

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 23, 1995

Charles N. Bay
Vice President & Development Manager
Summit Partners Limited Partnership
The Bozzuto Group
6401 Golden Triangle Drive
Suite 200
Greenbelt, MD 20770-3203

CASE #92-497-SPHA
(supplemental)

RE: Zoning Determination for
Compatibility Compliance
Brookstone Final Development Plan
(FKA Liberty Jewish Center and
Summit Park Condos)
Zoning Cases #94-476-SPHA and
#92-497-SPHA
3rd Election District

Dear Mr. Bay:

This letter responds to your request, dated January 12, 1995, for a zoning determination as to whether 3 additional garages may be constructed on the above referenced site.

The Baltimore County zoning staff has determined that the proposed construction of 3 additional accessory detached garages, as shown on the provided plan, would be within the spirit and intent of the order in zoning case #94-476-SPHA. This approval is subject to the conditions that 2 copies of a red-lined approved zoning public hearing plan from the previously referenced case showing and listing the changes must be provided (with a copy of this response) for inclusion in the zoning records. This must be accompanied by a signed statement in support of the changes from an authorized representative of the Greengate Community Association.

In addition to the above, the zoning Final Development Plan (FDP) must be amended per Section 1B01.3.A.7 of the Baltimore County Zoning Regulations (BCZR) which, along with the usual amendment requirements, must contain a list documenting and dating all changes since the original public hearing approval plan.

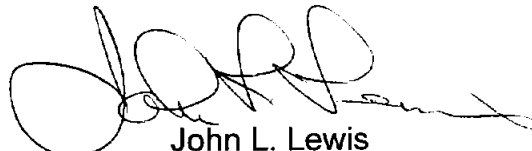


Charles N. Bay
January 23, 1995
Page 2

Your proposal has been returned to Mr. Rascoe for inclusion in the Development Review Committee (DRC) agenda for determination of the development plan change status.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions regarding the above information, please do not hesitate to contact me at 887-3391). If you have any questions regarding the DRC, please contact Donald Rascoe at 887-3353.

Very truly yours,



John L. Lewis
Planner II

JLL:scj

cc: Donald T. Rascoe

 THE BOZZUTO GROUP

6401 Golden Triangle Drive • Suite 200 • Greenbelt, Maryland 20770-3203 • Phone: 301-220-0100 • Fax: 301-220-3738

January 12, 1995

Mr. Arnold Jablon
Director, ZADM
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Mr. Donald Rascoe
Development Manager

RE: BROOKSTONE CONDOMINIUMS

Dear Mr. Rascoe:

I would like to request your office conduct a zoning compliance review of the above-referenced property. On July 14, 1994 we were granted by the Deputy Zoning Commission permission to build detached garages on the site. We would like a determination as to whether additional garages in similar locations and conditions meet the spirit and intent of the existing order. I have enclosed for your reference the record plat showing approved and proposed garage structures.

The property is located in the 3rd Election District of Baltimore County. More specifically, it is bounded by Sugarcone Road to the east, Jolly Road to the north, Rockland Hills Road to the west, and Old Pimlico Road to the south.

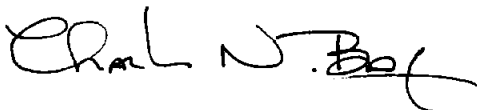
Your personal attention to this matter would be greatly appreciated. If you have any questions, do not hesitate to call.

Sincerely,

SUMMIT PARTNERS LIMITED PARTNERSHIP

By: Summit Bozzuto Limited Partnership, General Partner

By: BA Summit Investment Company, General Partner



Charles N. Bay
Vice President
& Development Manager

/raw

RECEIVED
JAN 13 1995
ZADM

1/13/95
166-95
JLL 1/18/95
StI
out cashier
Liberty Jewish Cnt
Summit Park
#92-499-SPHA
#94-476-SPH

PDM TRANSMITTAL

(fka ZADM)

DATE:

6/21/95

887-3335

TO: // DPR _____
// ZADM _____
// SCD _____
~~*/~~ ZONING _____
// DEPRM _____

FR:

DDP

(Please initial.)

Re:

Project Name: BROOKSTONE // Project Not Managed
Project Manager: JOE MARANTO PDM No. _____
Type of Plan: FDP (1st AM) // Preliminary // Final ~~*/~~ Signature
Team Leader: _____
Engineer D. S. TVALER Tele # 944-3647

PHASE II ROUTING SLIP: (Manager required)

Scheduled submission date: (see Project Chart) _____

Scheduled completion date: (see Project Chart) _____

// Approved

// Approved with comments

ACTION TAKEN

// Returned for revision

BY REVIEWER

~~*/~~ Disapproved

NOTE UNDER FIRST AMENDMENT NOTE THAT NO SALES OF UNITS WITHIN 300 FT. OF ANY PROPOSED CHANGES HAS OCCURRED.

PDM. DEV. CONTROL
Agency

J. P. Reilly
Reviewer's Name

6/23/95
Date

RETURN TO: PDM - Room 123 COUNTY OFFICE BUILDING

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 23, 1995

Charles N. Bay
Vice President & Development Manager
Summit Partners Limited Partnership
The Bozzuto Group
6401 Golden Triangle Drive
Suite 200
Greenbelt, MD 20770-3203

RE: Zoning Determination for
Compatibility Compliance
Brookstone Final Development Plan
(FKA Liberty Jewish Center and
Summit Park Condos)
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In addition to the above, the zoning Final Development Plan (FDP) must be amended per Section 1801.3 A.7 of the Baltimore County Zoning Regulations (BCZR) which, along with the usual amendment requirements, must contain a list documenting and dating all changes since the original public hearing approval plan.

Charles N. Bay
January 23, 1995
Page 2

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Very truly yours,
John L. Lewis
Planner II

JLL:scj
cc: Donald T. Rascoe

THE BOZZUTO GROUP

6401 Golden Triangle Drive Suite 200 Greenbelt, Maryland 20770-3203 Phone: 301-220-0100 Fax: 301-220-0128

January 12, 1995

Mr. Arnold Jablon
Director, ZADM
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Mr. Donald Rascoe
Development Manager

RE: BROOKSTONE CONDOMINIUMS

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Your personal attention to this matter would be greatly appreciated. If you have any questions, do not hesitate to call.

