. That the owner of the lot does not own sufficient adjoining land to conform substantially to the width and area requirements. [B.C.Z.R., 1955.]

Section 305--REPLACEMENT OF DESTROYED OR DAMAGED DWELLINGS [B.C.Z.R., 1955.]

In case of complete or partial casualty loss by fire, wind-storm, flood, or otherwise of an existing dwelling that does not comply with height and/or area requirements of the zone in which it is located, such dwelling may be restored provided area and/or height deficiencies of the dwellings before the casualty are not increased in any respect. [B.C.Z.R., 1955.]

Section 306--MINOR PUBLIC UTILITY STRUCTURES [B.C.Z.R., 1955.]

Minimum lot area regulations in any zone shall not apply to repeater, booster, or transformer stations, or small community dial offices. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

Section 307--VARIANCES [B.C.Z.R., 1955; Bill No. 107, 1963.]

307.1--The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential

REV 7/16/89

3-3

density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance. [B.C.Z.R., 1955; Bill No. 107, 1963; No. 32, 1988.]

307.2--In addition to the authority and limitations set forth in Section 307.1 above, within the Chesapeake Bay Critical Area, the Zoning Commissioner, or upon appeal, the Board of Appeals of Baltimore County, shall have the power to authorize the expansion of those uses in existence at the time of the effective date of this subsection; any order granting a variance pursuant to this subsection shall contain findings of fact which shall include the following: [Bill No. 32, 1988.]

1. That special conditions or circumstances exist that are peculiar to the land or structure within the critical area of the county; [Bill No. 32, 1988.]

2. That strict compliance with the critical area regulations would result in practical difficulty, unreasonable hardship or severe economic hardship; [Bill No. 32, 1988.]

3. That strict compliance with the critical area regulations will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the critical area of the county; [Bill No. 32, 1988.]

4. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by the critical area regulations to other lands or structures within the critical area of the county; [Bill No. 32, 1988.]

5. That the variance request is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or nonconforming, on any neighboring property; [Bill No. 32, 1988.]

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE, S/E Corner * COUNTY BOARD
Old Pimlico and Micalot Roads *
3rd Election District *
2nd Councilmanic District *
Also, Appeal of CRG decision *
Friends of Lubavitch, Inc. *
Petitioner *
* * * * *

MEMORANDUM OF PROTESTANTS

The facts in this case indicate that there are two proceedings, namely the Appeal from the CRG decision, and the Appeal from the decision of the Deputy Zoning Commissioner. The real issues in the case are the zoning issues as the CRG approval was conditioned upon satisfying the zoning laws that are applicable here. The Appellant on the zoning issues is the Petitioner, and the burden of proof is upon the Petitioner in this proceeding.

The neighborhood affected by the requested zoning changes was described by the testimony of the Protestants as a residential neighborhood with a small commercial area on the corner of Pimlico Road and Smith Avenue which dates back to a non-conforming use that existed when an old ice cream store known as the "Dairy Cottage" existed at the corner of Pimlico Road and Smith Avenue in Baltimore County. The area of the issues in this case was described as being in close proximity to several elementary schools which required that some children walk to school. In addition, the intersection

of Pimlico Road and Smith Avenue was graphically described in video evidence which clearly demonstrated the heavy traffic in the morning and in the evening. The video evidence even described how cars would go through the bank area in the morning and evening hours in order to avoid the heavy traffic at the corner of Pimlico and Smith Avenue. It is important to note that the use proposed by the Petitioner would accent morning and evening traffic in view of the fact that the services for this particular orthodox synagogue are heavily emphasized for morning and evening services. Additionally, off-site parking occurs on Friday nights, Saturdays, and on religious holidays for this religious persuasion as the leadership frowns upon driving on these days. As a practical matter, those who do not, or cannot, walk to the synagogue park on the streets causing more congestion.

The zoning at the subject property is D.R. 3.5, and is affected by the Residential Transition Area (RTA), and the building that is proposed by the Petitioner requires variances even if the requirements of the RTA zone are satisfied. The net acreage for the subject property is .834 acres, and the property is unimproved.

Counsel for the Petitioner has attempted to argue, in the course of testimony that the Petitioner has the right to build the desired structure as a matter of right in view of the fact that it is a proposed synagogue. However, we believe that the County Law does not support such position.

Under County Zoning Regulations, (1B1a) (p. 1-B5) an RTA zone is any D.R. zone or part thereof which lies (a)

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within 300 feet of any point on dwelling other than apartment building, or (b) within 250 feet of any point lying within a vacant lot of record which is itself wholly or partially classified as D.R. and which is 2 acres or less in area. The main purpose of the RTA requirement is to establish a transition area between mixed uses, and to require certain set back requirements from different uses. Although under said Zoning Regulations (1B7C5) (p. 1B-9), a synagogue, which has been defined as a house of worship, has been given a conditional exception to the RTA requirements, this partial exception is not the absolute principle that the Petitioner presents as its basic argument. Under the aforesaid Sections (p 1B-9), a new church or other building for religious worship requires a finding that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

In addition to the aforesaid finding required, the Petitioner is seeking other variances in view of the fact that the proposed building, as planned, creates further intrusions into the areas which the Zoning Regulations are designed to protect.

The Plan of the Petitioner not only attempts to vacate the normal set back requirements applicable here, but to dissolve the extra protection that the RTA requirements were

designed to provide for the existing residential development surrounding the subject property.

The amendments adopted in 1982 to the old Bill 100 (1970) only slightly modified the protections that the original law intended, and did not give any absolute right to build a church in such RTA area without extraordinary mitigating protective measures.

In order to locate any use in an RTA area which is not exactly like the residences which created the RTA requirements, Section 1B 01.b3 (a) permits building 75 feet front and side set-backs and 150 foot rear set-backs. Also, Section 1B 01.b3 (b) additionally requires fifty foot "buffers" in the front and side yards, and 75 feet in the rear which the law requires are necessary to effectively screen off-site dwellings. The Plan of the Petitioners does not provide such requirements.

The aforesaid County requirements focus on the design and uses involved with the building in question, and whether or not the the required variances should be allowed as a further intrusion into the residential premises affected. It is also important to point out that the burden of proof is upon the Petitioner in this case to show that the extraordinary measures required by the law should be abandoned in favor of the Petitioner in this case.

We believe that the Petitioner has failed to meet the burden of proof involved, and has attempted to avoid the basic requirements relating to the design and uses of the building in question. At the hearing before the Deputy

Zoning Commissioner, the Petitioner went to great lengths to describe the multiple uses of the proposed building which included a museum. However, at the hearing before the Board of Appeals, the principal witness on behalf of the Petitioner attempted to dodge the issue of one of the uses of the building as a museum, but he eventually admitted that the Heritage Hall, which was described as a museum before the Deputy Zoning Commissioner, remains one of the proposed uses for the building. The said witness even attempted to dodge the issues of whether or not weddings, and other ceremonial functions, would take place at the building when such multiple uses were testified to before the Deputy Zoning Commissioner. Also, the Petitioner presented the architect for the planned building, Stuart Macklin, before the Deputy Zoning Commissioner, and said architect, described in detail the various areas of the building and the proposed uses. Mr. Macklin was strangely absent from the important hearing before the Board of Appeals where the burden of proof remained upon the Petitioner. Mr. Macklin's testimony before the Deputy Zoning Commissioner included a detailed description of the size and uses of the building, and he presented an elaborate rendering to show the size of the structure. None of that important material was presented before the Board of Appeals in order to give the Board of Appeals an opportunity to examine the issues presented in order to determine whether or not the proposed plan of the Petitioner conformed to the spirit and letter of the County

law applicable.

We do not believe that the Petitioner should be allowed to meet its burden of proof with speculation as evidence when there is hard evidence available through the specific plans relating to the proposed structure. Additionally, the Petitioner provided no testimony or evidence that the plans that they had presented before the Deputy Zoning Commissioner were no longer the plans for the current building. It is important to note that the Protestants in this case probably would not have opposed the issues presented if the Petitioner had made a real effort to comply "to the extent possible with RTA use requirements" as the aforesaid County law requires.

The Petitioner attempted in testimony before the Board to have the Board speculate as to what would happen if the building were moved to other areas on the subject property. However, it is not the purpose of the Board of Appeals to act as a zoning committee to assist a developer with reference to the best location for a building on a given piece of land. If the Petitioner had abandoned its original plan in favor of a new building Plan, then the new Plan should have been submitted.

The aforesaid County law requires appropriate screening, and it requires appropriate set-back requirements. Testimony presented before the Board indicated that there was no way that there could be appropriate screening from the residential properties in view of the fact that the planned building was too high for any reasonable screening. In addition, the size of the proposed structure prevented normal

set-back requirements required under County law. In essence, the size and height of the proposed building was not compatible with the adjacent residential community.

Also, the Petitioner appeared to be vague on whether the entrance from the parking lot would be the principal entrance, or the entrance from Micarol, or Old Pimlico Road, would be the principal entrance. If as suggested by the Petitioner, that the parking lot would not be the principal entrance, but would be the rear of the property, then the Protestants respectfully submit that the rear yard set-back requirements would be 150 feet as there was a residential property to the rear of the subject property which 150 feet set-back could not be satisfied by the existing plan.

The decision of the Deputy Zoning Commissioner dated August 27, 1990, which is a part of the record in this case, indicates a comprehensive review of the evidence, and included a review of the area from first-hand observations. This review indicated that the zoning for the subject property was D.R. 3.5, and that the net acreage was .834 acres. The description pointed out that not only did the Petitioner desire to construct a synagogue with a 104 seat capacity, but the evidence indicated that the structure of approximately 7,600 square feet would contain a reception area, kitchen, Heritage Hall (described as a museum by the witnesses for the Petitioner), a number of offices, a youth lounge, and a lecture area. These multiple uses do not fit under the exception granted to a House of Worship even if the

Petitioner in this case had met all of the other requirements of the County laws. It is also important to point out that Mr. Thaler who testified for the Petitioner before the Board of Appeals, was not the engineer who testified before the Deputy Zoning Commissioner, and Mr. Thaler did not create the Plan in question, nor did he know much about the proposed building. A Mr. Richard Matz testified as the engineer before the Zoning Commissioner. The Zoning Commissioner further pointed out that the CRG approval was also conditioned upon the future widening of Old Pimlico Road which widening is not in existence at the present time. The Zoning Commissioner pointed out in her opinion that the architect attempted to explain that the "larger-scale" features of the proposed building would face Old Pimlico Road. However, the facing of such structure does not eliminate the requirements for screening under County Zoning laws.

