To: JNP
1/9/14
S+I

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

January 9, 2014

$150.00
#14-008

Arnold Jablon
Office of Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

Re: Beth Tfiloh Camp, 400 Delight Meadows Road. Lot 1
Spirit & Intent Request to replace an existing building
Case No. 99-491-SPH

Dear Mr. Jablon:

As per Case No. 99-491-SPH, the Beth Tfiloh Camp was determined to be a legal nonconforming use under Section 104 of the Baltimore County Zoning Regulations ("BCZR").

In two prior Spirit & Intent Requests (now shown on the attached site plan) it was determined that as per Section 104.3 of the BCZR any increase in building area could not exceed 25% of the total non-conforming building area. A Site Plan has been developed and maintained to account for the net change to the building area on the campus over time.

The proposed Activities Building #1, that was the subject of the first Spirit & Intent Letter (2/20/09), has been approved but has not yet been built.

The existing Activities Building #2, that was the subject of the second Spirit & Intent Letter (10/3/12), was built.

At this time Beth Tfiloh would like to replace one of the existing buildings, Building "J", with a new building, Activities Building #3. The new building would be in approximately the same location as the existing Building "J" being removed (see the attached site plan).

Building "J" was 760 square feet, the new Activities Building #3 will be 880 square feet. The tabulation on the site plan shows that the total net increase is building area on campus for all new buildings is under the 25% limit imposed by the BCZR.

If your office is in agreement that this proposed new Activities Building #3 is within the spirit and intent of Case No 99-491-SPH and permitted under BCZR Section 104.3, please indicate your approval by countersigning this letter in the space provided below. Attached is a check in the amount of $150.00 representing payment for this request.

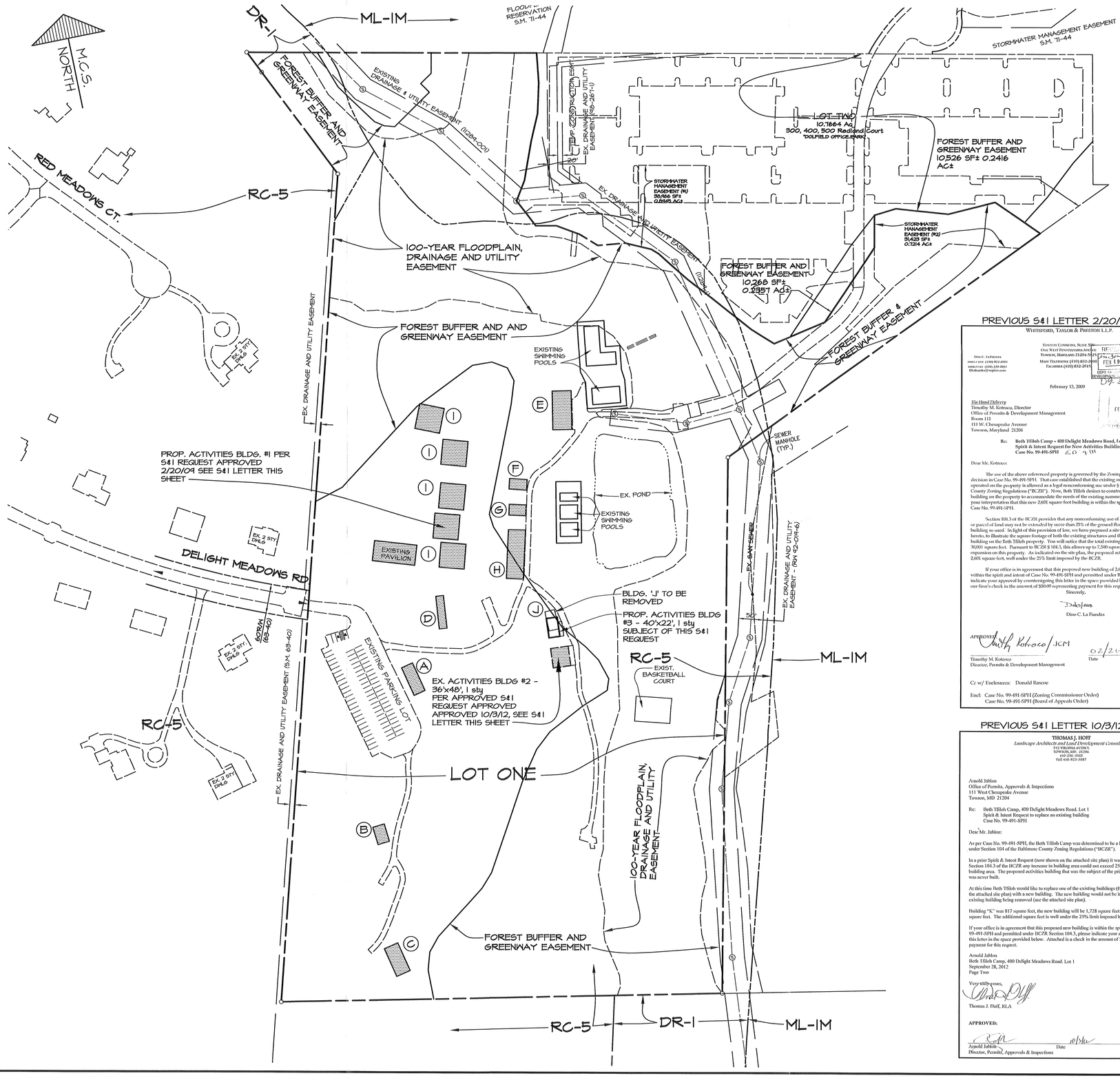
Very truly yours,

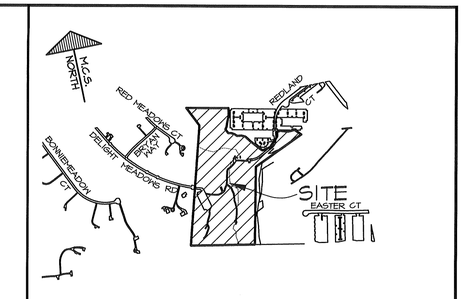
Thomas J. Hoff, RLA

APPROVED:

1/15/14

Arnold Jablon Date
Director, Permits, Approvals & Inspections





VICINITY MAP
SCALE: 1"=1000'

SITE DATA:

SITE AREA	36.50 AC.±
EXISTING ZONING	
RC-5	33.15 AC.±
ML-IM	2.59 AC.±
DR-1	0.76 AC.±
EXISTING USE - DAY CAMP	
PROPOSED USE - SAME	

GENERAL NOTES:

1) BOUNDARY, LOTS AND EASEMENTS SHOWN HEREON ARE TAKEN FROM THE PLAT "SUBDIVISION OF PROPERTY OF THE BETH TFILOH CONGREGATION", S.M. 71/132. BEARINGS SHOWN HEREON ARE TAKEN FROM THE PLAT AND ARE IN THE BALTIMORE COUNTY COORDINATE SYSTEM.