Sincerely,

SUMMIT PARTNERS LIMITED PARTNERSHIP
By: Summit Bozzuto Limited Partnership, General Partner
By: BA Summit Investment Company, General Partner

Charles N. Bay
Vice President
& Development Manager

/raw

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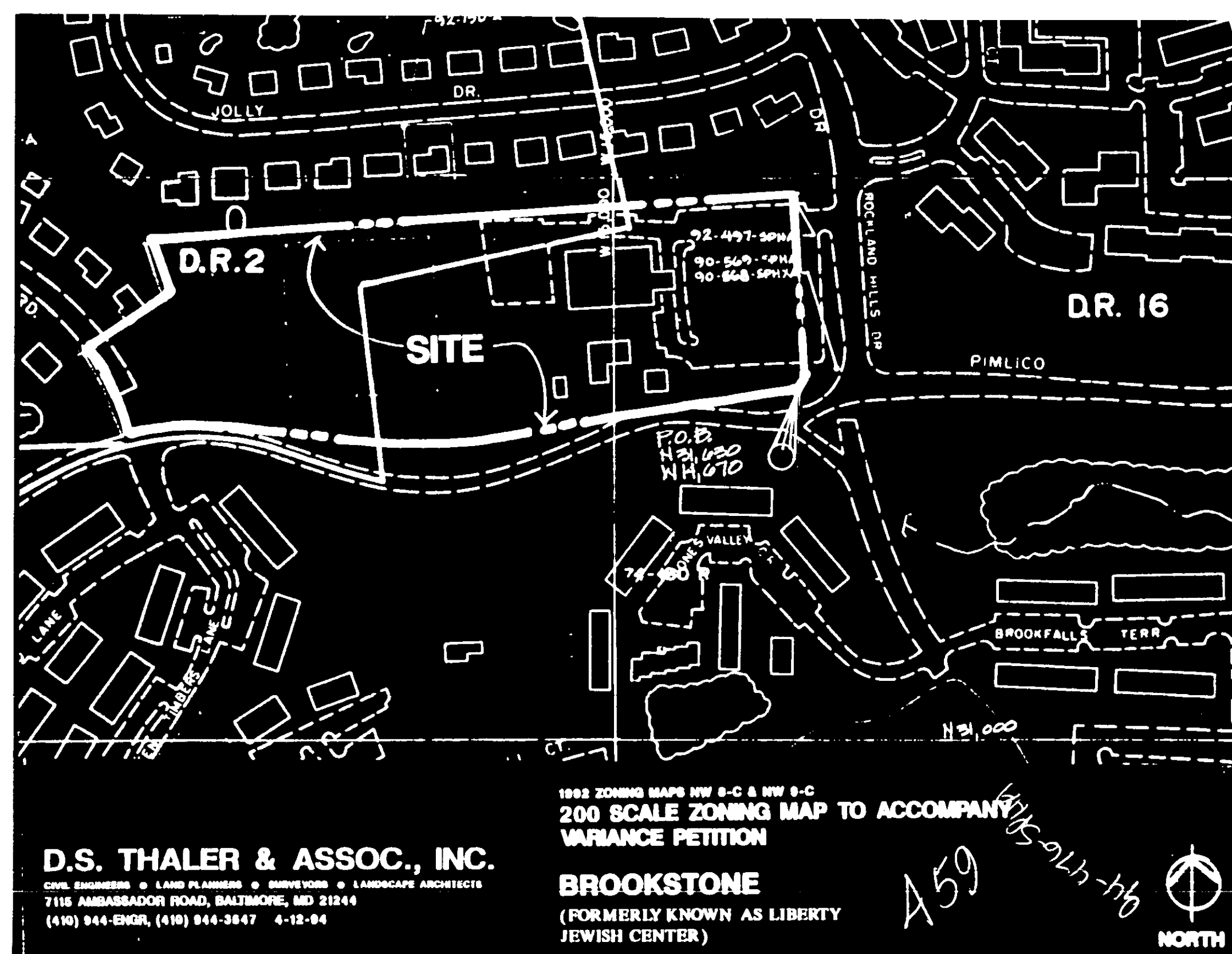
Liberty Jewish Ctr
Summit Park
#92-497-SPHA
#94-476-SPHA

RECEIVED
JAN 13 1995
ZADM

Petitioners

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegany Ave 21084
D. S. THALER	7115 AMBLER ST 21204
CHIP Bay	21087 JOLLY RD 21204
Dennis Bracken	1941 Golden Triangle Dr Greenbelt MD 20770-3203
	2014 Jolly Rd 21204



TO: PUPPINGTON PUBLISHING COMPANY
July 9, 1994 Issue - Jeffersonian
Please forward billing to:
Summit Partners Limited Partnership
6401 Golden Triangle Drive, Suite 200
Greenbelt, Maryland 20770
(410)944-3647

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 property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-476-SPHA (Item 459)
7000 Rockland Hills Drive
NW/S Rockland Hills Drive and Old Pimlico Road - Brookstone, formerly known as Liberty Jewish Center
3rd Election District - 2nd Councilmanic
Petitioner(s): Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc. & RMS Nominee, Inc.
Contract Purchaser: Summit Partners Limited Partnership
HEARING: FRIDAY, JULY 1, 1994 at 10:00 a.m. in Rm. 106, County Office Bldg.

Special Hearing to approve a revised plan as reflecting the spirit and intent of the Order of the Deputy Zoning Commissioner in case #92-497-SPHA and as upheld by the Baltimore County Board of Appeals. Variance to permit an accessory building (proposed garages) to be located outside of the rear yard, and additionally, to permit corner lots to occupy other than the third of the rear yard farthest removed from the street and occupy more than 50% of such third.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING

Baltimore County Government
Office of Zoning Administration
and Development Management



JUN 03 1994

est Chesapeake Avenue
on, MD 21204

(410) 887-3353

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 property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-476-SPHA (Item 459)
7000 Rockland Hills Drive
NW/S Rockland Hills Drive and Old Pimlico Road - Brookstone, formerly known as Liberty Jewish Center
3rd Election District - 2nd Councilmanic
Petitioner(s): Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc. & RMS Nominee, Inc.
Contract Purchaser: Summit Partners Limited Partnership
HEARING: FRIDAY, JULY 1, 1994 at 10:00 a.m. in Rm. 106, County Office Bldg.

Special Hearing to approve a revised plan as reflecting the spirit and intent of the Order of the Deputy Zoning Commissioner in case #92-497-SPHA and as upheld by the Baltimore County Board of Appeals. Variance to permit an accessory building (proposed garages) to be located outside of the rear yard, and additionally, to permit corner lots to occupy other than the third of the rear yard farthest removed from the street and occupy more than 50% of such third.

Arnold Jablon
Director

cc: Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc.
D. S. Thaler and Associates, Inc.
Summit Partners Limited Partnership
Mark P. Keener, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 21, 1994

Mark P. Keener, Esquire
Gallagher, Evelius, and Jones
218 North Charles Street
Baltimore, Maryland 21201

RE: Case No. 94-476-SPHA, Item No. 459
Petitioner: Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc.
Petitions for Variance and Special Hearing

Dear Mr. Keener:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 23, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 94-459 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID N. RAHSEY, ACTING CHIEF
John Costabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: June 6, 1994

SUBJECT: 7000 Rockland Hills Drive

INFORMATION:

Item Number: 459
Petitioner: Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc. Bertram Schwartz, Pres.
Property Size: _____
Zoning: D.R. 2 and D.R. 16
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The proposed minor architectural revision to provide for garage structures will not negatively impact this project. Therefore, staff recommends that the applicant's request be granted.