In the final analysis, we do not believe that there would be any hardship upon the Petitioner if it would make a serious attempt to meet the requirements of the County zoning laws. The proposed multiple-use building as presently constituted would create an intrusion into the surrounding residential character of the neighborhood. In addition, the increased traffic in the morning and evening hours when the most danger exists would be contrary to the health and welfare of the community. Although counsel for the Petitioner attempted to introduce a letter from the Traffic Department of Baltimore County that was presented at the CRG

hearing, such witness was never presented before the Board of Appeals so that there could be an opportunity to determine whether or not this traffic person had actually examined the area in question at the points of the most intense traffic, namely in the morning and evening hours when the synagogue would have major activities which would impact upon traffic at the corner of Pimlico Road and Smith Avenue.

The description by the Deputy Zoning Commissioner, based upon the evidence presented that the building would contain rooms for study groups, library and prayer in addition to numerous other multi-purpose uses flies in the face of the attempt by the Petitioner to evade these uses in the testimony before the Board of Appeals. The Deputy Zoning Commissioner went on to describe events of celebration, such as wedding and bar mitzvah receptions that would be held at the site. As the building had not changed between the hearing before the Deputy Zoning Commissioner and the Board of Appeals, it appears illogical, and unacceptable, that any uses other than previously announced would be made of the structure in question. The burden is upon the Petitioner in this case to demonstrate the real uses of the structure, the need for the size and shape of the structure, and attempt to show that every possibility had been exhausted in order to meet the zoning requirements applicable to the subject property. We believe that the Petitioner has failed in its effort to meet the burden of proof.

In connection with the variances requested by the

Petitioner, there has been no showing how strict compliance with the zoning regulations would result in a practical difficulty or an unreasonable hardship. Without any attempt by the Petitioner to modify the size, height and shape, there has been no showing of unreasonable hardship.

In the cases of McLean v. Soley, 270 Md. 208, 310 A.2d 783, and McGraw Anderson v. Board of Appeals of Town of Chesapeake Beach, 22 Md.App. 28, 322 A.2d 220, the Appellate Courts of this State have announced that the basic proposition in considering a variance is whether or not a strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. We believe that these tests have not been satisfied by the Petitioner, and we respectfully submit and aver that the request of the Petitioner for the zoning approvals should be denied. In view of the fact that the CRG approvals were based on zoning approvals the CRG approval should fail at this time.

Harry S. Shapiro
HARRY S. SHAPIRO
400 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 825-0110
Attorney for Protestants

I HEREBY CERTIFY that on this 28 day of May, 1991 a copy of the foregoing Memorandum of the Respondents was mailed to Benjamin Bronstein, Esquire, 205 Susquehanna Building, 29 W. Susquehanna Avenue, Towson, Maryland 21204.

Harry S. Shapiro
Attorney for Respondents

96-06-3102
96/333

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/E Corner Old Pimlico and Micarol Roads 3rd Election District 2nd Councilmanic District Also, Appeal of CRG Decision Friends of Lubavitch, Inc. Petitioner

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

County Board of Appeals Case Nos. 90-483-SPHA and CBA-90-116

ORDER FOR APPEAL

Now come Smith-Greenspring Assoc., Inc., Mr. and Mrs. Robert Goldman, Mr. and Mrs. Elliott Lewis, Mr. and Mrs. Ernest Feibelman, Mr. and Mrs. Martin Emmer, Mr. and Mrs. Ronald Holstein, Mr. and Mrs. Allan Zuckerberg and Mr. and Mrs. Ronald Weinberg, by Harry S. Shapiro, their attorney, and appeal from an Opinion and Order of the County Board of Appeals dated June 20, 1991, copy of said Opinion and Order being attached hereto marked Exhibit A.

HARRY S. SHAPIRO
400 W. Pennsylvania Avenue
Towson, Maryland 21204
(301) 825-0110
Attorney for Appellant

I HEREBY CERTIFY that on this 12 day of July, 1991 a copy of the foregoing Order for Appeal was served on the Administrative Secretary, County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 and a copy mailed to Benjamin Bronstein, Esquire, Susquehanna Building, Ste. 205, 29 W. Susquehanna Avenue, Towson, Maryland 21204.

HARRY S. SHAPIRO
Attorney for Appellant

BB/mlh/09.06.90/310.00

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SE/Corner Old Pimlico and Micarol Roads 3rd Election District 2nd Councilmanic District Friends of Lubavitch, Inc. Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NO.: 90-483-SPHA

ORDER TO ENTER APPEAL

To the Zoning Commissioner for Baltimore County:

Please enter an appeal to the Board of Appeals for Baltimore County from the decision of the Deputy Zoning Commissioner dated August 27, 1990 as filed in the above entitled.

EVANS, GEORGE AND BRONSTEIN

By: Benjamin Bronstein
29 West Susquehanna Avenue
Suite 205
Towson, Maryland 21204
(301) 296-0200
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That on this 14 day of September, 1990, a copy of the foregoing Order to Enter Appeal was mailed, postage pre-paid to Harry S. Shapiro, Esquire, 400 West Pennsylvania Avenue, Towson, Maryland 21204 and to Phyllis C. Friedman, People's Counsel, Office of Planning and Zoning, County Courts Building, 401

Bosley Avenue, Towson, Maryland 21204, M.S. 1310.

Benjamin Bronstein

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - SE/Corner Old Pimlico and Micarol Roads 3rd Election District 2nd Councilmanic District Friends of Lubavitch, Inc. Petitioner

BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NO. 90-483-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a determination as to whether the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and a special hearing to determine whether a Residential Transition Area (RTA) is created by a non-buildable D.R.-zoned parcel of a larger B.L.-zoned parcel of land. Petitioner also requests variances to permit a front setback of 30 feet in lieu of the required 50 feet and a side setback of 30 feet in lieu of the required 35 feet for a proposed synagogue, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Shmuel Kaplan, President, appeared, testified and was represented by Benjamin Bronstein, Esquire. Also appearing on behalf of the Petitions were Stuart Macklin, Architect, Richard E. Matz, Registered Professional Engineer, Alan Auerbach, Mike Lauenstein, and Jerry Silver, residents of the area. Numerous residents of the area appeared and testified as Protestants in the matter and are listed on the Protestant's Sign-In Sheet in the file. The Protestants were represented by Harry S. Shapiro, Esquire.

ORDER RECEIVED FOR FILING
Date 9/14/90
By: [Signature]

Testimony indicated that the subject property, located at the southeast corner of Old Pimlico Road and Micarol Road, consists of a gross acreage of 1.084 acres, or a net acreage of .834 acres, zoned D.R. 3.5 and is presently unimproved. Petitioner is desirous of constructing a synagogue with 104-seat capacity at the subject location. The proposed building, of approximately 7600 sq.ft., will also contain the following: Kiddish (reception area), kitchen, Heritage Hall (entrance with historical display), number of offices, youth lounge and lecture area. Due to the size of the lot, the proposed improvements cannot be constructed without the relief requested.

Extensive testimony was presented at the hearing by both Petitioner and the Protestants. Further, a site inspection of the property and surrounding area was conducted by the Deputy Zoning Commissioner as indicated at the hearing. Although all the relevant testimony has been considered in rendering this decision, only portions thereof will be highlighted as necessary.

Richard Matz testified the proposed synagogue was situated on the subject property to have the least impact on the surrounding neighborhood and that its location took into consideration saving as many trees as possible as the site is almost completely wooded. Testimony indicated that the proposed building will have access from Old Pimlico Road only and that CRG approval was conditioned upon the future widening of Old Pimlico Road. Evidence presented indicated the plan received CRG approval on February 22, 1990. Mr. Macklin testified that in his opinion the design and color scheme of the proposed structure were in keeping with the character of the surrounding community. He indicated that the larger-scale features of the proposed building will front on Old Pimlico Road. Petitioner

ORDER RECEIVED FOR FILING
Date 9/14/90
By: [Signature]

tioners introduced an architectural rendering of the exterior of the building as depicted in Petitioner's Exhibit 9.

Messrs. Lauenstein, Auerbach and Silver, residents of the area, testified in support of the relief requested. Their testimony generally indicated the proposed orthodox synagogue is neighborhood-oriented. Mr. Lauenstein and Mr. Auerbach testified they are members of another congregation and indicated that many members of orthodox congregations choose their congregation and/or home location so that they can walk to services.

Rabbi Kaplan testified he has been a Rabbi for the past 19 years. The previous site of the Friends of Lubavitch, Inc. was on Park Heights Avenue which was destroyed by fire. Rabbi Kaplan indicated the subject site was purchased approximately 18 months ago. He testified the congregation currently consists of 40 to 50 families. Testimony indicated that services are held three times a day in addition to those held on Sabbath. Morning services are 7:00 AM to 9:00 AM with two services held between 6:00 PM and 8:00 PM. Rabbi Kaplan testified the subject building would have a Heritage Hall and archives room where historical documents would be displayed and stored. Further, the building would contain rooms for study groups, library and prayer, in addition to numerous other multi-purpose uses. Additionally, events of celebration, such as wedding and bar and bat mitzvah receptions would be held at the site.