BUILDING AREA CALCULATIONS:

EXISTING STRUCTURES:

A	OFFICE BLDG	24x60	1,440 SF
B	GARAGE	24x37	880
C	NATURE CENTER	30x62	1,860
D	CARETAKER HOUSE	14x67	938
E	BATH HOUSE	38x78	2,964
F	ACTIVITIES BLDG. (2 sty)	21x36	1,512
G	ACTIVITIES BLDG. (2 sty)	22x34	1,496
H	ACTIVITIES BLDG. (2 sty)	35x99	6,930
I	ACTIVITIES BLDG. (1 sty) 4 UNITS	51x51 each	10,404
J	PROGRAM/ACTIVITY	19x40	760
K	PROGRAM/ACTIVITY	19x43	817
TOTAL EXISTING BUILDING AREA			30,001 SF

MAXIMUM ALLOWED INCREASE IN BUILDING AREA
25% OF 30,001 = 7,500 SF

INVENTORY OF INCREASE/DECREASE IN BUILDING AREA:

PROPOSED ACTIVITIES BLDG. #1 (S&I LETTER 2/20/09)	=	+2,601 SF
EXISTING ACTIVITIES BLDG. #2 @ 36x48 (S&I LETTER 10/3/12)	=	+1,728 SF
REMOVE BUILDING "K" (S&I LETTER 10/3/12)	=	-817
PROPOSED ACTIVITIES BLDG. #3 @ 40x22 (THIS S&I LETTER)	=	+880
REMOVE BUILDING "J" (THIS S&I LETTER)	=	-760
NET INCREASE IN BUILDING AREA	=	+3,632 SQ FT

PROPOSED ACTIVITIES BLDG. #1 HAS BEEN APPROVED BUT NOT YET BUILT.

PREVIOUS S&I LETTER 2/20/09

WHITEFORD, TAYLOR & PRESTON L.L.P.

TOWSON CORPORATE, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

DINO C. LA FIANDRA
DIRECT DIAL (410) 832-2051
DIRECT FAX (410) 339-4051
DLaFiandra@wtplaw.com

OFFICES IN:
BALTIMORE, MD
GAITHERSBURG, MD
ROCKVILLE, MD
TYSONS CORNER, VA
WASHINGTON, DC

RECEIVED FEB 19 2009
DEPT OF DEVELOPMENT MANAGEMENT

February 13, 2009

Via Hand Delivery
Timothy M. Kotroco, Director
Office of Permits & Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED FEB 13 2009

Re: **Beth Tfiloh Camp - 400 Delight Meadows Road, Lot 1**
Spirit & Intent Request for New Activities Building
Case No. 99-491-SPH

Dear Mr. Kotroco:

The use of the above referenced property is governed by the Zoning Commissioner's decision in Case No. 99-491-SPH. That case established that the existing summer camp operated on the property is allowed as a legal nonconforming use under § 104 of the Baltimore County Zoning Regulations ("BCZR"). Now, Beth Tfiloh desires to construct a new activities building on the property to accommodate the needs of the existing summer camp, and seeks your interpretation that this new 2,601 square foot building is within the spirit and intent of Case No. 99-491-SPH.

Section 104.3 of the BCZR provides that any nonconforming use of a building, structure or parcel of land may not be extended by more than 25% of the ground floor area of the building so used. In light of this provision of law, we have prepared a site plan, attached hereto, to illustrate the square footage of both the existing structures and the proposed activities building on the Beth Tfiloh property. You will notice that the total existing building area is 30,001 square feet. Pursuant to BCZR § 104.3, this allows up to 7,500 square feet of building expansion on this property. As indicated on the site plan, the proposed activities building is 2,601 square feet, well under the 25% limit imposed by the BCZR.

If your office is in agreement that this proposed new building of 2,601 square feet is within the spirit and intent of Case No. 99-491-SPH and permitted under BCZR § 104.3, please indicate your approval by countersigning this letter in the space provided below. Attached is our firm's check in the amount of $00.00 representing payment for this request.

Sincerely,

Dino C. La Fiandra

APPROVED: Timothy Kotroco/JCM 02/20/09
Timothy M. Kotroco — Date
Director, Permits & Development Management

Cc w/ Enclosures: Donald Rascoe

Encl: Case No. 99-491-SPH (Zoning Commissioner Order)
Case No. 99-491-SPH (Board of Appeals Order)

PREVIOUS S&I LETTER 10/3/12

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

September 28, 2012

Arnold Jablon
Office of Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

Re: Beth Tfiloh Camp, 400 Delight Meadows Road, Lot 1
Spirit & Intent Request to replace an existing building
Case No. 99-491-SPH

Dear Mr. Jablon:

As per Case No. 99-491-SPH, the Beth Tfiloh Camp was determined to be a legal nonconforming use under Section 104 of the Baltimore County Zoning Regulations ("BCZR").

In a prior Spirit & Intent Request (now shown on the attached site plan) it was determined that as per Section 104.3 of the BCZR any increase in building area could not exceed 25% of the total existing building area. The proposed activities building that was the subject of the prior Spirit & Intent Request was never built.

At this time Beth Tfiloh would like to replace one of the existing buildings (Building "K" as shown on the attached site plan) with a new building. The new building would not be in the same location as the existing building being removed (see the attached site plan).

Building "K" was 817 square feet, the new building will be 1,728 square feet. The net increase is 911 square feet. The additional space feet is well under the 25% limit imposed by the BCZR.

If your office is in agreement that this proposed new building is within the spirit and intent of Case No 99-491-SPH and permitted under BCZR Section 104.3, please indicate your approval by countersigning this letter in the space provided below. Attached is a check in the amount of $100.00 representing payment for this request.