Prepared by: Jeffrey M. Lutz

Division Chief: Pat Keller

PK/JL:lw

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANSHE EMENAH-AITZ CHAIM TIFERETH ISRAEL CONGREGATION, INC. & RMS NOMINEE, INC.
LOCATION: NW/S ROCKLAND HILLS DR. AND OLD PIMLICO RD.
7000 ROCKLAND HILLS DR. -- BROOKSTONE, FORMERLY KNOWN AS LIBERTY JEWISH CENTER
Item No.: 459 Zoning Agenda: SPECIAL HEARING AND VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The vehicle dead end condition shown at: NAME: BOTH DEAD-END PARKING ACCESS ROADS. EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

INSTALLATION OF "ON-ROAD" AND "ON-SITE" FIRE HYDRANTS IS REQUIRED.

REVIEWER: LT. ROBERT P. GAUERBOLD
Fire Marshal Office, PHONE 887-4881, MS-110RF

cc: File



Printed on Recycled Paper

RECEIVED
JUN 6 1994
ZADM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
7000 Rockland Hills Drive, NW/S *
Rockland Hills Dr. and Old Pimlico * FOR BALTIMORE COUNTY
Road - Brookstone, formerly known *
as Liberty Jewish Center, 3rd * CASE NO.: 94-476-SPHA
Election Dist., 2nd Councilmanic *
Anshe Emenah-Aitz Chaim Tifereth *
Israel Congregation, Inc. & RMS *
Nominee, Inc. *
Petitioners * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

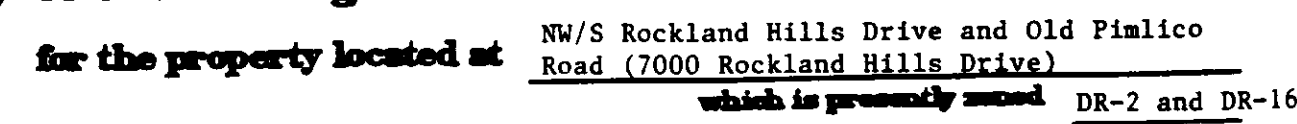
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 07th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark P. Keener, Esq., Gallagher, Evelius and Jones, 218 N. Charles Street, Baltimore, MD 21201, attorney for Petitioners, and to Alan E. Scoll, R.L.A., D.S. Thaler and Associates, Inc., 7115 Ambassador Road, Baltimore, MD 21244, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE
NW/S Rockland Hills Dr. and Old Pimlico Rd.
(7000 Rockland Hills Dr.) (also known as the Jewish Liberty Center)
3rd Election District
2nd Councilmanic District
Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc., RMS Nominee, Inc., and Summit Partners, L.P.
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 94-476-SPHA
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the owners of the subject property, Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc. and RMS Nominee, Inc., (the "Congregation") and by the contract purchaser, Summit Partners Limited Partnership (collectively "the Petitioners"). The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations ("BCZR"), which restricts the location of accessory buildings in residential zones to rear yards, and a special hearing to amend the Deputy Zoning Commissioner's Order and the Site Plan approved in Case No. 92-497-SPHA.

Appearing on behalf of the Petitioners were Charles N. Bay, Vice-President of the contract purchaser, Summit Partners, L.P., (the "Developer") and David S. Thaler, with D.S. Thaler & Assoc., Inc., the engineering firm which prepared the Plat to Accompany Petition for Special Hearing and Variance. The Petitioners were

represented by Robert A. Hoffman, Esquire. Appearing as an interested party was Dennis Brager with the Greengate Community Association.

Testimony indicated that the subject property is located just west of the Jones Falls Expressway at the intersection of Rockland Hills Drive and Old Pimlico Road. The property consists of approximately 11.18 acres of which 4.65 acres is zoned DR 2 and 6.53 acres is zoned DR 16. Formerly the Mercantile Country Club, the property (now known as the Liberty Jewish Center) was purchased in 1988 by the above-referenced Congregation which constructed a synagogue on approximately 2.67 acres located in the northeast corner of the property. In Case No. 92-497-SPHA, the Congregation obtained approval of a density transfer and for the development of the remainder of the property as residential apartments.

Subsequently, Summit Partners, L.P. offered to purchase the residential portion of the property and entered in a contract of sale with the Congregation. The building footprints and elevation drawings for the apartments as proposed by the Developer, however, differ slightly from those on the site plan approved in Case No. 92-497-SPHA. In addition, the Developer desires to add garages, some of which would be located in what is technically the side and front "yards" of the proposed apartment buildings, to be utilized in connection with the apartments. Accordingly, the Petitioners have requested the above-referenced zoning relief, all as shown more particularly on Petitioners' Exhibit 1, the Plat to Accompany Petition for Special Hearing and Variance.

2

Addressing the variance request first, testimony from Mr. Bay and Mr. Thaler explained the necessity to provide relief from the requirement of Section 400.1 BCZR that, in residential zones, all accessory buildings be located in the rear yard and for corner lots in residential zones, accessory structures must occupy only the third of the rear yard farthest removed from the street and occupy no more than 50% of such third. Specifically, the builder wishes to construct six free-standing garage structures on the property near the apartments. Testimony of Mr. Bay and Mr. Thaler described how the proposed garages would make the development more compatible with the surrounding community, as well as provide a more comfortable and convenient parking arrangement for the residents of the proposed apartments. The proposed garages would be part of a self-contained community of planned multi-family structures laid out with requisite parking lots, walkways, landscaping, and amenities.

Testimony further explained that a practical difficulty would arise if the Developer was required to line up the buildings in such a fashion that all of the proposed garage structures would be in the rear yards of the proposed principal buildings. Such a requirement would greatly diminish the proximity of the garages to the building entrances. Most importantly, it is logical and practical that the garages should coincide with the planned parking areas and that the courtyard arrangement of the apartments be preserved. To force the garages to the rear yards would eliminate this crucial, quality aspect of the Development.

3

Under Maryland law, 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. Solay, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

(1) Whether strict compliance with the 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 the 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.

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

I am persuaded by the testimony that an unreasonable hardship will occur if the relief requested is not granted. The special circumstances of the development of this property are such that the petitioner would be unduly restricted in the use of the land if the variance is not granted. Testimony from Mr. Thaler explained that with the configuration of the property and the required improvements to Old Pimlico Road, it impossible to create a scheme whereby all of the accessory buildings (the garages) could satisfy the requirements of Section 400.1 BCZR. Moreover, I find that the requested variance will not cause any injury to the public health, safety or general welfare. Extensive landscaping is proposed along the edges of the

4

property which, in combination with the low-rise apartment buildings, will enhance the visual continuity of the development.

Regarding the Petitioners' special hearing request, the contract purchaser for the property has proposed minor revisions to the Site Plan originally approved in Case No. 92-497-SPHA. This include a revision of the building footprints and elevation drawings for the apartment buildings and the addition of the garage buildings. Accordingly, the special hearing request was filed to obtain approval that the proposed plan as submitted herein, meets the spirit and intent of the previous approvals.

I find it clear based upon the testimony provided that the revisions to the site plan are minor and altogether consistent with the spirit and intent of the previous approvals granted in Case No. 92-497-SPHA. I note also that Mr. Brager expressed no opposition to any of the requested relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons stated herein, the requested variance and special hearing should be granted.