Ron Weinburg, a resident of Forest Green Road which is opposite the subject property, testified in opposition to the relief requested, hitting upon most of the concerns raised by the Protestants. Mr. Weinburg testified that the size of the building is too large for the lot and the surrounding residential uses. He objected to the incompatibility of the proposed building indicating that its color, design and aesthetics are not

ORDER RECEIVED FOR FILING
Date 9/14/90
By: [Signature]

In keeping with the character of the surrounding residential properties. Further, there were objections to the proposed use alleging it would create parking and traffic problems. Testimony presented by Bernard Pearlman, a resident of nearby Daythorne Road and an art and design critic with the Daily Record, concluded the proposed building's materials and design were incompatible with the surrounding neighborhood. Mr. Goldman, President of Smith and Greenspring Associates, testified the Board of Directors of said Association opposed the Petitioners' request. Allan Zuckerberg, a resident of Shelrich Place, testified in opposition to the relief requested based upon the size of the building and numerous proposed uses.

Section 1801.1B.1c.6 of the B.C.Z.R. requires a finding that the proposed project complies to the extent possible with RTA requirements and that the proposed project is otherwise expected to be compatible with the character and general welfare of the surrounding residential premises.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 9/14/90
By: [Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The testimony and evidence presented were not sufficient to allow a finding that the proposed project is in compliance to the extent possible with RTA requirements and that the variances should be granted. The proposed building is large for the site limiting the transition area and necessitating the requested variances. The plan is not found to be compatible with the character and general welfare of the surrounding residential premises, and as such, the relief requested in the special hearing should be denied.

Further, in light of the above findings and lack of sufficient evidence presented on the issue of whether an RTA is created by a non-buildable D.R. zoned parcel of a larger B.L. zoned parcel of land, the relief requested in the special hearing shall be dismissed.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 307 of the B.C.Z.R. The Petitioner has not shown practical difficulty and/or unreasonable hardship or that the proposed use would be conducted without detriment to the health, safety or general welfare of the community. The burden of providing this evidence rests solely with the Petitioner and this burden has not been met.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Zoning Variance should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of August, 1990 that the Petition for

ORDER RECEIVED FOR FILING
Date 9/14/90
By: [Signature]

Special Hearing for a determination as to whether the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing for a determination as to whether a Residential Transition Area (RTA) is created by a non-buildable O.R.-zoned parcel of a larger B.L.-zoned parcel of land, be and is hereby DISMISSED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a front setback of 30 feet in lieu of the required 50 feet and a side setback of 30 feet in lieu of the required 35 feet for a proposed synagogue, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

R. M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 27, 1990



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/Corner Old Pimlico and Micarol Roads
3rd Election District - 2nd Councilmanic District
Friends of Lubavitch, Inc. - Petitioners
Case No. 90-483-SPHA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

R. M. NASTAROWICZ
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Harry S. Shapiro, Esquire
400 W. Pennsylvania Avenue, Towson, Md. 21204

People's Counsel

File

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-483-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2B (V.B.2-CMDP) to permit a front setback of 30 ft. in lieu of the required 50 ft. and a side setback of 30 ft. in lieu of the required 35 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Proposed use
2. Configuration of property
3. Retention of vegetation existing
4. Other reasons as may be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Friends of Lubavitch, Inc.
(Type or Print Name)
Signature
Shmuel Kaplan, President
(Type or Print Name)
Signature

Attorney for Petitioner:
EVANS, GEORGE & BRONSTEIN
311 W. Montgomery Ave., 301-340-6856
Address Phone No.
Rockville, Maryland 20850
City and State
29 W. Susquehanna Ave., Suite 205
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, Maryland 21204
Harris, Smariga, Matz, Inc.
City and State Name
Attorney's Telephone No.: 301-296-0200 115 B Sudbrook Lane 486-1511
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of June, 1990, at 9:30 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Harris, Smariga, Matz, Inc.
Planners/Engineers/Surveyors
115 B Sudbrook Lane/Rockville, MD 21208
(301) 486-1511

DESCRIPTION

0.834 ACRE PARCEL, SOUTHEAST CORNER OF OLD PIMLICO ROAD AND MICAROL ROAD, BALTIMORE COUNTY, MARYLAND

BEGINNING at the southwest end of the easement line connecting the southeast side of Old Pimlico Road and the southwest side of Micarol Road, said beginning point being designated "4" and shown on the plat titled "Preliminary Plan Goldberg Property", dated January 28, 1987 and recorded or intended to be recorded among the Land Records of Baltimore County, running thence binding on said easement line and on the southwest side of said Micarol Road, two courses (1) North 67 degrees 38 minutes 02 seconds East 14.04 feet and (2) South 66 degrees 56 minutes 05 seconds East 156.00 feet, thence binding on the east and south outlines of lot 1 as shown on said plat, five courses (3) South 04 degrees 33 minutes 47 seconds East 150.85 feet, (4) South 86 degrees 31 minutes 48 seconds West 25.18 feet, (5) North 81 degrees 58 minutes 00 seconds West 55.94 feet; (6) Due West 115.00 feet, and (7) North 59 degrees 00 minutes 00 seconds West 51.11 feet to the southeast side of said Old Pimlico Road, thence binding thereon (8) North 22 degrees 12 minutes 03 seconds East 187.43 feet to the place of beginning.

CONTAINING 0.834 of an acre of land.

RWB/rnz HSH Job No.: 10234 December 8, 1989

Harris, Smariga & Associates, Inc.
Frederick, MD (301) 662-4488

Harris, Smariga, Matz, Inc.
Frederick, MD (301) 389-3508

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY 90-483-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 506.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

See attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Friends of Lubavitch, Inc.
(Type or Print Name)
Signature
Shmuel Kaplan, President
(Type or Print Name)
Signature

Attorney for Petitioner:
EVANS, GEORGE & BRONSTEIN
(Type or Print Name)
Signature
29 W. Susquehanna Ave., Suite 205
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: 301-296-0200

311 W. Montgomery Ave., 301-340-6856
Address Phone No.
Rockville, Maryland 20850
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Harris, Smariga, Matz, Inc.
Name
115 B Sudbrook Lane 486-1511
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 27 day of May, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of June, 1990, at 9:30 o'clock A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: May 22-90
Posted for: Special Hearing for Variance
Petitioner: Friends of Lubavitch, Inc.
Location of property: SE Corner of Old Pimlico and Micarol Roads
Location of Sign: SE Corner of Old Pimlico and Micarol Roads
Remarks: 1/2 of plat
Posted by: J. Robert Haines
Number of Signs: 2 Date of return: May 25-90

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for a Special Hearing and Variance from Section 1802.2B (V.B.2-CMDP) to permit a front setback of 30 ft. in lieu of the required 50 ft. and a side setback of 30 ft. in lieu of the required 35 ft. on the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Petitioner for Special Hearing and Zoning Variance: Friends of Lubavitch, Inc., SE/Corner Old Pimlico and Micarol Roads, 3rd Election District. Petitioner(s): Friends of Lubavitch, Inc., Hearing Date: Friday, June 15, 1990 at 9:30 a.m.

Special Hearing: Determine whether a RTA is created by a non-buildable DR parcel of a larger BL parcel AND to determine whether the proposed improvements are planned in such a way that compliance to the extent possible with the RTA use requirements, will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Variance to permit a front setback of 30 ft. in lieu of the required 50 ft. and a side setback of 30 ft. in lieu of the required 35 ft.

In the event that this Petition is not a building permit, it may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office of the clerk of the hearing and above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
6249 May 17

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on May 17, 1990.

THE JEFFERSONIAN,

S. Zabe Orlov
Publisher

PO 104578

CERTIFICATE OF PUBLICATION

Pikesville, Md., 5/23/90
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 24th day of May, 1990 the first publication appearing on the 23rd day of May, 1990 the second publication appearing on the 24th day of May, 1990 the third publication appearing on the 25th day of May, 1990

THE NORTHWEST STAR

Manager: Jon Aub

Cost of Advertisement \$36-

STAY HOME with the \$325 weekly, helping local business with overflow calls. No experience, call paid daily. To apply, send long self-addressed stamped envelope: ALLED 23010 Lake Forest #538-811, Laguna Hills, CA 92653.

LEGAL NOTICE

BALTIMORE COUNTY
ZONING COMMISSIONER
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for a Special Hearing and Variance from Section 1802.2B (V.B.2-CMDP) to permit a front setback of 30 ft. in lieu of the required 50 ft. and a side setback of 30 ft. in lieu of the required 35 ft. on the property located at 111 W. Chesapeake Avenue in Towson, Maryland 21204.

Petitioner for Special Hearing and Zoning Variance: Friends of Lubavitch, Inc., SE/Corner Old Pimlico and Micarol Roads, 3rd Election District. Petitioner(s): Friends of Lubavitch, Inc., Hearing Date: Friday, June 15, 1990 at 9:30 a.m.

Special Hearing: Determine whether a RTA is created by a non-buildable DR parcel of a larger BL parcel AND to determine whether the proposed improvements are planned in such a way that compliance to the extent possible with the RTA use requirements, will be maintained and said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Variance to permit a front setback of 30 ft. in lieu of the required 50 ft. and a side setback of 30 ft. in lieu of the required 35 ft.

In the event that this Petition is not a building permit, it may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the period for good cause shown. Such request must be in writing and received in the office of the clerk of the hearing and above or presented at the hearing.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 4, 1990



Dennis F. Rasmussen
County Executive

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No. 360, Case No. 90-483-SPHA
Petitioner: Friends of Lubavitch, et al
Petition for Zoning Variance and
Special Hearing

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Shmuel Kaplan
Friends of Lubavitch, Inc.
311 W. Montgomery Avenue
Rockville, MD 20850

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
18th day of April, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Manor Health Care Corp., et al

Petitioner's Attorney: Robert A. Hoffman

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 24, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for
items number 352, 356, 357, 358, and 360.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Bureau of Public Services Date: 2/5/90

FROM: Kurt Louderback, Supervisor
Revenue Division, Office of Finance

SUBJECT: Lien Clearance - Account of Development

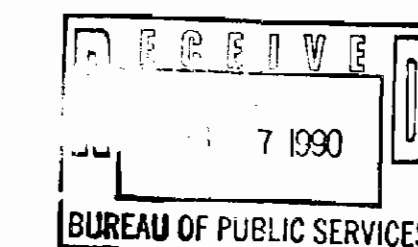
The Baltimore County Code, Section 22-50 states that any delinquent accounts of any applicant shall be paid before the County may process plans or permits for any proposed development of such applicant.