Arnold Jablon
Beth Tfiloh Camp, 400 Delight Meadows Road. Lot 1
September 28, 2012
Page Two

Very truly yours,

Thomas J. Hoff, RLA

APPROVED:

Arnold Jablon — Date 10/3/12
Director, Permits, Approvals & Inspections

OWNER:
BETH TFILOH CONGREGATION
3300 OLD COURT RD.
BALTIMORE, MD. 21208
DEED REF.
TAX ACCT. #2300006413

#1999-491-SPH

SITE PLAN TO ACCOMPANY SPIRIT & INTENT LETTER
BETH TFILOH CAMP
400 DELIGHT MEADOWS ROAD
LOT ONE
SUBDIVISION OF PROPERTY OF
THE BETH TFILOH CONGREGATION - PLAT SM71/132
4th ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: AS SHOWN	
DATE: 01/09/14	
JOB NO.: 0166-03	
DESIGNED: TJH	
DRAWN: TJH	
REVISIONS:	DRAWING NUMBER: S-1
	SHEET 1 OF 1

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

September 28, 2012

Arnold Jablon
Office of Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

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Very truly yours,

Thomas J. Hoff, RLA

APPROVED:

10/3/12

Arnold Jablon Date
Director, Permits, Approvals & Inspections

THOMAS J. HOFF
Landscape Architects and Land Development Consultants
512 VIRGINIA AVENUE
TOWSON, MD. 21286
410-296-3668
FAX 410-825-3887

September 28, 2012

Arnold Jablon
Office of Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

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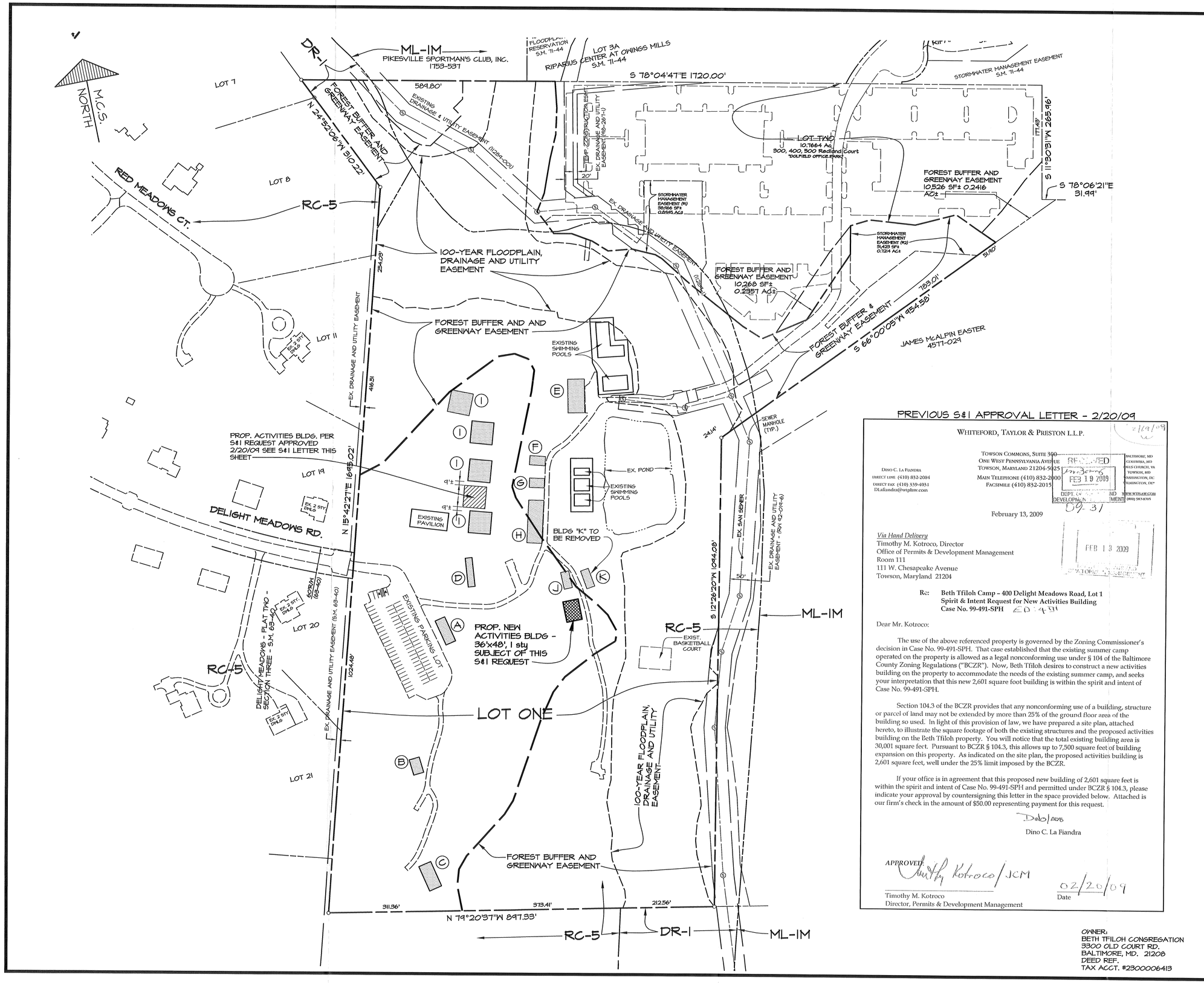
Very truly yours,

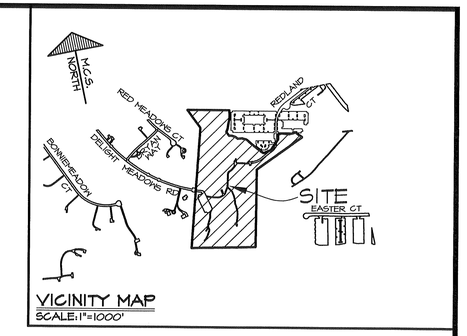
Thomas J. Hoff, RLA

APPROVED:

10/3/12

Arnold Jablon — Date
Director, Permits, Approvals & Inspections





VICINITY MAP
SCALE: 1"=1000'

SITE DATA:

SITE AREA	36.50 AC.±
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RC-5	33.15 AC.±
ML-IM	2.59 AC.±
DR-1	0.76 AC.±
EXISTING USE - DAY CAMP	
PROPOSED USE - SAME	

GENERAL NOTES:

1) BOUNDARY, LOTS AND EASEMENTS SHOWN HEREON ARE TAKEN FROM THE PLAT "SUBDIVISION OF PROPERTY OF THE BETH TFILOH CONGREGATION", S.M. 71/132. BEARINGS SHOWN HEREON ARE TAKEN FROM THE PLAT AND ARE IN THE BALTIMORE COUNTY COORDINATE SYSTEM.

BUILDING AREA CALCULATIONS:

EXISTING STRUCTURES:

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TOTAL EXISTING BUILDING AREA			30,001 SF

MAXIMUM ALLOWED INCREASE IN BUILDING AREA
25% OF 30,001 = 7,500 SF

PROPOSED NEW ACTIVITIES BLDG. @ 36x48 = 1,728 SF
REMOVE BUILDING "K" = -817
INCREASE IN BUILDING AREA = 911 SQ FT

PREVIOUS S&I APPROVAL LETTER - 2/20/09

WHITEFORD, TAYLOR & PRESTON L.L.P.