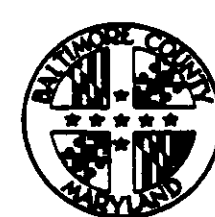
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of July, 1994, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations to permit accessory buildings to be located in the front and side yards of the proposed apartment buildings, and additionally, for any corner lots, to permit such accessory buildings to be located outside the third of the rear yard farthest

removed from the street and to permit the accessory building to occupy more than 50% of such third, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the Order and Site Plan approved by the Deputy Zoning Commissioner in Case No. 92-497-SPHA be and is hereby GRANTED, subject to the following restriction:

(1) The Petitioner may apply for its building permit and be granted same upon receipt of this order; however, Petitioner is hereby made aware that proceeding at such time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at
NW/S Rockland Hills Drive and Old Pimlico Road (7000 Rockland Hills Drive)
which is presently zoned DR-2 and DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated 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(s) 400. Accessory structures in residence zones [Subsection 400.1, which requires that accessory buildings (i.e., proposed garages) to be located in the rear yard, and additionally requires for corner lots, that accessory structures occupy only the third of the rear yard farthest removed from the street and occupy no more than 50% of such third] of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Practical difficulty due to existing site constraints (see attached Addendum)

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 for Baltimore County.

Contract Purchaser/Owner:
Summit Partners Limited Partnership
Charles N. Bay, Vice President

6401 Golden Triangle Drive, Suite 200

Greenbelt MD 20770

Mark P. Keener, Esquire

218 N. Charles Street (410) 727-7702

Baltimore MD 21201

Owner(s):
Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc.
Bertin Schacter, President

RMS Nominee, Inc.
Ronald M. Shapiro, President

c/o Shapiro and Olander, P.A.
36 S. Charles Street, 20th Floor

Baltimore MD (410) 385-4225

7115 Ambassador Road (410) 944-3447

Baltimore MD 21244

GUARANTEED LENGTH OF RESIDENCE

DATE OF FILING

DATE OF FILING

DATE OF FILING

DATE OF FILING

DATE OF FILING

DATE OF FILING

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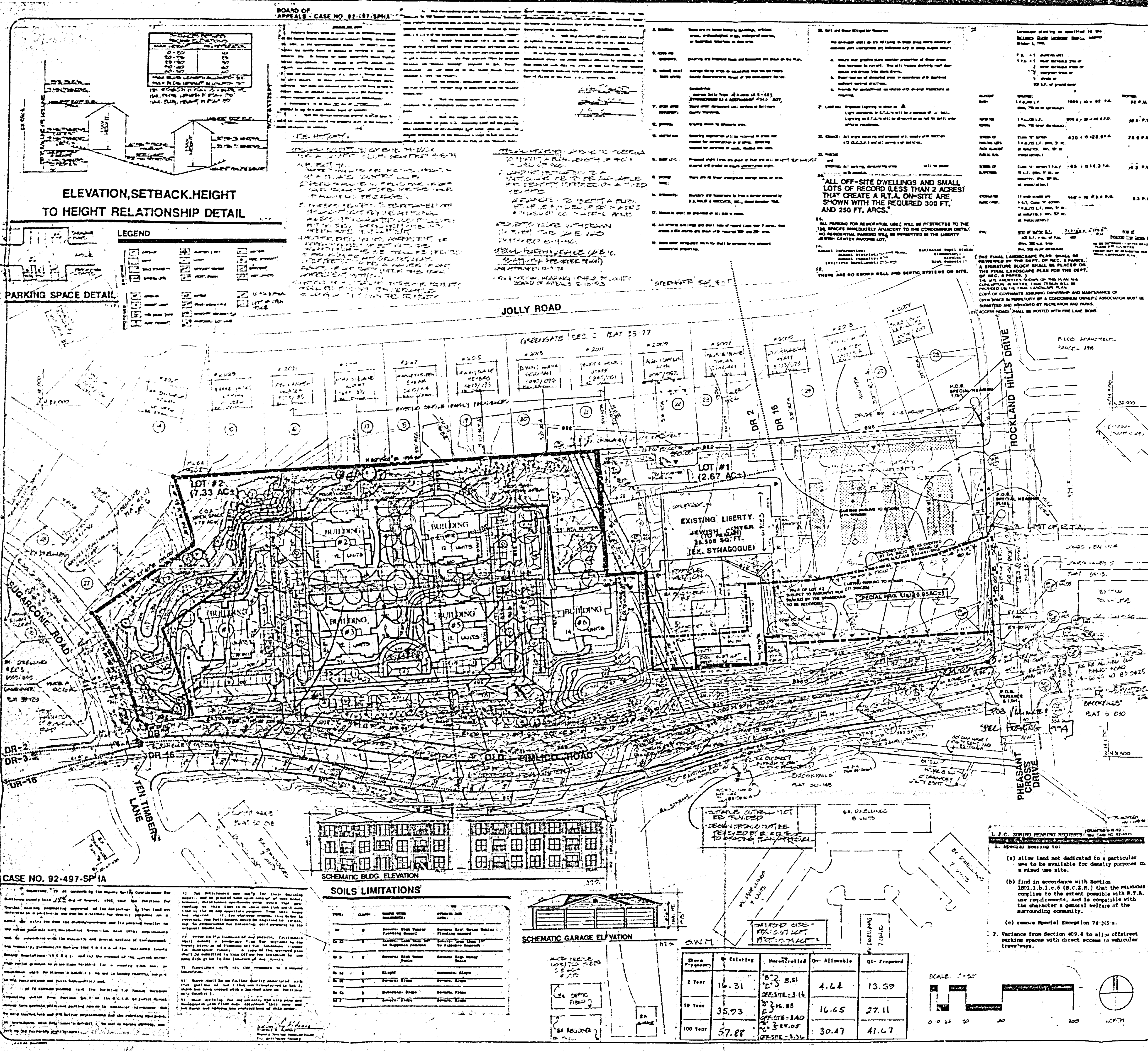
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DATE OF FILING

DATE OF FILING



ELEVATION, SETBACK, HEIGHT TO HEIGHT RELATIONSHIP DETAIL

LEGEND

Symbol	Description
[Symbol]	Building Footprint
[Symbol]	Parking Space
[Symbol]	Setback Line
[Symbol]	Height Line
[Symbol]	Relationship Detail