Your letter of 2/1/90 regarding the below applicant has been processed and the following is the current status:

Name: Old Pimlico Synagogue
Location: Old Pimlico Rd. & Micaol Rd.
Owners Names: Friends of Lubavitch, Inc.
Owners Address: 311 W. Montgomery Ave., Rockland, Md. 20850
Tax Account Nos. 21-00-010359

LIEN STATUS AS OF 2/2/90

Real property taxes open on the above account in the amount of \$2,046.22.



Kurt Louderback, Supervisor
Revenue Division, Office of Finance

KL:mr

Microfilm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Robert Covahey Date: February 5, 1990

FROM: Charles K. Weiss C.K.W.

SUBJECT: Old Pimlico Synagogue
Harris, Smariga, Metz
3c2
2/22/90
res. 5 units
Western Area

In review of this plan we see no accommodations for refuse.

NOTE: Acceptance of this plan in no way binds Baltimore County into refuse collection of this development. At the time of construction, a representative of the Bureau will meet with the developer or his representative to discuss details of refuse collection.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

FEBRUARY 7, 1990

TO: THE CHAIRMAN OF THE C. R. G. COMMITTEE

FROM: C. E. BURNHAM, CHIEF BUILDING PLANS REVIEW C.E.B.

DEPARTMENT OF PERMITS & LICENSES

SUBJECT: OLD PIMLICO SYNAGOGUE

OLD PIMLICO & MICAROL ROAD - DISTRICT 3-C-2 #89333

THE BALTIMORE COUNTY BUILDING CODE ADOPTED AS COUNCIL BILL #158-88 SHALL BE APPLICABLE.

THERE DOES NOT APPEAR TO BE ANY NEED FOR CODE COMMENTS AT THIS STAGE OF DEVELOPMENT AS THE SITE PLAN APPEARS ACCEPTABLE FOR H.C. PARKING AND BUILDING SET BACKS.

Baltimore County
Department of Permits & Licenses
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3610
Ted Zaheski, Jr.
Director

BALTIMORE COUNTY, MARYLAND
FEBRUARY 7, 1990



Dennis F. Rasmussen
County Executive

SUBJECT: SUBDIVISION REVIEW COMMENTS

FROM: CAPTAIN JOSEPH KELLY
PLANS REVIEW DIVISION, FIRE PREVENTION BUREAU
BALTIMORE COUNTY FIRE DEPARTMENT

PROJECT NAME: OLD PIMLICO SYNAGOGUE

PROJECT NUMBER: CRG AGENDA 2/22/90, 10:00 A.M.

LOCATION: OLD PIMLICO ROAD AND MICAROL ROAD

DISTRICT # 3

COMMENTS:

CRG 01
PROPOSED BUILDINGS SHALL BE DESIGNED AND CONSTRUCTED SO AS TO MEET THE APPLICABLE PROVISIONS OF THE FIRE PREVENTION CODE AND THE NFPA 101 LIFE SAFETY CODE, 1988 EDITION.

CRG 09
ALL FIRE HYDRANT SPACING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL, SEC 2.4.4, FIRE HYDRANTS. FIRE HYDRANT SHALL BE INSTALLED AT SOUTHEAST CORNER OF OLD PIMLICO ROAD AND MICAROL ROAD

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Janice B. Outen, Director DATE: February 8, 1990
Environmental Management

FROM: Jim Komatinsky

SUBJECT: ENVIRONMENTAL EFFECTS REPORTS: OLD PIMLICO SYNAGOGUE

Meeting Date: February 22, 1990 Time: 10:00 A.M.

PLAN REVIEW NOTES:

1. Site description: Proposed synagogue on 1.084 acres, wooded site with large trees.
2. Proposed water? Public Proposed sewer? Public
3. Description of streams on site: No streams on site
4. Description of wetland soils on site: No wetlands on site
5. Storm Water Management required? N/A
6. Percent of proposed impervious area: N/A

RESPONSES:

The Environmental Effects Report is not approved. In order to receive approval, the following checked items/conditions must be met:

- X The Environmental Effects Report is approved, subject to the following checked items/conditions:
 - No development is allowed in
 - Revised site plans must be submitted indicating no development in
 - The developer must follow the Environmental Protection and Resource Management's Wetland Guidelines.
 - Streams, stream buffers and wetlands should be noted on all subsequent development plans.

ENVIRONMENTAL EFFECTS REPORT:
OLD PIMLICO SYNAGOGUE
Page 2

BEST MANAGEMENT PRACTICES:

- X All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such conditions.
- X Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April; monthly.
- X Snow removal will be by mechanical means except in severe snow and ice conditions, when de-icing compounds may be used.
- X Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
- X Filling will not occur in grassed or lined drainage ditches or swales.
- X Infiltration for water quality should be investigated.
- X The preservation of the large mature trees adjacent to Old Pimlico Road should be investigated.

COMMENTS:

PRE-CRG MEETING 2/12/90

for the proposed development of OLD PIMLICO SYNAGOGUE.

STAFF COMMENTS

PLANNING - SEE COMMENTS #1
JAKE HUBERT SUGGEST 150' BUFFER TO SHALE MARSH
SEE HUBERT.

ZONING - IDENTIFY R.T.A. BUFFER.

CARL RICHARDS
SEE COMMENTS #1 - 45

USE OF SITE TO BE NOTED ON PLANS

FIRE DEPT - * SUGGEST TO CHECK WITH F.D. FOR COMMENTS
NOT REQUIRED

TRAFF. ENGINEERING - NO COMMENTS

RAHM FAMILI

P.E.P.R.M. - NOW, SUGGEST TREES (ALREADY MENTIONED)
LARRY HUBSON
B.E.R. OK

S.W.M. -

ED. SCHMAUS

RECRUIT PARKS - M.A.

DEV. ENGINEERING DESIGN - 5' WALLS MAY BE REQUIRED.

REVISED PLANS

COPY OF MR. GULMAN'S LETTER TO ALL STAFF.

PRE-CRG COMMENTS
CURRENT PLANNING AND DEVELOPMENT

NAME: OLD PIMLICO SYNAGOGUE 10:30 A.M. DATE: 02/12/90

1. Current Planning CRG number III-447 must be filled in along with the Public Services CRG number.
2. The provisions of Section 1801.1.C.6 (Baltimore County Zoning Regulations) have not been complied with and must be resolved at a Zoning Commissioner's Hearing. Refer to Zoning's comments.
3. Cross sections including elevation drawings are requested to review this project in relation to highly visible locations. This information will be used to achieve development appropriate to the specific circumstances of the site taking into account surrounding uses and to provide the most beneficial relationships between the use of land and buildings.
4. This site contains a number of mature specimen trees. All significant trees should be shown on the revised plan with the following information noted: location, type, caliper size and canopy drip line. Every effort should be made to preserve these unique site features.
 - o Depending upon results of tree survey, additional planting may be required for the east buffer area.
 - o Fencing and/or additional planting is required for the south property line.
 - o Additional buffering along Old Pimlico Road may be required.

pre6.txt:fm

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS CRG DATE: 2/22/90
FROM: ZONING OFFICE PRE-CRG DATE: 2/12/90

PROJECT NAME: Old Pimlico Synagogue PLAN: 12/22/89

LOCATION: SE/cor Old Pimlico Road and Micalol Road, N Smith Avenue

DISTRICT: 3c2

REVISED PLAN KEY:
(*) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(RA) RE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Requests".

1. R.T.A. - Pursuant to Section 1801.1.B.1.c.6 (B.C.Z.R.) - The following conflicts with the R.T.A. regulations must be resolved via a zoning hearing and the plan details must be included on the C.R.G. plan: Include on the plan and clearly label all off-site sources of R.T.A. on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 300 feet of a proposed unlike use must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive R.T.A. arcs must be labeled with the required and applicable 300' or 250' R.T.A. radius dimensions and included on the plan print. The R.T.A. buffer cannot include an existing or proposed private or public street right-of-way, road widening or required traffic sight line areas and it must be designated H.O.A. open space. Even though less than the requirement, the extent of the requirements possible to the proposed improvements are planned in such a way that compliance, to the extent possible with the R.T.A. use requirements, will be maintained and that such plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Old Pimlico Synagogue
CRG DATE: 2/2/90; PRE-CRG DATE: 2/12/90
PAGE 2

2. The proposed building setbacks conflict with Section 1802.2.B (B.C.Z.R.) (V.B.2-C.M.D.P.) and a variance is required where the requirements cannot be met (required front setback is 50 feet; street side is 35 feet; inside side is 20 feet; and rear is 30 feet). Clarify the purpose of the proposed column and identify and dimension it on a scale elevation drawing. Clearly label the building front on the plan print and on the elevations. Note in the title block "RE-SUBDIVISION OF LOTS #39 AND #42-49 MT. WASHINGTON SUMMIT W.P.C. 8/51".
3. Parking must be setback 10 feet from the street right-of-way and note on the plan that all parking, maneuvering, and aisle areas are to be paved (indicate type) and permanently striped. Confirm and note on the plan that the parking bays and access has been approved by the Department of Traffic Engineering.
4. Signs - Note on the plan that all signs will comply with Section 413 (B.C.Z.R.) and all zoning sign policies. One (1) sign is permitted 30 square feet (single-face) and 15 square feet (double-face) on the property. (Section 413.1.b - B.C.Z.R.) Include a sign elevation on the plan, including the size, height, dimensions, square footage, single- or double-face and any illumination.
5. Final zoning approval is contingent first, upon the resolution of all comments and second, upon the outcome of the required zoning hearing.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS CRG DATE: 2/22/90
FROM: ZONING OFFICE PRE-CRG DATE: 2/12/90

PROJECT NAME: Old Pimlico Synagogue PLAN: 12/22/89

LOCATION: SE/cor Old Pimlico Road and Micalol Road, N Smith Avenue

DISTRICT: 3c2

REVISED PLAN KEY:
(*) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(RA) RE ADVISED (NOT NECESSARY FOR CRG APPROVAL, BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by this office for general compliance with the Baltimore County Zoning Regulations. The following comments identify obvious conflicts with the Baltimore County Zoning Regulations, and details necessary in order to determine compliance with these regulations. When these standard and nonstandard details and information is available or provided, it shall be the responsibility of the owner, developer or developer's engineer to rectify all conflicts well in advance of any expected zoning approvals. The intent of the developer must be clear on the C.R.G. plan and any zoning conflicts must be identified conspicuously on the plan under "Zoning Public Hearing Requests".