2/19/09

DINO C. LA FIANDRA
DIRECT DIAL (410) 832-2084
DIRECT FAX (410) 339-4051
DLafiandra@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*
WWW.WTPLAW.COM
(800) 987-8705

RECEIVED
FEB 19 2009
DEPT. OF ENVIRONMENTAL PROTECTION AND DEVELOPMENT MANAGEMENT

09-31

February 13, 2009

Via Hand Delivery
Timothy M. Kotroco, Director
Office of Permits & Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

FEB 13 2009

Re: Beth Tfiloh Camp – 400 Delight Meadows Road, Lot 1
Spirit & Intent Request for New Activities Building
Case No. 99-491-SPH EO: 4-31

Dear Mr. Kotroco:

The use of the above referenced property is governed by the Zoning Commissioner's decision in Case No. 99-491-SPH. That case established that the existing summer camp operated on the property is allowed as a legal nonconforming use under § 104 of the Baltimore County Zoning Regulations ("BCZR"). Now, Beth Tfiloh desires to construct a new activities building on the property to accommodate the needs of the existing summer camp, and seeks your interpretation that this new 2,601 square foot building is within the spirit and intent of Case No. 99-491-SPH.

Section 104.3 of the BCZR provides that any nonconforming use of a building, structure or parcel of land may not be extended by more than 25% of the ground floor area of the building so used. In light of this provision of law, we have prepared a site plan, attached hereto, to illustrate the square footage of both the existing structures and the proposed activities building on the Beth Tfiloh property. You will notice that the total existing building area is 30,001 square feet. Pursuant to BCZR § 104.3, this allows up to 7,500 square feet of building expansion on this property. As indicated on the site plan, the proposed activities building is 2,601 square feet, well under the 25% limit imposed by the BCZR.

If your office is in agreement that this proposed new building of 2,601 square feet is within the spirit and intent of Case No. 99-491-SPH and permitted under BCZR § 104.3, please indicate your approval by countersigning this letter in the space provided below. Attached is our firm's check in the amount of $50.00 representing payment for this request.

Dino/adb

Dino C. La Fiandra

APPROVED: Timothy Kotroco/JCM 02/20/09
Timothy M. Kotroco
Director, Permits & Development Management
Date

OWNER:
BETH TFILOH CONGREGATION
3300 OLD COURT RD.
BALTIMORE, MD. 21208
DEED REF.
TAX ACCT. #2300006413

#1999-491-SPH

SITE PLAN TO ACCOMPANY SPIRIT & INTENT LETTER BETH TFILOH CAMP

400 DELIGHT MEADOWS ROAD
LOT ONE
SUBDIVISION OF PROPERTY OF
THE BETH TFILOH CONGREGATION - PLAT SM71/132
4th ELECTION DISTRICT, 4th COUNCILMANIC, BALTIMORE COUNTY, MD

THOMAS J. HOFF
LAND DEVELOPMENT CONSULTANTS
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410-296-3668 FAX 410-825-3887

SCALE: 1"=100'	
DATE: 09/28/12	
JOB NO.: 0166-03	
DESIGNED: TJH	
DRAWN: TJH	
REVISIONS:	DRAWING NUMBER: S1-1
	SHEET 1 OF 1

E:\LAND PROJECTS 2009\150-199\166\DWG\166C EX CON.dwg, REVISED SITE PLAN S&I LETTER, 9/28/2012 9:17:01 AM, KIP3002

WHITEFORD, TAYLOR & PRESTON L.L.P.

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
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BALTIMORE, MD
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(800) 987-8705

DINO C. LA FIANDRA
DIRECT LINE (410) 832-2084
DIRECT FAX (410) 339-4031
DLafiandra@wtplaw.com

RECEIVED
FEB 19 2009
DEPT. OF ... AND DEVELOPMENT ... MENT

09-31

February 13, 2009

FEB 13 2009
DEVELOPMENT MANAGEMENT

Via Hand Delivery
Timothy M. Kotroco, Director
Office of Permits & Development Management
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Beth Tfiloh Camp - 400 Delight Meadows Road, Lot 1**
Spirit & Intent Request for New Activities Building
Case No. 99-491-SPH

Dear Mr. Kotroco:

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If your office is in agreement that this proposed new building of 2,601 square feet is within the spirit and intent of Case No. 99-491-SPH and permitted under BCZR § 104.3, please indicate your approval by countersigning this letter in the space provided below. Attached is our firm's check in the amount of $50.00 representing payment for this request.

Sincerely,

Dino/ADB

Dino C. La Fiandra

APPROVED: Timothy Kotroco/JCM

02/20/09

Timothy M. Kotroco
Director, Permits & Development Management

Date

Cc w/ Enclosures: Donald Rascoe

Encl: Case No. 99-491-SPH (Zoning Commissioner Order)
Case No. 99-491-SPH (Board of Appeals Order)

3/21/02

IN THE MATTER OF THE APPLICATION OF DAVID A. GREEN AND MICHAEL A. SIMS - PETITIONERS; BETH TFILOH CONGREGATION –LEGAL OWNER ON PROPERTY LOCATED ON THE E/END OF DELIGHT MEADOWS ROAD, 2,000' W OF PLEASANT HILL ROAD AND RED RUN BLVD. (400 DELIGHT MEADOWS ROAD) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 99-491-SPH

* * * * * * * * *

RULING ON MOTION TO DISMISS

This is an appeal from a denial by the Zoning Commissioner for a special hearing and a finding that the nonconforming use for a day Camp on the site owned by Beth Tfiloh Congregation is viable. A hearing was held before the Board on February 20, 2002. Beth Tfiloh Congregation was represented by G. Scott Barhight, Esquire, and WHITEFORD, TAYLOR & PRESTON, LLP. The Petitioners were represented by David Green, *pro se*. At the end of the Petitioner's case, the Appellee moved to dismiss the Petition on the basis that the Petitioner had failed to provide substantial evidence that the nonconforming use should be denied. After reviewing the case law submitted by the Appellee, and reviewing the notes of the Appellee's oral argument, which was not rebutted by argument from the Appellant, the Board deliberated publicly and granted the Motion to Dismiss.

At the beginning of the hearing, Mr. Green moved to postpone the hearing on the basis that he had not had an opportunity to solicit enough money from his fellow residents in the area to obtain the services of an attorney. The Board considered Mr. Green's argument that he had been unable to solicit funds due to the tragedy at the World Trade Center and the fact that his business was affected and required him to attend to his business rather than to raise funds since October of 2001. In addition, Mr. Green indicated that it was very difficult to solicit funds from older residents in the area.