PARKING SPACE DETAIL

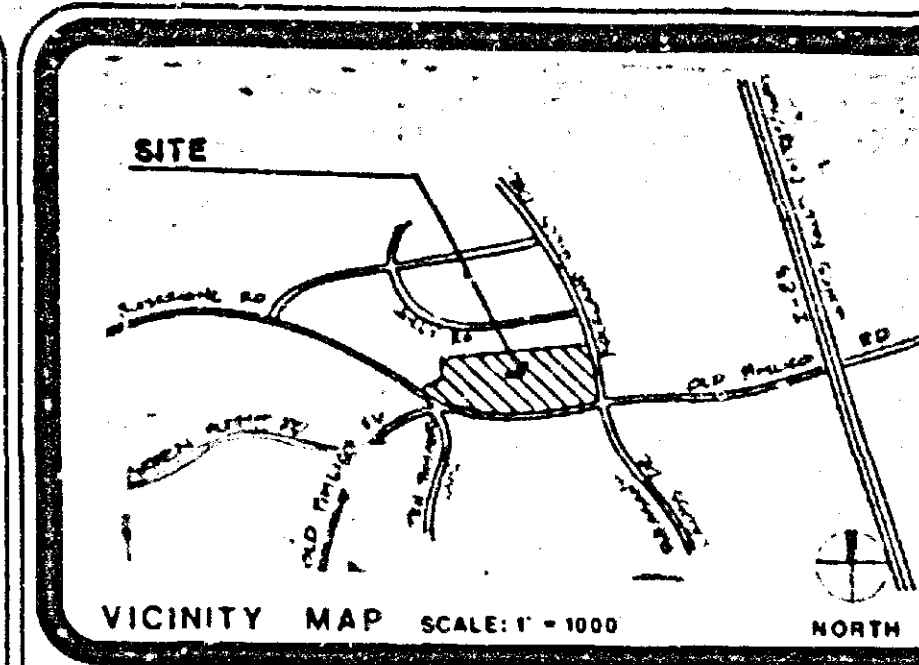
SOILS LIMITATIONS

Soil	Limitation	Notes
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...

SCHEMATIC GARAGE ELEVATION



Year	Existing	Proposed	Allowed	Proposed
2 Year	16.31	16.31	4.64	13.59
10 Year	35.93	35.93	16.65	27.11
100 Year	57.88	57.88	30.47	41.47



GENERAL NOTES

1. SITE: BROOKSTONE
 2. OWNER: D.S. Thaler & Assoc., Inc.
 3. DESIGNER: D.S. Thaler & Assoc., Inc.
 4. REVIEWER: D.S. Thaler & Assoc., Inc.
 5. DATE: 10/1/88
1. SITE: BROOKSTONE
2. OWNER: D.S. Thaler & Assoc., Inc.
3. DESIGNER: D.S. Thaler & Assoc., Inc.
4. REVIEWER: D.S. Thaler & Assoc., Inc.
5. DATE: 10/1/88

CASE NO. 92-497-SP1A

WHEREAS, the Board of Appeals, Case No. 92-497-SP1A, has granted a Special Exception for the proposed development of a multi-family residential building on the subject property, and

WHEREAS, the Board of Appeals, Case No. 92-497-SP1A, has granted a Special Exception for the proposed development of a multi-family residential building on the subject property, and

THAS
A59-9LH-16

REVISIONS

No.	Description	Date
1	...	...
2	...	...

DESIGNED BY: [Signature]

DRAWN BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

OWNER/DEVELOPER
D.S. Thaler & Assoc., Inc.
3000 E. JEFFERSON ROAD
BALTIMORE, MARYLAND 21207
(410) 386-9282

PLAT TO ACCOMPANY
VARIANCE
SPECIAL HEARING
PLAN

BROOKSTONE

D.S. Thaler & Assoc., Inc.

PROJECT NO. 165

SHEET NO. 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 23, 1995

Charles N. Bay
Vice President & Development Manager
Summit Partners Limited Partnership
The Bozzuto Group
6401 Golden Triangle Drive
Suite 200
Greenbelt, MD 20770-3203

RE: Zoning Determination for
Compatibility Compliance
Brookstone Final Development Plan
(FKA Liberty Jewish Center and
Summit Park Condos)
Zoning Cases #94-476-SPHA and
#92-497-SPHA
3rd Election District

Dear Mr. Bay:

This letter responds to your request, dated January 12, 1995, for a zoning determination as to whether 3 additional garages may be constructed on the above referenced site.

The Baltimore County zoning staff has determined that the proposed construction of 3 additional accessory detached garages, as shown on the provided plan, would be within the spirit and intent of the order in zoning case #94-476-SPHA. This approval is subject to the conditions that 2 copies of a red-lined approved zoning public hearing plan from the previously referenced case showing and listing the changes must be provided (with a copy of this response) for inclusion in the zoning records. This must be accompanied by a signed statement in support of the changes from an authorized representative of the Greengate Community Association.

In addition to the above, the zoning Final Development Plan (FDP) must be amended per Section 1801.3 A.7 of the Baltimore County Zoning Regulations (BCZR) which, along with the usual amendment requirements, must contain a list documenting and dating all changes since the original public hearing approval plan.

Charles N. Bay
January 23, 1995
Page 2

Your proposal has been returned to Mr. Rascoe for inclusion in the Development Review Committee (DRC) agenda for determination of the development plan change status.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions regarding the above information, please do not hesitate to contact me at 887-3391. If you have any questions regarding the DRC, please contact Donald Rascoe at 887-3353.

Very truly yours,
John L. Lewis
Planner II

JLL:scj
cc: Donald T. Rascoe

THE BOZZUTO GROUP

6401 Golden Triangle Drive Suite 200 - Greenbelt, Maryland 20770-3203 - Phone: 301-220-0100 - Fax: 301-220-0128

January 12, 1995

Mr. Arnold Jablon
Director, ZADM
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Attn: Mr. Donald Rascoe
Development Manager

RE: BROOKSTONE CONDOMINIUMS

Dear Mr. Rascoe:

I would like to request your office conduct a zoning compliance review of the above-referenced property. On July 14, 1994 we were granted by the Deputy Zoning Commission permission to build detached garages on the site. We would like a determination as to whether additional garages in similar locations and conditions meet the spirit and intent of the existing order. I have enclosed for your reference the record plat showing approved and proposed garage structures.

The property is located in the 3rd Election District of Baltimore County. More specifically, it is bounded by Sugarcone Road to the east, Jolly Road to the north, Rockland Hills Road to the west, and Old Pimlico Road to the south.

Your personal attention to this matter would be greatly appreciated. If you have any questions, do not hesitate to call.

Sincerely,

SUMMIT PARTNERS LIMITED PARTNERSHIP
By: Summit Bozzuto Limited Partnership, General Partner
By: BA Summit Investment Company, General Partner