1. R.T.A. - Pursuant to Section 1801.1.B.1.c.6 (B.C.Z.R.) - The following conflicts with the R.T.A. regulations must be resolved via a zoning hearing and the plan details must be included on the C.R.G. plan: Include on the plan and clearly label all off-site sources of R.T.A. on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 300 feet of a proposed unlike use must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive R.T.A. arcs must be labeled with the required and applicable 300' or 250' R.T.A. radius dimensions and included on the plan print. The R.T.A. buffer cannot include an existing or proposed private or public street right-of-way, road widening or required traffic sight line areas and it must be designated H.O.A. open space. Even though less than the requirement, the extent of the requirements possible to the proposed improvements are planned in such a way that compliance, to the extent possible with the R.T.A. use requirements, will be maintained and that such plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

COUNTY REVIEW GROUP COMMENTS
PROJECT NAME: Old Pimlico Synagogue
CRG DATE: 2/2/90; PRE-CRG DATE: 2/12/90
PAGE 2

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3. Parking must be setback 10 feet from the street right-of-way and note on the plan that all parking, maneuvering, and aisle areas are to be paved (indicate type) and permanently striped. Confirm and note on the plan that the parking bays and access has been approved by the Department of Traffic Engineering.
4. Signs - Note on the plan that all signs will comply with Section 413 (B.C.Z.R.) and all zoning sign policies. One (1) sign is permitted 30 square feet (single-face) and 15 square feet (double-face) on the property. (Section 413.1.b - B.C.Z.R.) Include a sign elevation on the plan, including the size, height, dimensions, square footage, single- or double-face and any illumination.
5. Final zoning approval is contingent first, upon the resolution of all comments and second, upon the outcome of the required zoning hearing.

W. CARL RICHARDS, JR.
Zoning Coordinator

WCR:scj

PRE-CRG COMMENTS
OLD PIMLICO ROAD SYNAGOGUE
PLAN DATE 12/22/89

1. WATER METER MUST BE LOCATED BEHIND THE RIGHT-OF-WAY LINE ALONG MICALOL ROAD WITHIN A DRIVEWAY AND UTILITY EASEMENT.
2. EXTREME FLOODING OCCURS DOWNSTREAM, THEREFORE, 2-10-100 YEAR STORM WATER MANAGEMENT IS REQUESTED.
3. LABEL PROPOSED WIDENING ALONG OLD PIMLICO ROAD AS PROPOSED 42-FOOT PAVING.
4. CURB & GUTTER AND 5' SIDEWALK IS REQUIRED ALONG THE EXISTING ROAD FRONTAGE OF OLD PIMLICO ROAD.
5. THE EXISTING STORM DRAIN SYSTEM AS SHOWN ON ST-0099 WITHIN OLD PIMLICO ROAD WAS NOT DESIGNED TO CONVEY STORM FLOW FROM THIS AREA. SUBMIT COMPUTATIONS INDICATING ADEQUACY OF THIS SYSTEM TO CONVEY THE STORM WATER TO A SUMMER OUTFALL.

DAVID BAKER
DEVELOPMENT ENGINEERING DIVISION
2/12/90

OLD PIMLICO SYNAGOGUE
PRE-CRG FEBRUARY 12, 1990 @ 10:30 AM.
✓ STORM WATER MANAGEMENT COMMENTS.

- (1) STORM WATER MANAGEMENT MUST BE PROVIDED FOR THE 2, 10 AND 100 YEAR STORMS UNLESS A WAIVER OR VARIANCE IS GRANTED SINCE THIS SITE IS LOCATED IN THE JONES FALLS WATERSHED.
- (2) WATER QUALITY MUST BE PROVIDED FOR THE FIRST HALF INCH OF RUNOFF FROM ALL ONSITE IMPERVIOUS AREAS. WATER QUALITY MEASURES MUST BE CONSISTENT WITH THE POLICY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- (3) ALL RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT ADVERSELY EFFECTING THE RECEIVING WETLAND, WATER COURSE, WATER BODY OR STORM DRAIN.

EL Schmeiss

Ms. Janice Outen
✓ Environmental Effects Report (name)

The developer must follow the Environmental Protection and Resource Management's Wetland Guidelines.
Streams, stream buffers and wetland should be noted on all subsequent development plans.

C. BEST MANAGEMENT PRACTICES

- ✓ 1. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
- ✓ 2. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
- ✓ 3. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
- ✓ 4. Application of fertilizers, herbicides and pesticides will not exceed recommendations of the University of Maryland Cooperative Extension Service.
- ✓ 5. Filling will not occur in grassed or lined drainage ditches or swales.
- ✓ 6. INFILTRATION FOR WATER QUALITY SHOULD BE INVESTIGATED.

- ✓ 7. THE PRESERVATION OF THE LARGE MATURE TREES ADJACENT TO OLD PIMLICO ROAD SHOULD BE INVESTIGATED.

PRE CRG. 2/12/90
OLD PIMLICO SYNAGOGUE

PICK CHAIRS
STUART MACELIN

Don Pursten
Randy S. Kaplan
Larry Nelson
Ed Schmaus
Carl Richards
Francis Morley
Jeff Marantz
Hale Kass

HARRIS SYMURA MATZ
S.J.M. ARCHITECTS
Ewan, George & Bernstein

DEARM
STORM WATER MANAGEMENT
Zoning
Planning
Councilmen Monty

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: Robert E. Covahey, Chief,
Bureau of Public Services
FROM: Shirley M. Murphy, Chief,
Bureau of Land Acquisition
SUBJECT: CRG #89333, Old Pimlico Synagogue

As requested, we have reviewed and researched the subject CRG Plan and have no comment to make at this time.

If you have any questions, please feel free to contact me at 494-3293.

SMH:DMH

REVISION RECEIVED 2/20/90: No additional comments at this time.

BALTIMORE COUNTY, MARYLAND
SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: 02/21/90
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Division
PROJECT NAME: Old Pimlico Synagogue
PROJECT NO: 89333
LOCATION: Old Pimlico Road & Micarol Road
DISTRICT: 3C2

The Plan for the subject site dated December 22, 1989 has been reviewed by the Developers Engineering Division and our comments are as follows:

GENERAL COMMENTS:

Planting within the right-of-way for Old Pimlico Road and Micarol Road is only permitted by the approval of the Director of the Department of Public Works. A written request to the Director and this office, including a copy of the landscaping plan, is required to be submitted for review.

All private contracts for construction of storm drains and roads intended for public title and maintenance must be let under a contract form, proposal, and attachments adopted by the Baltimore County Department of Public Works. The Developer has the option of placing the storm drains under a public contract.

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs Incurred. Currently these charges are 3 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Developer is responsible for the full cost of all highway and storm drain construction.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, after which a Building Permit may be approved.

The Developer shall be responsible for damages to the County's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy Permits will be withheld until such damages have been corrected.

Old Pimlico Synagogue
Project #89333
Page 2
February 21, 1990

GENERAL COMMENTS: (Con't)

The Developer's Engineer shall investigate the need and obtain the necessary permits for the facilities serving this site that may require a "Corps of Engineers Permit", a "Water Resources Permit", a "Water Quality Certification", and any other Federal or State Permits. These facilities cannot be sent to contract until such permits have been received.

HIGHWAY COMMENTS:

Old Pimlico Road is an existing road which shall ultimately be improved as a 42-foot street cross section on a 60-foot right-of-way.

The Developer's responsibilities along the existing road frontage of the subdivision shall be as follows:

- a. The submission of detailed construction drawings to extend a minimum distance of 200 feet beyond the limits of the subdivision or as may be required to establish line and grade.
- b. The submission of full cross-sections is deemed necessary for design and/or construction purposes. The sections are to be taken at 25-foot intervals and are to be shown on standard cross-section paper at 1" = 5' horizontal to 1" = 5' vertical scale.
- c. The preparation of the right-of-way plat for, and the dedication of any widening and slope easements at no cost to the County.
- d. The preparation of the right-of-way plats for any offsite road rights-of-way required to make the necessary improvements. Baltimore County will attempt to acquire the right-of-way at the Developer's expense.
- e. The grading of the widening and the existing road to the established grade. Where adjacent properties are adversely affected by the improvements, the Developer shall be financially responsible for the necessary repairs to these properties.
- f. The relocation of any utilities or poles as required by the road improvements.
- g. The construction of combination curb and gutter in its ultimate location and a maximum of 28.5 feet of paving adjacent thereto along the frontage of the property. The paving thickness shall conform with Baltimore County Standards.

Micarol Road is an existing County road of which no additional improvements are required.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

Old Pimlico Synagogue
Project #89333
Page 3
February 21, 1990

HIGHWAY COMMENTS: (Con't)

Old Pimlico Road will require a specially designed paving section based on soil conditions and anticipated traffic volumes. The Developer shall be responsible for obtaining the required design data and submitting a recommended paving section, along with supporting data, for review and approval by Baltimore County.

The entrance locations are subject to approval by the Bureau of Traffic Engineering.

Entrances shall be a minimum of 24 feet and a maximum of 35 feet wide, shall have 10-foot minimum radii curb returns, shall be located a minimum of 15 feet from any property line, and shall be constructed in accordance with Baltimore County Standards (Details R-32, 1977 Edition), as the Developer's total responsibility.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power after installation.

Ramps shall be provided for physically handicapped persons at all street intersections.

Sidewalks are required adjacent to the public roads serving this site, including State roads as applicable. The walks shall be 5 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line, or the adjacent unencumbered area.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

STORM DRAINS AND SEDIMENT CONTROL COMMENTS:

The existing storm drain system as shown on drawing #57-0999 within Old Pimlico Road was not designed to convey storm water flow from this area. Signed and sealed computations must be submitted indicating the adequacy of the drain system to convey the storm water flow.