The Board reviewed the history of this matter and found that the Zoning Commissioner issued his decision on January 30, 2001. An appeal was taken by J. Carroll Holzer, Esquire, the attorney for the Appellants, on February 26, 2001. The matter was scheduled for hearing on October 23, 2001, with additional days scheduled on November 1, November 6, and November 15, 2001. At the request of the Appellants, the original four dates in 2001 were postponed. The Board then rescheduled the matter for February 12, 2002, with two additional days scheduled on February 13 and February 20, 2002. Once again, at the request of the Appellants, the hearing scheduled for February 12, 2002 and February 13, 2002 was postponed to February 20, 2002, with an additional day on April 17, 2002. The Board felt that the Appellants had had ample time since February of 2001 to obtain funds to finance the services of an attorney to handle this matter. The request for postponement was not made known to Mr. Barhight, representing Beth Tfiloh, until the day before the scheduled hearing of February 20, 2002. Mr. Barhight was prepared to present his evidence and expert witnesses, who had been paid to appear, and was ready to proceed on February 20, 2002. Therefore, the Board felt that it was necessary for the Appellants to either proceed or withdraw the Petition. Mr. Green elected to proceed.

After Mr. Green elected to proceed, it appeared that there were several documents which he required from the hearing below which were not in the file. He again requested a postponement on the basis that he could not present his case adequately without a montage of photographs which he had taken and an aerial photograph dated 1999 showing the layout of the Camp. Once again, the Board felt that it was the responsibility of the Appellant to review the file from the Zoning Commissioner's hearing prior to the hearing before the Board in order to determine whether or not all of the material presented to the Zoning Commissioner was available to be presented to the Board. The Board checked with the Office of Permits and Development Management (PDM) to determine if there were any exhibits that had not been forwarded to the Board with the Zoning Commissioner's file. No photographs or aerial maps were found, and the

Board Administrator was informed that the file contained everything that PDM had in its file. Mr. Green then elected to proceed using photographs which had been taken by Beth Tfiloh and utilizing the development plans that had been utilized below by the Petitioner and also by Beth Tfiloh.

Mr. Green testified on his own behalf and was the sole witness presented by the Appellants in support of their position. Mr. Green admitted in his testimony that, as far as he knew, the Camp had been operating on the tract owned by Beth Tfiloh since before 1955. He indicated that originally the tract of land was approximately 46 acres and that at least approximately 10 acres had been sold to David S. Brown Enterprises for development, and that three office buildings were erected on the 10-acre site. He indicated that originally the Camp had access through a road off Pleasant Hill Road, but the Camp entrance had been changed to enter off of Delight Meadows Road, upon which Mr. Green and other neighbors lived.

Mr. Green contended that the Camp had been enlarged in some respects and had relocated a number of its buildings to other areas of the property. He indicated that a pavilion was built in 1997 and that four new bunkhouses, measuring approximately 50 feet by 50 feet, were also built, and then enclosed with sides and wired for electricity. He indicated that activities at the lower end of the Camp, such as a pool and a pond, remained where they were. There was a trailer on the property used as an office and a new house and a new office that was going to be built. He admitted that the existing office was still there but was to be torn down, and an existing security building was now on the property. He indicated that the trailer that was near the entrance to the Camp was to be moved and replaced with a yellow trailer twice as large, but it was to be placed further back from the entranceway; however, he felt that it would be more visible.

On cross-examination, Mr. Green admitted that the Camp was located at the present site since at least 1955. He also indicated that he was not aware of any violation by citation given to

the Camp by Baltimore County regarding any nonconforming use. Mr. Green also testified that he did not personally take any measurements of the buildings and did not have any measurements of the older buildings which were on the property that were sold off for commercial use.

In his argument supporting his Motion to Dismiss, Mr. Barhight gave a history of the various zoning regulations leading up to the passage of the present regulations, including R.C. 5 property. Today, the Camp would be permitted in an R.C. 5 zone by special exception.

Mr. Barhight relied principally on the cases of *Paul Farace, et al* and *Michael Krompholz*, a matter which proceeded from the Zoning Commissioner through the Board of Appeals, the Circuit Court for Baltimore County and ultimately to the Court of Special Appeals in an unreported decision dated July 2, 1986. That case held that a nonconforming use of a riding stable was still viable, even though the property where the riding stable originally began had decreased from 184 acres to approximately a 5.47-acre tract.

Decision

The *Baltimore County Zoning Regulations* set forth the requirements for nonconforming uses in § 104. That section states as follows:

> 104.1 - A nonconforming use (as defined in section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.
>
> 104.2 - A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residential use structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty.
>
> 104.3 – No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to section 104.2, except as authorized by the zoning commissioner pursuant to section 307.

* *

The Board finds that there is insufficient evidence to show that the buildings on the Camp have been expanded by more than 25 percent. In addition, it is clear that the size of the Camp property has not increased but has decreased with the sale of approximately 10 acres for office development. This does not in any way affect the nonconforming use since the Board feels the law is clear in accordance with the case of *Krompholz v. Farace* cited by the Appellee.

For the above reasons, the Board shall grant Appellee's Motion to Dismiss.

ORDER

THEREFORE, IT IS THIS 21st day of March, 2002 by the County Board of Appeals of Baltimore County

ORDERED that the Motion to Dismiss of Beth Tfiloh Congregation be and is hereby **GRANTED**; and it is further

ORDERED that the appeal filed in Case No. 99-491-SPH be and the same is hereby **DISMISSED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chairman

Melissa Moyer Adams

C. Lynn Barranger

2/26/01

IN RE:	**PETITION FOR SPECIAL HEARING**	*	**BEFORE THE**
	2,000' W of Pleasant Hill Rd. & Red Run Blvd.	*	**ZONING**
	600 delight Meadows Road	*	**COMMISSIONER OF**
	4th Election District		
	3rd Councilmanic District	*	**BALTIMORE COUNTY**
	Beth Tfiloh Congregation, Owners	*	
	David A. Green & Michael Sims,		**Case No. 99-491-SPH**
	Petitioners	*	

* * * * * * * * * * * * * *

NOTICE OF APPEAL

Petitions/Appellants, David A. Green and Michael A. Sims, individuals, in the above captioned case, by and through their attorney, J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from the decision of the Zoning Commissioner of Baltimore County rendered on January 30, 2001, a copy of which is attached hereto as **Exhibit A**.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal and the posting of the property.