Charles N. Bay
Vice President
& Development Manager

/raw

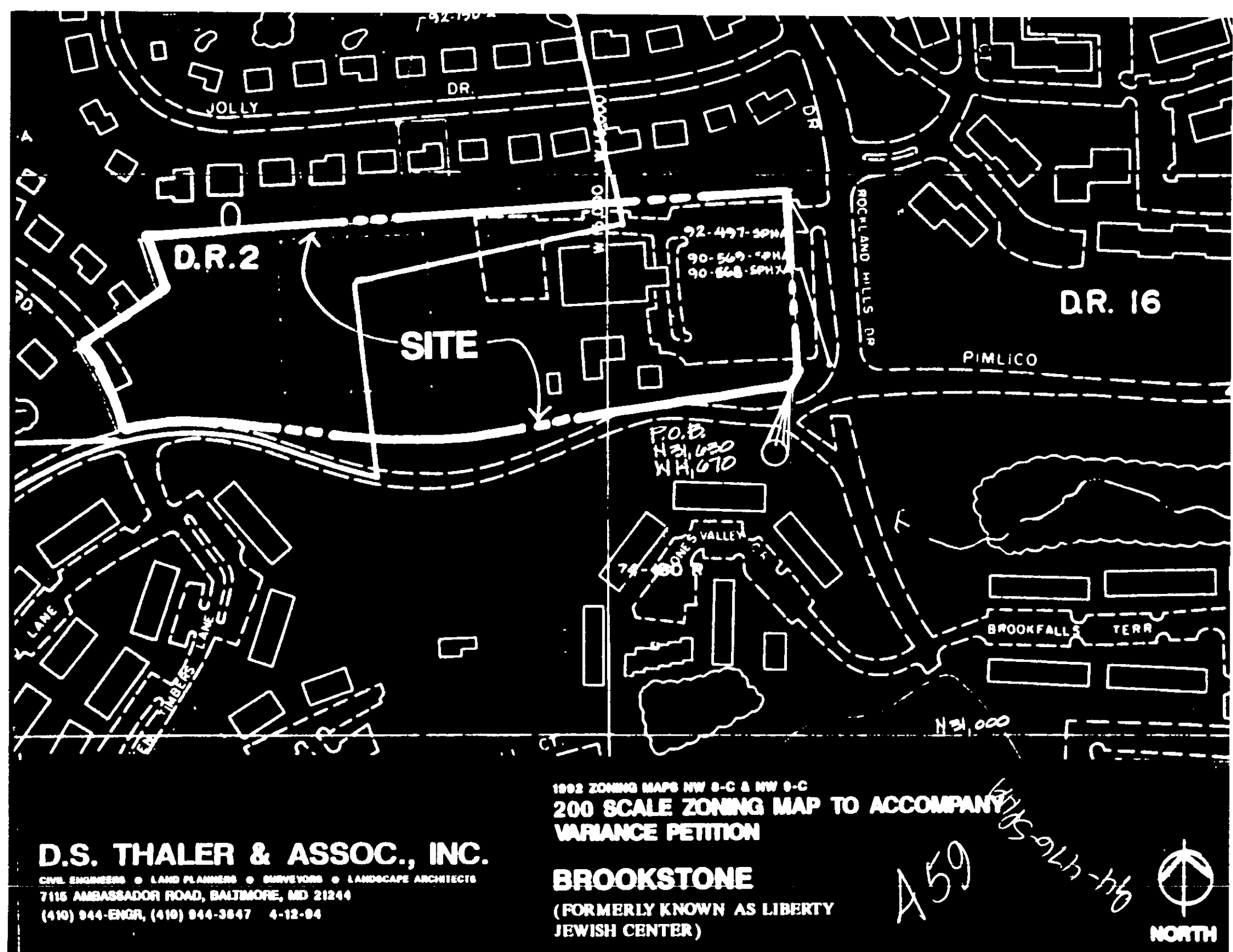
1/13/95 JLL 1/13/95 STI not cashed
Liberty Jewish Ctr
Summit Park
#92-497-SPHA
#94-476-SPHA

RECEIVED
JAN 13 1995
ZADM

Petitioners

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
Rob Hoffman	210 Allegany Ave 21084
D. S. THALER	7115 AMBLER ST 21204
CHIP Bay	21087 JOLLY RD 21204
Dennis Bracken	1941 Golden Triangle Dr Greenbelt MD 20770-3203
	2014 Jolly Rd 21204



TO: PUPPINGTON PUBLISHING COMPANY
July 9, 1994 Issue - Jeffersonian
Please forward billing to:
Summit Partners Limited Partnership
6401 Golden Triangle Drive, Suite 200
Greenbelt, Maryland 20770
(410)944-3647

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 property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-476-SPHA (Item 459)
7000 Rockland Hills Drive
NW/S Rockland Hills Drive and Old Pimlico Road - Brookstone, formerly known as Liberty Jewish Center
3rd Election District - 2nd Councilmanic
Petitioner(s): Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc. & RMS Nominee, Inc.
Contract Purchaser: Summit Partners Limited Partnership
HEARING: FRIDAY, JULY 1, 1994 at 10:00 a.m. in Rm. 106, County Office Bldg.

Special Hearing to approve a revised plan as reflecting the spirit and intent of the Order of the Deputy Zoning Commissioner in case #92-497-SPHA and as upheld by the Baltimore County Board of Appeals. Variance to permit an accessory building (proposed garages) to be located outside of the rear yard, and additionally, to permit corner lots to occupy other than the third of the rear yard farthest removed from the street and occupy more than 50% of such third.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING

Baltimore County Government
Office of Zoning Administration
and Development Management



JUN 03 1994

est Chesapeake Avenue
on, MD 21204

(410) 887-3353

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 property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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Arnold Jablon
Director

cc: Anshe Emenah-Aitz Chaim Tifereth Israel Congregation, Inc.
D. S. Thaler and Associates, Inc.
Summit Partners Limited Partnership
Mark P. Keener, Esquire

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 21, 1994

Mark P. Keener, Esquire
Gallagher, Evelius, and Jones
218 North Charles Street
Baltimore, Maryland 21201

RE: Case No. 94-476-SPHA, Item No. 459
Petitioner: Anshe Emenah-Aitz Chaim Tifereth
Israel Congregation, Inc.
Petitions for Variance and Special Hearing

Dear Mr. Keener:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 23, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94-459 (JLL)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for DAVID N. DAWSON, ACTING CHIEF
John Costabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: June 6, 1994

SUBJECT: 7000 Rockland Hills Drive

INFORMATION:

Item Number: 459
Petitioner: Anshe Emenah-Aitz Chaim Tifereth Israel
Congregation, Inc. Bertram Schwartz, Pres.
Property Size: _____
Zoning: D.R. 2 and D.R. 16
Requested Action: _____
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:

The proposed minor architectural revision to provide for garage structures will not negatively impact this project. Therefore, staff recommends that the applicant's request be granted.

Prepared by: Jeffrey W. Lutz

Division Chief: Pat Keller

PK/JL:lw

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/06/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ANSHE EMINAH-AITZ CHAIM TIFEREH ISRAEL
CONGREGATION, INC. & RMS NOMINEE, INC.
LOCATION: NW/S ROCKLAND HILLS DR. AND OLD PIMLICO RD.
7000 ROCKLAND HILLS DR. -- BROOKSTONE, FORMERLY KNOWN AS
LIBERTY JEWISH CENTER
Item No.: 459 Zoning Agenda: SPECIAL HEARING
AND VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The vehicle dead end condition shown at:
NAME: BOTH DEAD-END PARKING ACCESS ROADS.
EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

INSTALLATION OF "ON-ROAD" AND "ON-SITE" FIRE HYDRANTS IS REQUIRED.