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the dealing in fee of said rights-of-way to the County. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Old Pimlico Synagogue
Project #89333
Page 4
February 21, 1990

STORM DRAINS AND SEDIMENT CONTROL COMMENTS: (Con't)

Onsite drainage facilities serving only areas within the site are considered private. Therefore, construction and maintenance shall be the Developer's responsibility. However, a drainage area map, scale 1" = 200', including all facilities and drainage areas involved, shall be shown on a plan and submitted to Baltimore County for review.

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading, Sediment Control and Forest Management Ordinance (Bill No. 33-88), a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. A sediment control plan is required. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

WATER AND SANITARY SEWER COMMENTS:

A sanitary sewer manhole is required at the right-of-way line of Micarol Road to distinguish between the public and private portions of the proposed sanitary sewer connection.

A preliminary print of this property has been referred to the Baltimore City Water Division for review and comment in regard to adequacy of water pressure in this development. If Baltimore City has any comment, it will be forwarded.

Old Pimlico Synagogue
Project #89333
Page 5
February 21, 1990

WATER AND SANITARY SEWER COMMENTS: (Cont')

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Licenses.

The Developer is responsible for the cost of capping or plugging any existing house connection not used to serve the proposed site.

Permission to connect to, or (to connect additional sanitary fixtures to) the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

The total Water and/or Sanitary Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This charge is in addition to the normal front foot assessment and permit charges.

Onsite private water mains with fire hydrants shall be metered at the public source. The size and design of the meters shall conform with Baltimore City Standards. Permission to obtain a metered connection may be obtained from the Department of Permits and Licenses.

Fire hydrant spacing and location are subject to review and approval by the Fire Protection Section of the Fire Department.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized in accordance with current County Policy.

The Developer shall contact Mr. Carlyle Brown of the Bureau of Public Services on 887-3321 for information on obtaining water service where the meter required is 3" or less, or the Developers Engineering Division on 887-3751 for water service requiring meters 4" and larger.

This Plan may be approved subject to compliance with all of the above comments and after the following is shown:

- Review and approval of proposed planting within right-of-way of Old Pimlico Road and Micaol Road
- Signed and sealed computations indicating adequacy of existing drain system to convey the storm water flow from this area

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:DAB:pab
145
cc: File

OLDPIMLI/TXTCOMM2

OLD PIMLICO SYNAGOGUE

CRG - 2-21-90 at 10:00 a.m. Pre-CRG - 2-12-90 at 10:30 a.m.

STORM WATER MANAGEMENT COMMENTS:

1. The Storm Water Management Act:

- The Developer is responsible to address the requirements of Bill No. 105-84 presented on pages III-5 and III-5 (a) through (k) of the Development Procedures and Policy Manual.
- Provisions for exemptions, waivers and variances for Storm Water Management (SWM) are described in this document. Exemptions, waivers and variances should be applied for and granted (or denied) by the County before CRG approval is given.
- Conditions for recording plats and granting grading and building permits as related to SWM are also described in this document. The Developer is advised to be aware of these conditions and include them in planning the project to avoid unnecessary delays to construction.

2. General Engineering Requirements:

- Peak management of the 2 and 10-year storm events is normally required. If the development is in certain designated inter-jurisdictional watersheds or, if deemed necessary by Baltimore County, 100-year peak management may also be required.
- Please refer to the Storm Water Management Section of the Baltimore County Design Manual for general design criteria. Hydrology shall be in accordance with the June 1988 version of TR-55.
- Water quality measures are required to some degree on all projects not exempt from SWM. The developer is responsible for addressing all applicable requirements of agencies whether within or outside of Baltimore County having jurisdiction over water quality, streams or wetlands.
- SWM facilities are also subject to review and approval by the Baltimore County Soil Conservation District.
- SWM Facilities outfalling to a Baltimore County storm drain system or when the road fill serves as a SWM pond embankment will be reviewed and approved concurrently by the Department of Public Works and the Department of Environmental Protection and Resource Management.

**OLD PIMLICO SYNAGOGUE
PAGE TWO**

3. Maintenance Requirements:

- SWM facilities may be maintained by Baltimore County if the following conditions are met, subject to approval of the Department of Environmental Protection and Resource Management:
 - Residential subdivision in which all lots are for sale in fee.
 - Requirements for public ponds given in the Baltimore County Design Manual are all met.
 - SWM Facility is enclosed in a reservation shown on the record plat to allow the facility to be deeded in fee to Baltimore County.

- Private maintenance of SWM facilities is acceptable. A Deed of Declaration must be executed by the Developer guaranteeing maintenance of and County access to SWM facilities before plats may be recorded and before grading or building permits may be granted. SWM facilities in residential subdivisions to be maintained privately by a Home Owners Association shall be designed according to the requirements for public ponds which provide an economical means of maintaining a SWM Facility.

4. Guidelines for CRG Approval:

- Show type, size and location of all SWM Facilities on the CRG Plan.
- Show that all outfalls from SWM facilities and bypass areas are "suitable" as defined by the Baltimore County Department of Public Works and the Department of Environmental Protection and Resource Management.
- Show that the SWM Facilities do not create a hazard. An example of a hazard would be an embankment dam located so that in the event of a breach failure, downstream life or property is endangered.
- List any waiver or variances and give date of approval by Baltimore County.

5. Site - Specific Comments:

In addition to the above, each project will be given a brief review by the D.E.P.R.M.'s Division of Design and Review, and a set of specific comments will be provided. The Developer is responsible for addressing these site-specific comments, which are enumerated as follows:

**OLD PIMLICO SYNAGOGUE
PAGE THREE**

- Storm water management must be provided for the 2, 10, and 100 year storms for quantity control unless a waiver or variance is granted.
- Water quality measures consistent with the policy of DEPRM must be provided. Minimum water quality must be provided for the first 0.5 inch of runoff from all impervious areas.
- All site runoff must be conveyed to a suitable outfall without creating additional concentrated runoff on adjacent properties. You may not impose an adverse impact on the receiving watercourse, waterbody, wetland, storm drain or adjacent property.

Edward Schmaus
2-21-90
REV. 7/89

**BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND**

TO: Mr. Robert Covahey DATE: February 21, 1990
FROM: Stephen E. Weber
SUBJECT: C.R.G. Comments

PROJECT NAME: Old Pimlico Synagogue
LOCATION: Old Pimlico Road

The proposed development is not within a traffic deficient zone and the surrounding roadways have sufficient capacity to handle the additional traffic to be generated by this development.

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/EF/leh

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT
FROM: OFFICE OF PLANNING AND ZONING DATE: 2/22/90

PROJECT NAME: OLD PIMLICO SYNAGOGUE

PROJECT NUMBER: III-356 10:00 A.M.

The Old Pimlico Synagogue CRG plan proposes a 7,600 square foot synagogue with 104 seats on 1.084 acres ± zoned Dr 3.5 on the east side of Old Pimlico Road south of Micaol Road. A total of 26 parking spaces will be provided.

The Office of Planning and Zoning recommends approval of the plan subject to compliance with the following comments:

- This site contains a number of mature specimen trees worthy of preservation. In accordance with Section 22-55 of the Baltimore County Development Regulations and Section IV.A.2.b. of the Baltimore County Landscape Manual, trees to remain and those to be removed shall be indicated on the plan. A limit of disturbance line, which includes the anticipated alteration or removal of vegetation, is recommended to satisfy these requirements. Before final approval, the developer's intent must be clearly shown on the plan with a legend or designation indicating specific trees to be saved.
- The amenity open space area along Pimlico Road must be developed in a manner that will preserve all specimen trees. All paving that potentially adversely affects tree preservation efforts in this area must be eliminated.
- The preliminary landscape plan has been reviewed and is generally acceptable for CRG purposes; however, the above comments must be incorporated into the preparation of the final landscape plan.
- A final landscape plan, approved by Office of Planning and Zoning, is required prior to the issuance of building permits.

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COUNTY REVIEW GROUP MEETING SUMMARY

Thursday, February 22, 1990

OLD PIMLICO SYNAGOGUE

District 3 C2

COUNTY REVIEW GROUP - THOSE PRESENT

David L. Thomas, Chairman - Dept. of Public Works
Joe Maranto, Co-Chairman - Office of Current Planning

AGENCY REPRESENTATIVES

David Bayer - Developers Engineering Division
Larry Pilson - DEPRM
Ed Schmaus - DEPRM/Storm Water Management
Ervin McDaniel - Office of Planning & Zoning
Adele Kass - Councilman Mintz' Aide
Rahim Famili - Traffic Engineering

DEVELOPER AND/OR REPRESENTATIVES

Ben Bronstein - Evans, George & Bronstein
Michael J. Chomel - Evans, George & Bronstein
Rabbi S. Kaplan - Lubavitch
Rick Chadsey - Harris, Searige & Matz, Inc.
Stuart Macklin - Stuart J. Macklin Arch.

INTERESTED CITIZENS

Please See Attached

Mr. Thomas, Chairman, opened the meeting at 10:10 a.m., introduced the staff, and explained the purpose of the meeting. Mr. Chadsey presented the plan.

Mr. Maranto summarized the staff comments submitted from Fire Department, Developers Engineering Division, Storm Water Management, Department of Environmental Protection and Resource Management (DEPRM), Office of Planning and Zoning, Bureau of Traffic Engineering, Department of Recreation and Parks, Bureau of Sanitation, Bureau of Land Acquisition, Building Plans Review. These comments have been made a part of this summary, and a copy was also given to the developer and developer's engineer.

Staff comments to be addressed:

Fire Department - Provide additional hydrant as required.

DEPRM - Can mature trees on site be retained?

Planning - Preserve trees in amenity open space. Show limit of disturbance line and indicate trees to be removed.

CRG Summary, Old Pimlico Synagogue, Page 2

Zoning - Clarify developer's intent and identify any zoning conflicts.