Respectfully submitted,

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of February, 2001, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Towson, MD 21204, and the County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

J. Carroll Holzer

NOTICES\ Beth Tfiloh Day Camp.NOA-CBA

1/30/01

IN RE: PETITION FOR SPECIAL HEARING E/end Delight Meadows Road, 2,000' W of Pleasant Hill Road & Red Run Blvd. (600 Delight Meadows Road) 4th Election District 3rd Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 99-491-SPH
Beth Tfiloh Congregation, Owners; David A. Green & Michael A. Sims, Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing for the above-captioned property, owned by Beth Tfiloh Congregation. The Petition was filed by David A. Green and Michael A. Sims, nearby property owners, through their attorney, J. Carroll Holzer, Esquire, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.). That Section empowers the Zoning Commissioner to conduct such hearings as are necessary for the proper enforcement, and/or proper interpretation of the B.C.Z.R. as it relates to a particular property. The Petitioners filed the instant Petition seeking a determination, pursuant to Section 500.6 of the B.C.Z.R., as to whether there has been "any violation, or alleged violation, or the proper interpretation thereof..." on the subject property, and "...the existence of any purported nonconforming use on any premises..." related thereto. In addition, the Petitioners pose 12 questions, as are more particularly stated in the schedule attached thereto. In essence, the Petitioners question the propriety of the day camp that is operated by the Beth Tfiloh Congregation on the subject property. The subject property and existing improvements are more particularly described on the plat entitled Existing Conditions, bearing a redlined date of April 29, 1999, which was submitted into evidence as Petitioner's Exhibit 1, and, a subdivision plat of the subject property, dated on or about June 2, 1999, which was submitted into evidence and marked as Respondent's (Beth Tfiloh Congregation) Exhibit 1.

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Appearing at the requisite public hearing in support of the Petition were David A. Green, Mark Schabb, and Mickey Feldman, all nearby residents.. Mr. Green was represented by J. Carroll Holzer, Esquire. Appearing on behalf of Beth Tfiloh Congregation were Eve Steinberg, Executive Vice Chairman of the Board of Directors of Beth Tfiloh and a long-time member of the congregation, and attorneys G. Scott Barhight, Esquire and Julie A. DiGrigoli, Esquire. In addition, numerous other individuals appeared in support of the Beth Tfiloh Congregation.

The subject Petition was filed in the Department of Permits and Development Management (DPDM) on June 4, 1999. There were numerous postponements of the scheduled hearing for this case to allow the parties an opportunity to negotiate their differences. Ultimately, the matter was scheduled for a hearing on December 8, 2000 and completed on that date. Subsequent to the hearing, Counsel were given an opportunity to submit memoranda in support of their respective positions on or before January 19, 2001. The Respondents/Property Owners submitted an 18-page memorandum, which the undersigned has reviewed and considered. The Petitioners elected not to file a memorandum but rely upon the record of this case established in open hearing.

At the hearing, testimony was offered by Ms. Steinberg regarding the history and current operation of the camp. As noted above, Ms. Steinberg is a long-time member of the Beth Tfiloh Congregation and has been actively involved with the camp for a number of years in numerous capacities. It was clearly established, through her testimony, that the camp has continuously operated on the subject property since 1951. Additionally, testimony and evidence was persuasive to a finding that the camp's operation and activities have remained relatively consistent since that time. The camp offers recreational, social and educational activities to members of this Jewish congregation. Typically, the camp is most busy during the summer months. Activities are generally completed during the afternoon; however, the camp has historically conducted several "late night stays" during the camp's season. It was also indicated that the camp property is occasionally leased to other organizations, including the Beth Tfiloh School, the Boy Scouts, the Baltimore County Public School system, and others.

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The camp's property is split-zoned R.C.5 and D.R.1. It is located not far from Pleasant Hill Road near the Northwest Expressway (I-795) in Glyndon. Originally, the camp contained approximately 46 acres in area; however, in 1998, approximately 10 acres were subdivided and sold to Glyndon, LLP, which has since developed that portion of the property with several office buildings. As a result of this sale and subdivision, several camp structures on the northwest side of the property were demolished and/or relocated.

The testimony offered by Ms. Steinberg is summarized in Respondent's Memorandum. It is persuasive to a finding that the entire parcel has been used for various purposes related to the camp over the years. Surely, activities and buildings associated with the camp have at times been relocated to different areas within the four corners of the property. Yet, nonetheless, I find that the entire original 46-acre parcel has been used as a camp facility. Moreover, the activities on the property and nature of the use thereon have remained relatively the same. Finally, it is clear that the use has not been discontinued or abandoned for any period since operations began in 1951.

Testimony by the Petitioners was largely presented by David Green. Mr. Green testified regarding the property and presented a video of traffic entering the site from Delight Meadow Road. Primarily, Mr. Green objects to what is perceived as an increased volume of traffic entering the property from Delight Meadow Road and through the residential neighborhood in which he resides. He is also concerned about noise emanating from the camp during activities and the removal of certain landscaping which has increased the view from his property of the office buildings on the 10-acres previously subdivided from the tract in 1998. Similar testimony was offered by Mark Schabb, another nearby resident.

The questions presented in the Petition do not relate, per se, to the impacts of the camp on the surrounding locale. This is not a special exception case wherein the Zoning Commissioner must consider whether the use causes detrimental impacts to the health, safety or general welfare. However, in that testimony was offered on that issue, I find that the impacts caused by the camp on the surrounding community are benign. Admittedly, the camp activities cause noise and traffic to the area. However, the activities on the camp are sporadic and are typically conducted during

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warmer months. The volume of traffic is, at worst, an irritant to the surrounding communities and does not cause congestion or particularly threaten public safety. Notwithstanding this finding, the issue in this case arises from the nonconforming use of the property.

Nonconforming uses are defined in Section 101 of the B.C.Z.R. and are regulated in Section 104 thereof. Essentially, the nonconforming use designation is attached to a property to grandfather an otherwise improper or illegal use. Although nonconforming uses are not favored at law, it is recognized that uses that existed prior to the adoption of the prohibiting legislation should be permitted to remain. Section 104 of the B.C.Z.R. limits the improper expansion of nonconforming uses and also provides that an otherwise permissible nonconforming use might be forfeited if the use is discontinued or abandoned.

The Respondents attached to their memorandum the case history for the property located in northern Baltimore County owned by Paul Farace and Robin Morfe. This case came before the Deputy Zoning Commissioner of Baltimore County in 1984, was appealed to the County Board of Appeals, then the Circuit Court for Baltimore County, and ultimately, to the Court of Special Appeals of Maryland. In an unreported opinion, the Court of Special Appeals addressed the issues raised in that case, many of which are identical to the questions presented here. In the Farace matter, the property was used as a nonconforming riding stable. Additionally, testimony and evidence was that the original tract was quite large (184 acres), but over the years, had been subdivided and ultimately reduced to a 5.47-acre parcel. The essential question presented was whether this reduction in area destroyed the nonconforming use. The Deputy Zoning Commissioner, Board of Appeals, Circuit Court for Baltimore County and Court of Special Appeals all held that it did not.