REVIEWER: LT. ROBERT P. GAUERBOLD
Fire Marshal Office, PHONE 887-4881, MS-110RF
cc: File



Printed on Recycled Paper

RECEIVED
JUN 6 1994
ZADM

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
7000 Rockland Hills Drive, NW/S *
Rockland Hills Dr. and Old Pimlico * FOR BALTIMORE COUNTY
Road - Brookstone, formerly known *
as Liberty Jewish Center, 3rd * CASE NO.: 94-476-SPHA
Election Dist., 2nd Councilmanic *
Anshe Emenah-Aitz Chaim Tifereth *
Israel Congregation, Inc. & RMS *
Nominee, Inc. *
Petitioners * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 07th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to Mark P. Keener, Esq., Gallagher, Evelius and Jones, 218 N. Charles Street, Baltimore, MD 21201, attorney for Petitioners, and to Alan E. Scoll, R.L.A., D.S. Thaler and Associates, Inc., 7115 Ambassador Road, Baltimore, MD 21244, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at NW/4 Rockland Hills Drive and Old Pimlico Road (7000 Rockland Hills Drive) which is presently zoned DR-2 and DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a revised plan as reflecting the spirit and intent of the Order of the Deputy Zoning Commissioner in Case No. 92-497-SPHA and as upheld by the Baltimore County Board of Appeals (see attached Addendum).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and warrant to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Summit Partners Limited Partnership
Charles N. Bay, Vice President

6401 Golden Triangle Drive, Suite 200
Greenbelt MD 20770

Greenbelt MD 20770

Greenbelt MD 20770

Greenbelt MD 20770

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ADDENDUM TO PETITION FOR SPECIAL HEARING

August 19, 1992 the Deputy Zoning Commissioner for Baltimore County approved requests pursuant to petitions for special hearing and variances for the subject property. In that hearing (92-497-SPHA) it was found that the following should be approved:

- That land not dedicated to a particular use can be available for density purposes on a mixed use site;
- That the existing church/synagogue and its existing parking complies to the extent possible with Residential Transition Area (RTA) requirements and is compatible with the character and general welfare of the surrounding community, pursuant to Section 1801.1.B.1.c.6 of the Baltimore County Zoning Regulations (BCZR);
- The removal of the special exception relief granted in prior case 74-265-X for a country club use;
- A variance from Section 409.4 of the BCZR to permit direct access from certain off-street parking spaces to vehicular travelways.

All of the items in Case No. 92-497-SPHA were upheld by the Baltimore County Board of Appeals in an order dated February 18, 1993. In addition, the Board went on to further clarify that the zoning use line shown on the plan known as "Exhibit 1" shall become a lot line subject to the Synagogue's right to use the existing parking lot on a non-exclusive easement basis, together with, if necessary from time to time, the occupants of the residences to be constructed.

The contract purchaser for the property has proposed minor revisions to the architecture of the individual buildings, with the addition of certain garage structures. Therefore this request for a special hearing asks that the Zoning Commissioner find that the proposed plan as enclosed herein meets the spirit and intent of the previous approvals.

April 20, 1994

ZONING DESCRIPTION

BROOKSTONE
(formerly known as Liberty Jewish Center)

- Beginning at a point on the north side of Old Pimlico Road (70 feet wide) at a distance of 45 feet westerly of the centerline of Rockland Hills Drive (70 feet wide); thence, binding upon Old Pimlico Road, as proposed to be widened, the followings four (4) courses and distances:
- South 80°34'30" West 493.05 feet to a point; thence,
 - 309.03 feet by a curve to the right, having a radius of 1170.00 feet and a chord of South 88°08'30" West 308.13 feet to a point; thence,
 - North 84°17'30" West 163.94 feet to a point; thence,
 - 223.51 feet by a curve to the left, having a radius of 730.00 feet and a chord of South 86°56'14" West 222.64 feet to intersect the easterly right-of-way line of Sugarcone Road (60 feet wide); thence, binding upon said road the following three (3) courses and distances:
 - North 58°36'00" West 14.48 feet to a point; thence,
 - North 14°58'27" West 20.52 feet to a point; thence,
 - 143.42 feet by a curve to the left, having a radius of 420.00 feet and a chord of North 24°45'24" West 142.72 feet to a point, then leaving said road,
 - North 55°27'40" East 170.00 feet to a point; thence,
 - North 15°49'31" West 102.16 feet to a point; thence,

page 2
April 20, 1994
ZONING DESCRIPTION
BROOKSTONE

- North 86°15'00" East 1135.20 feet to a point, which intersects the westerly right-of-way line of Rockland Hills Drive; thence, binding upon said drive the following two courses and distances:
 - South 03°45'00" East 328.66 feet to a point; thence,
 - South 38°24'45" West 14.82 feet to the point of beginning.
- Containing 10.00 acres of land, more or less.

4/20/94

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 6/17/94
Posted for: Anshe Emonah-Aitz Chaim Tifereth
Petitioner: Anshe Emonah-Aitz Chaim Tifereth
Location of property: 7000 Rockland Hills Drive, NW/4 Rockland Hills Drive
Location of Signs: 7000 Rockland Hills Drive, NW/4 Rockland Hills Drive
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/25/94
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 10, 1994
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 1 successive weeks, the first publication appearing on June 9, 1994.

THE JEFFERSONIAN,
LEGAL AD - TOWSON

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 5/23/94

Account: R-001-6180

Number: 459
24 APR

NOV. RES. VAR. FILING	020	250.00
" " " " SPH FILING	040	250.00
(2) SIGNS POSTING	080	70.00
TOTAL =		570.00

Petitioner: Anshe Emonah-Aitz Chaim Tifereth
Anshe Emonah-Aitz Chaim Tifereth
7000 Rockland Hills Drive
NW/4 Rockland Hills Drive

01481 MD01481CWC
C010146A05-23-94

94-476-SPHA

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Anshe Emonah-Aitz Chaim Tifereth
Anshe Emonah-Aitz Chaim Tifereth
7000 Rockland Hills Drive

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 459

Petitioner: Summit Partners Limited Partnership
Location: 7000 Rockland Hills Drive

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Summit Partners Limited Partnership
ADDRESS: 6401 Golden Triangle Drive, Suite 200
Greenbelt MD 20770

* PHONE NUMBER: (410) 944-3647

(Davidson Engineering - Alan Scott @ PS Thaler/Anshe, Inc.)

MUST BE SUPPLIED

Item Number: 459
Date Filed: 5-23-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

- The following information is missing:
- Descriptions, including accurate beginning point
 - Actual address of property
 - Zoning
 - Acreage
 - Plats (need 12, only 1 submitted)
 - 200 scale zoning map with property outlined
 - Election district
 - Councilmanic district
 - BCZR section information and/or wording
 - Hardship/practical difficulty information
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - Legal owner and/or contract purchaser
 - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Notary Public's section is incomplete and/or incorrect and/or commission has expired

No INTAKE INFO - REVIEWED BY DATE

PET-FLAG (TITSOPH)
11/17/93

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE
NW/S Rockland Hills Dr. and Old Pimlico Rd.
(7000 Rockland Hills Dr.) (also known as the Jewish Liberty Center)
3rd Election District
2nd Councilmanic District
Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc., RMS Nominee, Inc., and Summit Partners, L.P.
DEPUTY ZONING COMMISSIONER
OF
BALTIMORE COUNTY
CASE NO. 94-476-SPHA
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the owners of the subject property, Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc. and RMS Nominee, Inc., (the "Congregation") and by the contract purchaser, Summit Partners Limited Partnership (collectively "the Petitioners"). The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations ("BCZR"), which restricts the location of accessory buildings in residential zones to rear yards, and a special hearing to amend the Deputy Zoning Commissioner's Order and the Site Plan approved in Case No. 92-497-SPHA.