Developers Engineering Division - Before CRG signature, the following two issues must be addressed: 1) planting in public right-of-way needs approval of the Director of Public Works; 2) show by means of P.E.-sealed computations that the existing storm drain system is a suitable outfall.

The citizens were invited to comment:

Bob Goldman (Smith-Greenspring Assoc. - 1700 families) - Recognize right to build synagogue in residential zone, but building is too large for small site and setback variances are required. RFA setbacks are even more stringent. Building must be compatible with neighborhood. Above items must be heard before Zoning Commissioner before CRG can be approved.

Larry Caplan (6612 Annapolis Rd., Member of Smith-Greenspring Assoc.) - Gave history of property (dairy store burned in 1967, then Beffinn, then White Coffee Pot, then Hardees) next to development site. Neighborhood has always fought development on this corner; opposed zoning. Development not compatible.

Alan Zukerberg (Meadowood Community) - No means of (trash) waste disposal, per Sanitation. Where will dumpster go? Will parking be impacted? Concerned about rodent problem/dumpster. How does zoning define "church" - will school and social functions be included? Adult education and museum have been suggested. What is allowed? Mr. Zukerberg is Hebrew, but this organization is Orthodox. On Sabbath, there will be large volume of pedestrian traffic with cars left in neighborhood streets. With 104 member, only 26 parking spaces required? What happens when membership grows?

Leo Sirota (Penny Lane) - Concurs with Mr. Zukerberg. Opposes variances since it is the nature of religious organizations to grow.

Eugene Laskin (Smith-Greenspring Assoc.) - If variances are granted, and this organization grows and leaves the site, what future use would be permitted? Opposes variances for this reason.

Ron Weinberg (Forest Green Road, Smith-Greenspring Assoc.) - Concurs with Mr. Zukerberg. Existing neighborhood has limited on-street parking, and is also concerned about parking due to Orthodox tradition. Concerned about traffic when services let out.

Fraeda Lewis - Opposes variances allowing larger building. Concurs with previous comments.

Mike Lowenstein (Smith-Greenspring Member) - Orthodox Jew, concerned that overnight parking and travelling is overstated. Much of the congregation already lives in the neighborhood, in order to leave cars and walk home. Friends of Lubavitch had disastrous fire some years ago and is here to stay, not to move out after a few years.

Sharon Auerbach - Doesn't think this development is out to hurt the community, as long as work is done properly.

The citizens comments were then reviewed:

For Mr. Goldman - Mr. Bronstein explained that he had met previously with the Smith-Greenspring Association explaining that this plan provides the best building location and land use for the site and requesting the Association's support, which was not received even though the Director of the Office of Planning and Zoning views this plan positively. Mr. Macklin explained the architectural criteria, noting that the parking lot could have been in an area more exposed to view without the zoning variance, but this layout retains old trees and buffers the neighborhood better. The building is only as large as three houses. Mr. Maranto explained that use as a church is provided by right in DR 3.5 zones, but that a variance hearing before the Zoning Commissioner is possible, and the community should attend. The CRG, he explained, does not address zoning variances and may approve the CRG plan, withholding signatures until variances are addressed by the Zoning Commissioner. Mr. Maranto explained that the CRG does not need to be continued for the above issues.

For Mr. Zukerberg - Mr. Chadsey explained that the dumpster location will be shown on the CRG plan (far from neighborhood residences, at Mr. Maranto's request) before plan signature. The developer agreed that the dumpster will be covered. Mr. Maranto explained that the Zoning Regulations do not explicitly define a "church", so the common dictionary definition would apply. Rabbi Kaplan explained that the building will contain a "display area", but not a museum as the Association thought. Mr. Maranto explained that parking is based on seating capacity, and the parking provided meets the regulation requirement. Rabbi Kaplan noted that overnight parking on site would be permitted, and that cars need not be left in the neighborhood.

For Mr. Sirota - Mr. Maranto explained that any growth of the physical plant would be governed by additional permits, and zoning violations are enforceable. Other comments have been addressed previously.

For Mr. Laskin - The developer explained that he expects to stay.

For Mr. Weinberg - Mr. Famill explained that neighborhood traffic issues (sight distance, curb, gutter and sidewalks) will be addressed when the development is constructed. Other issues have been addressed previously.

Comments were previously addressed for Ms. Lewis and Mr. Caplan. Comments are noted for the record for Mr. Lowenstein and Ms. Auerbach.

County staff comments were then reviewed:

Fire Department - Mr. Chadsey will show the hydrant as required.

DEPRM - Mr. Bronstein explained that the plan already shows trees to be retained as requested.

Planning - Mr. Chadsey explained that only one tree would have to be lost in the area of paving which was the object of Mr. Maranto's concern, and agrees to note this on the plan.

Zoning - The variance is to be addressed by the Zoning Commissioner at a public hearing. Mr. Chadsey agrees to address the remaining issues as clarified by Mr. Maranto who then recommended approval on behalf of Zoning.

Developers Engineering Division - Mr. Bayer recommended approval, but both the planting and outfall issues must be resolved before plan signature.

CONCLUSION: The plan was approved, the appeal process was explained, and the meeting was adjourned at 11:50 a.m.

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of plan by developer's representative
5. Comments of County agencies
6. Citizens' comments or questions
7. Developer's response
8. County Review Group decision
9. Adjourn meeting

SEE 2ND SHEET ATTACHED

PLEASE PRINT

SIGN IN

NAME	ADDRESS
BOB GOLDMAN	6601 OLD PIMLICO RD
LARRY CAPLAN	6612 AMLEIGH RD
ALAN ZUKERBERG	6504 SHELICK PL
LEO SIROTA	24 PENNY LANE
EUGENE LASKIN	2419 LIGHTFOOT DR.
MARY LASKIN	2419 LIGHTFOOT DR.
ELAINE GOLDMAN	6601 OLD PIMLICO RD
SHARON AUERBACH	2325 MICAROL RD
RAN WEINBERG	2409 FOREST GREEN RD
Freda Wein	2301 Baythorne Ct
Harriet Feibelman	2300 Baythorne Ct
Ava Freundlich	2322 Micarol Rd
JOAN ABRAMSON	2401 HAL CIR.
Jocane Deven	Amgoshills Times (overs)

COUNTY REVIEW GROUP
COMMENTS ON PROPOSED SUBDIVISION PLANS

PROJECT NAME: OLD PIMLICO SYNAGOGUE
LOCATION: Old Pimlico Road
Developer: Friends of Lubavitch
Engineers: Harris, Smariga & Matz
Meeting Date: February 22, 1990 Time: 10:00 A.M.

RECOMMENDATIONS:

APPROVAL: ☒ CONTINUANCE OF MEETING: ☐ DISAPPROVAL: ☐

(See Site Specific Comments from:)

DIVISION OF WATER AND SEWER
Land Development Section
887-2762

GENERAL COMMENTS:

X Metropolitan water and sewer is available to this site and must be utilized and/or extended to serve the property.

The existing well must be backfilled by a licensed well driller who must submit a Well Abandonment Report prior to

The existing septic system must be pumped and either backfilled or removed

The existing house must be connected to public utilities when available.

Metropolitan water and sewer is not available to this site, therefore, wells and septic systems must be utilized.

Well Siting Agreement is required prior to drilling wells.

A Water Appropriation Permit Application is required.

An Interim Agreement to connect to public water/sewer is required.

SITE SPECIFIC COMMENTS:

BALTIMORE COUNTY, MARYLAND

Subject: County Review Group Comments Date: February 22, 1990
From: Department of Recreation and Parks

Project Name: Old Pimlico Synagogue Preliminary Plan
Project Number: 89333 Development Plan
Location: Old Pimlico Road Final Plat
Districts: 3 C 2 CRG X

COMMENTS:

Local Open Space will not be required.

Walter P. Kincer
Walter P. Kincer
Facilities Coordinator

WPK:nad

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Chairman, Board of Appeals DATE: March 21, 1990
FROM: David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

SUBJECT: Notice of Appeal for
Old Pimlico Synagogue

This office received Notices of Appeal from the decision of the County Review Group made on February 22, 1990 in regard to the approval of the Plan of the Old Pimlico Synagogue as follows:

1. February 26, 1990 - Benjamin Bronstein, Esq.
Evans, George & Bronstein
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, Maryland 21204
On behalf of the owner/developer, Friends of Lubavitch, Inc.
2. March 21, 1990 - Robert L. Goldman, President
6601 Pimlico Road
Baltimore, Maryland 21209

As a citizen of Baltimore County, President of the Smith-Greenspring Association, Inc., and on behalf of its Board of Directors.

Attached are copies of the Notices of Appeal, copies of the receipts for \$75.00 covering the filing costs, and a copy of the subdivision file.

If you would care to discuss this matter in any way, please contact me at your convenience.

David L. Thomas
David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha
Attachments

cc: Friends of Lubavitch, Inc., 311 W. Montgomery Ave., Rockland, Md.
20850
Office of Law
Director of Planning
Current Planning Office
Developers Engineering Division
Economic Development Commission
S. Wallis
File

True Copy Test: David L. Thomas

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 14, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 1, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Item 352.

For Items 357 and 360, the previous County Review Group Comments still apply.

For Item 356, a County Review Group Meeting is required.

For Item 358, a County Review Group Meeting may be required. If Lot 2 was part of Parcel "A", the remainder of Parcel "A" is left with a below standard panhandle access (less than 20 feet along 179.85-foot line).

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 4, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: OLD PIMLICO SYNAGOGUE

INFORMATION:

Application No.: 360 (90-483-SPHA)
Property Location: Old Pimlico Road/Micarol Road
Property Size: Gross 1.0841 acres
Net .8341 acres
Zoning: D.R. 3.5

Requested Action: Requests for variances to setbacks to allow for the construction of a religious institution and special hearing to determine if R.T.A. is generated from a D.R. portion of split zoned B.L./D.R. parcel.

Hearing Date: June 15, 1990, 9:30 a.m.

Attachments: A. Vicinity Map
B. CRG Comments

SUMMARY AND RECOMMENDATIONS:

The petitioner has requested variances and a special hearing to allow for the provision of a religious building in a residential zone. The B.C.Z.R. (1801 B.L.C.G.) states that, "...to the extent possible..." the site should conform to R.T.A. requirements.