The facts presented in the instant case merit a similar result. It is clear that the property has been reconfigured as a result of the 10-acre subdivision in 1998, and that certain improvements have been relocated. However, the facts are persuasive to a finding that these alterations to the use and appearance of the property are insignificant and do not warrant the loss of viability of the nonconforming use as a camp. Although the property is now smaller and changes within the site

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have occurred, the nonconforming use of the property as a camp is not destroyed. Thus, I find that the nonconforming use for a day camp on the subject site remains viable and that the Petition for Special Hearing should be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of January, 2001 that there has been no violation of the B.C.Z.R. on the subject property and that the nonconforming use of same as a day camp remains viable, and as such, the Petition for Special Hearing, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/30/01
By

1/19/01

IN THE MATTER OF:	*	BEFORE THE
BETH TFILOH CONGREGATION OF BALTIMORE CITY, INC.	*	
PETITION FOR SPECIAL HEARING	*	ZONING COMMISSIONER
Beth Tfiloh Congregation of Baltimore City, Inc., Protestant	*	FOR
	*	BALTIMORE COUNTY
	*	Case No: 99-491-SPH

* * * * * * * * * * *

PROTESTANT'S MEMORANDUM OF LAW

Beth Tfiloh Congregation of Baltimore City, Inc. ("Beth Tfiloh"), Protestant, by and through its attorneys, G. Scott Barhight, Julie A. DiGrigoli and Whiteford, Taylor & Preston, LLP, hereby submit this Memorandum of Law and state:

JAN 19

I. FACTUAL AND PROCEDURAL BACKGROUND

This matter comes before the Zoning Commissioner for Baltimore County as result of a petition for special hearing filed by Michael A. Sims and David A. Green ("Petitioners") on or around June 4, 1999. The subject of this case is Beth Tfiloh's 36 acres ± property, located at 410 Delight Meadows Road in Reisterstown, Maryland. The Petitioners raised numerous questions in their petition for special hearing relating to whether Beth Tfiloh's use of the property is a legal non-conforming use.

Testimony in the case was heard by Zoning Commissioner Lawrence Schmidt on December 8, 2000. Beth Tfiloh offered Eve Steinberg, a congregant, board member and next chairman of the board of Beth Tfiloh, in opposition to the Petitioner's petition for

special hearing. Ms. Steinberg offered uncontradicted testimony regarding the history of the property, including evidence that the Camp has operated continuously on the property since the early 1950's, to support the Camp's nonconforming use status. The Petitioners offered David A. Green and Marc Schabb in support of their petition. By the agreement of both parties, judicial notice was taken during the proceedings of the Baltimore County Zoning Regulations as well as the Baltimore County Zoning Maps.

II. BURDEN OF PROOF

The burden of proving a nonconforming use is on the party asserting the nonconforming use status. *See e.g.* *Carroll County Comm'rs v. Uhler*, 78 Md. App. 140, 552 A.2d 942 (1989); *Calhoun v. County Bd. of Appeals of Baltimore County*, 262 Md. 265, 277 A.2d 589 (1971). The Petitioners have the burden of proceeding in this matter since they filed the petition for special hearing. Under Maryland case law, Beth Tfiloh has the burden of establishing that its Camp is a legal nonconforming use as defined by the Baltimore County Zoning Regulations. As set forth in greater detail herein, Beth Tfiloh has established by substantial and convincing evidence that Beth Tfiloh's Camp is a legal nonconforming use that may continue.

III. LEGAL ARGUMENT

A. *History of Beth Tfiloh Camp*

Eve Steinberg, a congregant, board member and next chairman of the board of Beth Tfiloh, offered unrefuted testimony, based upon her personal knowledge, regarding the history of Beth Tfiloh's Camp. Ms. Steinberg has been involved with the

Camp from the 1950's through today in a variety of roles, including as, a camper, parent of a camper, Beth Tfiloh board member and member of the camp committee. Ms. Steinberg's first interaction with the Camp was in the early 1950's when she attended the Camp with her family as part of Beth Tfiloh's Family Camp program. She testified that Family Camp is a long-running program in which Beth Tfiloh opens up the Camp and its facilities for use by members of the Congregation. Her involvement with the Camp continued in the 1960's as a Camp Counselor and in the 1970's with her children in Beth Tfiloh's Family Camp program. Ms. Steinberg's dealings with the Camp extended through the 1980's and 1990's as a parent of campers and a parent of a camp aide. Ms. Steinberg also testified that she has been actively involved with the Camp since the 1980's in her various leadership roles in Beth Tfiloh, including as a board member and a member of the Camp committee.

In further support of the Camp's history dating back to the 1950's, Ms. Steinberg testified that there is evidence that the Camp was certified by the American Camping Association beginning in 1952. Through her testimony, Ms. Steinberg established that Beth Tfiloh Camp has continuously operated as a camp on the subject property from 1951 until today.

Ms. Steinberg's testimony not only established the Camp's existence since the 1950's, but that the Camp's operations and activities have remained consistent since that time. She explained that since the Camp began, it has offered typical recreational, social and educational activities including, but not limited to, athletics, swimming, art, music, nature, and Jewish culture. Ms. Steinberg testified that the Camp's activities have

remained the same throughout the years. Ms. Steinberg explained that in addition to its daily activities, the Camp has historically had several "late night stays" during the camp season. Ms. Steinberg also indicated that during the Camp's off-season, the Camp is typically used for camping, athletic events and various group events, by Beth Tfiloh Congregation, Beth Tfiloh School, the Boy Scouts, Baltimore County public schools, the Camper Association and members of the Congregation.

In addition to the operation of the Camp, Ms. Steinberg provided uncontradicted testimony regarding the history of the Camp property itself. She explained that from the 1950's until 1998 the Camp was approximately 46 acres ± in size. Ms. Steinberg testified that in 1998 approximately 10 acres ± of the Camp's property, located along the Northeast side of the Camp, were subdivided and sold to Glyndon, LLP. See *Respondent's Exhibit 1, Subdivision of Beth Tfiloh Camp, Liber 71, folio 132.* Glyndon, LLP has since developed several office buildings on the property. As result of the sale and subdivision, several camp structures on the Northeast side of the Camp were demolished. Beth Tfiloh subsequently relocated some of these structures to the Southwest side of the Camp.

Ms. Steinberg provided uncontradicted testimony that the Southwest side of the Camp has always been owned by Beth Tfiloh and utilized as part of the Camp program. In fact, Ms. Steinberg has personal memories of hiking in the Southwest area of the Camp as a child. Interestingly enough, Petitioner Green also testified that the Camp used the Southwest area of the property for "ball playing" prior to the 1998 subdivision.