Appearing on behalf of the Petitioners were Charles N. Bay, Vice-President of the contract purchaser, Summit Partners, L.P., (the "Developer") and David S. Thaler, with D.S. Thaler & Assoc., Inc., the engineering firm which prepared the Plat to Accompany Petition for Special Hearing and Variance. The Petitioners were

represented by Robert A. Hoffman, Esquire. Appearing as an interested party was Dennis Brager with the Greengate Community Association.

Testimony indicated that the subject property is located just west of the Jones Falls Expressway at the intersection of Rockland Hills Drive and Old Pimlico Road. The property consists of approximately 11.18 acres of which 4.65 acres is zoned DR 2 and 6.53 acres is zoned DR 16. Formerly the Mercantile Country Club, the property (now known as the Liberty Jewish Center) was purchased in 1988 by the above-referenced Congregation which constructed a synagogue on approximately 2.67 acres located in the northeast corner of the property. In Case No. 92-497-SPHA, the Congregation obtained approval of a density transfer and for the development of the remainder of the property as residential apartments.

Subsequently, Summit Partners, L.P. offered to purchase the residential portion of the property and entered in a contract of sale with the Congregation. The building footprints and elevation drawings for the apartments as proposed by the Developer, however, differ slightly from those on the site plan approved in Case No. 92-497-SPHA. In addition, the Developer desires to add garages, some of which would be located in what is technically the side and front "yards" of the proposed apartment buildings, to be utilized in connection with the apartments. Accordingly, the Petitioners have requested the above-referenced zoning relief, all as shown more particularly on Petitioners' Exhibit 1, the Plat to Accompany Petition for Special Hearing and Variance.

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Addressing the variance request first, testimony from Mr. Bay and Mr. Thaler explained the necessity to provide relief from the requirement of Section 400.1 BCZR that, in residential zones, all accessory buildings be located in the rear yard and for corner lots in residential zones, accessory structures must occupy only the third of the rear yard farthest removed from the street and occupy no more than 50% of such third. Specifically, the builder wishes to construct six free-standing garage structures on the property near the apartments. Testimony of Mr. Bay and Mr. Thaler described how the proposed garages would make the development more compatible with the surrounding community, as well as provide a more comfortable and convenient parking arrangement for the residents of the proposed apartments. The proposed garages would be part of a self-contained community of planned multi-family structures laid out with requisite parking lots, walkways, landscaping, and amenities.

Testimony further explained that a practical difficulty would arise if the Developer was required to line up the buildings in such a fashion that all of the proposed garage structures would be in the rear yards of the proposed principal buildings. Such a requirement would greatly diminish the proximity of the garages to the building entrances. Most importantly, it is logical and practical that the garages should coincide with the planned parking areas and that the courtyard arrangement of the apartments be preserved. To force the garages to the rear yards would eliminate this crucial, quality aspect of the Development.

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Under Maryland law, 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. Solay, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

(1) Whether strict compliance with the 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 the 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.

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

I am persuaded by the testimony that an unreasonable hardship will occur if the relief requested is not granted. The special circumstances of the development of this property are such that the petitioner would be unduly restricted in the use of the land if the variance is not granted. Testimony from Mr. Thaler explained that with the configuration of the property and the required improvements to Old Pimlico Road, it impossible to create a scheme whereby all of the accessory buildings (the garages) could satisfy the requirements of Section 400.1 BCZR. Moreover, I find that the requested variance will not cause any injury to the public health, safety or general welfare. Extensive landscaping is proposed along the edges of the

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property which, in combination with the low-rise apartment buildings, will enhance the visual continuity of the development.

Regarding the Petitioners' special hearing request, the contract purchaser for the property has proposed minor revisions to the Site Plan originally approved in Case No. 92-497-SPHA. This include a revision of the building footprints and elevation drawings for the apartment buildings and the addition of the garage buildings. Accordingly, the special hearing request was filed to obtain approval that the proposed plan as submitted herein, meets the spirit and intent of the previous approvals.

I find it clear based upon the testimony provided that the revisions to the site plan are minor and altogether consistent with the spirit and intent of the previous approvals granted in Case No. 92-497-SPHA. I note also that Mr. Brager expressed no opposition to any of the requested relief.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons stated herein, the requested variance and special hearing should be granted.

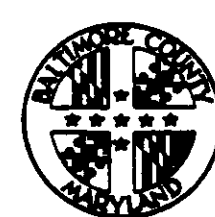
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of July, 1994, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations to permit accessory buildings to be located in the front and side yards of the proposed apartment buildings, and additionally, for any corner lots, to permit such accessory buildings to be located outside the third of the rear yard farthest

removed from the street and to permit the accessory building to occupy more than 50% of such third, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to amend the Order and Site Plan approved by the Deputy Zoning Commissioner in Case No. 92-497-SPHA be and is hereby GRANTED, subject to the following restriction:

(1) The Petitioner may apply for its building permit and be granted same upon receipt of this order; however, Petitioner is hereby made aware that proceeding at such time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at
NW/S Rockland Hills Drive and Old Pimlico Road (7000 Rockland Hills Drive)
which is presently zoned DR-2 and DR-16

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated 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(s) 400. Accessory structures in residence zones [Subsection 400.1, which requires that accessory buildings (i.e., proposed garages) to be located in the rear yard, and additionally requires for corner lots, that accessory structures occupy only the third of the rear yard farthest removed from the street and occupy no more than 50% of such third] of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Practical difficulty due to existing site constraints (see attached Addendum)

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 for Baltimore County.

Contract Purchaser/Owner:
Summit Partners Limited Partnership
Charles N. Bay, Vice President

6401 Golden Triangle Drive, Suite 200
Baltimore, MD 21201

Greenbelt, MD 20770

Mark P. Keener, Esquire

218 N. Charles Street (410) 727-7702

Baltimore, MD 21201

With the necessary consent and affirm, under the penalties of perjury, that they are the legal owner(s) of the property herein and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400. Accessory structures in residence zones [Subsection 400.1, which requires that accessory buildings (i.e., proposed garages) to be located in the rear yard, and additionally requires for corner lots, that accessory structures occupy only the third of the rear yard farthest removed from the street and occupy no more than 50% of such third] of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Practical difficulty due to existing site constraints (see attached Addendum)

Anshe Emunah-Aitz Chaim Tifereth Israel Congregation, Inc.

Bertman Schatzman, President

RMS Nominee, Inc.

Ronald M. Shapiro, President

c/o Shapiro and Olander, P.A.

36 S. Charles Street, 20th Floor

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