On February 22, 1990, the C.R.G. approved (111-447) a development plan for this site. Planning comments regarding the C.R.G. have been attached for review. Schematic elevation drawings were also included as part of the project approval in accordance with Sec. 22-55 of the Development Regulations. At the public hearing, local residents expressed opposition to the proposed development citing 1) use not appropriate for area; 2) R.T.A. reduction not appropriate; and 3) loss of mature trees on site.

In reference to the Petitioner's request, staff offers the following:

- A 75 foot vegetative buffer will remain between the proposed building and the existing residential community (2327 Micarol Road) located to the east. This natural buffer area is more than adequate to screen and buffer the building the east.
- A 30 foot planted buffer, using existing vegetation (mature trees) will be provided between the building and Micarol Road and the existing residential community to the north. This mixture of planting and streetscape is more than adequate to provide a buffer and screening in this area.
- A 30 foot landscaped and architecturally treated plaza area will be provided along Old Pimlico Road. This type of treatment using existing trees, supplemental plantings of trees and shrubs and architectural treatment of the front entrance as a small plaza is an appropriate and effective street treatment of Old Pimlico Road.
- A 10 foot landscaped buffer is being provided between the proposed parking lot and the existing commercial restaurant/bank and parking lot to the south. Although the property to the south is split zoned B.L./D.R. 3.5, the D.R. 3.5 strip by itself is unbuildable as a residential zone. This small strip contains a driveway for the commercial development and appears to function as a buffer for the D.R. 3.5 community to the north (proposed building site and residential community).
- Staff has no objection to the use as proposed by the petitioner. The size and scale of the proposed development is appropriate for the location.

Staff has undertaken an analysis of the petitioner's proposed request. Churches are allowed in residential zones subject to compliance to the extent possible with existing regulations. Based upon the information provided and analysis conducted, staff recommends approval of the petitioner's request subject to the following conditions:

1. A final landscape plan showing the following should be provided:
 - limits of disturbance should be clearly marked;
 - significant trees to remain should be provided;
 - the treatment along Old Pimlico Road should be developed in a manner to preserve existing specimen trees.

2. Any lighting of the building or parking area should be noted on the plan. Standard light details of the parking lot should be limited to 12-18 feet in height. The lighting should be directed away from adjoining residences.
3. Any trash containers, if provided outside, should be completely enclosed and landscaped.

ANALYSIS:

SITE DESCRIPTION -

The petitioner's property is approximately .8+ acres in size discounting the area beneath Old Pimlico Road and Micarol Road. The site is vacant, wooded and contains some significant trees. The site is a corner lot that has remained undeveloped.

LOCATION AND CHARACTER OF AREA -

The general area in which the property is located is primarily comprised of single-family homes (Ranchleigh/Summit Park). The area also borders Bonnie View Golf Club and there is a small commercial development located adjacent to the petitioner's property which contains a small restaurant and bank. The major commercial centers are located along Reisterstown Road to the west and Falls Road to the east. Smith Avenue and Old Pimlico Road serve as the primary east/west corridors for traffic.

SITE ANALYSIS -

The Baltimore County Zoning Regulations require compliance, "...to the extent possible..." with R.T.A. The chart below outlines the setbacks and buffers suggested and being provided.

Setbacks and Buffers

	Suggested	Provided
R.T.A. Building Setbacks		
Front Yard	75 feet	30 feet
Side Yard	75 feet	30 ft./75 ft.
Rear Yard	150 feet	70 feet
R.T.A. Buffer Yards		
Front Yard	50 feet	30 feet
Side Yard	50 feet	30 ft./75 ft.
Rear Yard	75 feet	10 feet
Parking	75 feet	10 feet

In evaluating this proposal staff analyzed 1) ingress/egress, 2) landscaping, 3) building elevations, 4) site layout and design, 5) parking, 6) proposed use, 7) special conditions - hours of operation, lighting, etc.

As mentioned, the proposed use and possible ancillary uses are compatible with the surrounding residential community. Access and parking to the site are well placed. The parking is being provided adjacent to the commercial development and access is being provided from Old Pimlico Road. The buffer area to the east of the site is 75 feet and consists of an existing vegetated area. The 30 foot buffer strip along Micarol Road contains a mixture of existing and proposed trees. The 30 foot area along Old Pimlico Road contains existing and proposed vegetation as well as a pedestrian oriented plaza area. This area will provide access into the building. Schematic elevation drawings were provided as part of the CRG in accordance with Sec. 22-55. The size, scale, and proportion of the building is in keeping with the surrounding community. Any lighting of the site should be carefully regulated in regard to 1) location directed away from residences, 2) height - limited to 12-14 feet, 3) brightness - limited to .2 candles at property line. All trash containers should be completely enclosed and landscaped.

ENVIRONMENT -

The site is vacant, wooded and contains some significant trees. Significant trees to remain should be treated in a manner that will assure their survival. Buffer areas should not be used for stormwater management or accessory uses or structures.

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Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

February 2, 1990



Dennis F. Rasmussen
County Executive

Friends of Lubavitch, Inc.
311 W. Montgomery Avenue
Rockland, Maryland 20850

RE: Old Pimlico Synagogue
District 3 C2

Gentlemen:

The referenced development proposal is scheduled for consideration by the County Review Group on Thursday, February 22, 1990 at 10:00 a.m., in Room 301 of the Baltimore County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, 21204.

The Pre-County Review Group Meeting will be held in Room 321 of the County Office Building on Monday, February 12, 1990, at 10:30 a.m.

Please attend these meetings with appropriate representation.

Very truly yours,

(Signature) David L. Thomas

David L. Thomas, P.E., Asst. Chief
Bureau of Public Services

DLT:jha

cc: Harris, Smariga, Matz, Inc.
File

CITY OF BALTIMORE

KURT L. SCHMOKE, Mayor



DEPARTMENT OF PUBLIC WORKS
BUREAU OF WATER AND WASTE WATER
900 Abel Wolman Municipal Building
Baltimore, Maryland 21202

305 Abel Wolman Municipal Building

March 12, 1990

Mr. Robert Bowling, P.E., Chief
Developers Engineering Division
Baltimore County Department of
Public Works
County Office Building
Towson, Maryland 21204

Re: Old Pimlico Synagogue

Dear Mr. Bowling:

In reply to your letter of February 6, 1990, concerning the subject institutional development, service may be obtained from the Western Third Zone.

The proposed development may be served from the existing 8-inch main in Micarol Road.

The developer should arrange to have fire flow tests made to determine if the water available is adequate for fire protection and domestic service. Arrangements for fire flow tests can be made by contacting Mr. F. F. Schwartz, Chief of Pumping Section, Bureau of Water and Waste Water, Ashburton Filtration Plant, 3001 David Park Drive, 396-0360.

All mains not in the public roads will not be serviced or maintained by the City.

Very truly yours,

(Signature) Jerry Silhan
Jerry Silhan Acting Chief
UTILITY ENGINEERING DIVISION

JS:LLT

cc: Mr. S. L. Stephen
Mr. S. Mills
Mr. F. Abuja
Mr. J. W. Pearson

RECEIVED
MAR 15 1990

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Baltimore County
Department of Environmental Protection
& Resource Management
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3723

Robert W. Sheehy
Director

March 13, 1990

Richard E. Matz, P.E.
Harris, Smariga, Matz, Inc.
115-B Sudbrook Lane
Pikesville, Maryland 21208

Re: Old Pimlico Road Synagogue, Waiver Request

Dear Mr. Matz:

This is in response to your letter of January 11, 1990, requesting a waiver of storm water management for the above referenced project.

This office has reviewed the material submitted with your letter and is unable to grant a waiver. The site is located in the Jones Falls watershed which is already experiencing downstream flooding. Therefore, storm water management must be provided for 2, 10 and 100 year storms; and quality management must be provided for the first half-inch of runoff from all on-site impervious areas.

If there are any questions, please contact Ed Schmaus of my staff, at 887-3768.

Very truly yours,

(Signature) Thomas L. Vidmar
Thomas L. Vidmar, P.E.
Bureau Chief
Bureau of Engineering Services

TLV/RAW/ENS/rb

cc: J. Berger
A. Childress
R. Dille
P. Powell
P. Martin

RECEIVED
MAR 15 1990
BUREAU OF PUBLIC SERVICES

MICROFILMED

Baltimore County
Department of Public Works
Towson, Maryland 21204

Gene L. Neff, P.E.
Director

March 22, 1990

Bais Lubavitch Tsemach Tzedek, Inc.
5721 Park Heights Avenue
Baltimore, MD 21215

Re: Old Pimlico Synagogue
Project #89313
District 3C2

Gentlemen:

The following comments are supplemental to the comments previously given to you.

SUPPLEMENTAL WATER COMMENTS:

Attached are comments which were received from the Baltimore City Water Division.

Very truly yours,

(Signature) ROBERT W. BOWLING

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:DAB:pab

Attachment

cc: R. E. Covehey
S. M. Wallis
Harris, Smariga, Matz, Inc.
File

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 12, 1990

Mr. Robert Goldman, President
Smith-Greenspring Association
P. O. Box 20879
Baltimore, Maryland 21209

RE: Zoning Notification of a
Public Hearing Request
Old Pimlico Synagogue
SE Corner Old Pimlico &
Micarol Roads, Zoning Item#360
3rd Election District

Dear Mr. Goldman:

This correspondence is in response to your request to be notified of Zoning Office actions concerning the above referenced property. Variance and Special Hearing Petitions were accepted for filing by this office on April 12, 1990 and are available for public record as of this date. There is an approximate three month period from this filing date before the public hearing. Your request to be notified of the hearing date, etc. has been included with the zoning file.

Should you require further assistance, please feel free to contact the Zoning Office at 887-3351 and reference Item #360.

Very truly yours,

(Signature) James E. Dyer

JAMES E. DYER
Zoning Supervisor

(Signature) John L. Lewis
By: John L. Lewis
Planning & Zoning Associate

JLL:jat
cc: File