Ms. Steinberg went on to explain that following the subdivision, Beth Tfiloh began to use Delight Meadows Road, a public road on the Southwest side of the Camp, as its primary access to the Camp. Prior to the subdivision, Beth Tfiloh had two means of access to the property, Delight Meadows Road, a public road, and Camp Road, a private road. Beth Tfiloh no longer has access rights over the private road, formerly known as Camp Road, since portions of the road are now owned by Glyndon, LLP. Ms. Steinberg testified that Beth Tfiloh has not been able to secure easement rights over the road from the new owner. There was uncontradicted evidence in this case that Beth Tfiloh's sale of 10 acres ± of property and the relocation of its camp activities to the Southwest portion of the Camp had no impact on the operation of the Camp itself.

B. Zoning History of Beth Tfiloh's Property

The Baltimore County Zoning Maps indicate that Beth Tfiloh's property was zoned "R.40" (Residence, One-Family) on March 30, 1955. *See 1955 Baltimore County Zoning Map N.W. 12-J.* Pursuant to §200.6 of the 1955 Baltimore County Zoning Regulations (BCZR), Beth Tfiloh's use of the property was permitted by right as a "community building, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities of the community". It should be noted that §200.5 of the 1955 Regulations also permitted a "country club, golf course, or other outdoor recreation clubs, including club house, and *quasi-public camps, including day camps*" as a matter of right in the R.40 zone. (emphasis added). The terms "quasi-public camp" and "quasi-public" are not defined terms in the Baltimore County Zoning

Regulations. Webster's Dictionary, however, defines "quasi-public" as "essentially public (as in services rendered, functions performed, or source of income received) although under private ownership or control; affected with a public interest". *Webster's Unabridged Third New International Dictionary of the English Language 1861 (1976)*. In the corporate context, "quasi-public" is used to describe a private corporation who loses its strictly private character when it is invested with certain powers of a public nature in order to discharge its duties to the public. See *Black's Law Dictionary* 342 (6th ed. 1990); *Forbes Pioneer Boat Line v. Board of Com'rs of Everglades Drainage Dist.*, 82 So. 346, 350, 77 Fla. 742 (1919).

In this case, Ms. Steinberg provided unrefuted testimony that Beth Tfiloh has offered various social, recreational and educational activities on the property continuously from the 1950's until today. Further, she provided uncontradicted testimony that Beth Tfiloh's activities program has always been open to any member of the community who applies. Notably, there were no assertions made during the hearing that Beth Tfiloh possesses powers of a public nature or has any public duties. Therefore, Beth Tfiloh's use of the property is properly characterized as a land use, devoted to civic, social, recreational and educational activities, which was permitted under BCZR §200.6 as a matter of right beginning on March 30, 1955.[1]

[1] Any reference made within this memorandum to a "camp" shall refer to Beth Tfiloh's nonconforming use of a "community building, swimming pool, or other structural or land use devoted to civic, social, recreational, or educational activities of the community", as defined by §200.6 of the 1955 Baltimore County Zoning Regulations.

Thereafter, on March 24, 1971, Beth Tfiloh's property was rezoned to "RDP" (Rural: Deferred-Planning). See *1971 Baltimore County Zoning Map N.W. 12-J*. The RDP zone permits a "community building, swimming pool, or other structural or land use devoted to civic, social, recreational, or educational activities of the community". Unlike the R.40 zone, however, such use was permitted only by special exception in the RDP zone. Since Beth Tfiloh never obtained a special exception, Beth Tfiloh's use of the property became nonconforming on March 24, 1971. From March 24, 1971 through today, the Baltimore County Zoning Regulations have required a special exception to operate Beth Tfiloh's use. Therefore, Beth Tfiloh's Camp remains a nonconforming use of the subject property.

C. *Beth Tfiloh Camp is a Legal Nonconforming Use.*

i. Beth Tfiloh Camp Meets the Definition of a Nonconforming Use and thus, may Continue.

There is substantial evidence in the record that Beth Tfiloh's Camp is a legal nonconforming use that may continue. Maryland case law make clear that if a property and its use were lawfully permitted at the time the applicable zoning regulations changed or were enacted so as to prohibit the use, then the use is allowed to continue. See, Board of Zoning Appeals of Howard County v. Meyer, 207 Md. 389, 114 A.2d 626 (1955). The Baltimore County Zoning Regulations make clear that a nonconforming use may continue as long as it has not been changed to any other use, abandoned, or discontinued for a period of one year or more. *BCZR §104.1 (BCZR 1963; BCZR 1998).*

There is competent evidence in this case that Beth Tfiloh's Camp was a lawfully permitted use until the applicable zoning regulations changed on March 24, 1971. In order to determine if Beth Tfiloh's Camp qualifies as a "nonconforming use", one must look at the definition of such use in effect when the Regulations changed. The 1963 Baltimore County Zoning Regulation's definition of a nonconforming use was applicable in 1971. The Regulations define a "nonconforming use" as:

> A legal ***use*** of a building or ***of land*** that antedates the adoption of these regulations and does not conform to the use regulations for the zoning in which it is located.

BCZR 1963 (emphasis added) .

As evidenced by the unambiguous language in the definition, a nonconforming use can apply to either the use of a building or the use of land. By its very nature, a camp is a use of land. The Baltimore County Zoning Regulations and Zoning Maps establish that Beth Tfiloh's Camp was a legal use of land which antedated the 1971 change in Regulations. Therefore, Beth Tfiloh's Camp is by definition, a nonconforming use. Since there is uncontradicted evidence in the record that Beth Tfiloh Camp has operated continuously and its operations have remained consistent from 1951 until today, the nonconforming use may continue.

ii. Beth Tfiloh Current Activities on the Property are within the Scope of the Nonconforming Use.

Beth Tfiloh's current use of the property as a Camp is wholly within the scope of the nonconforming use. This follows from the fact that Beth Tfiloh has not changed the

use of the subject property nor expanded the use of property. Under Maryland law, four factors must be considered when determining whether a subject activity is within the scope of a nonconforming use:

> 1. To what extent does the current use of these lots reflect the nature and purpose of the original non-conforming use;
>
> 2. Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature and kind;
>
> 3. Does the current use have a substantially different effect upon the neighborhood; and
>
> 4. Is the current use a "drastic enlargement or extension" of the original non-conforming use?

McKemy v. Baltimore County, Maryland, 39 Md. App. 257, 385 A.2d 96 (1978).

The Baltimore County Zoning Regulations have always permitted the enlargement or extension of an existing nonconforming use. Maryland Courts distinguish between an intensification of a nonconforming use and an expansion of a nonconforming use. An intensification is defined as the "more frequent present use of property for the same or similar use than that for which it had been used less frequently". *Feldstein v. LaVale Zoning Board*, 246 Md. 204, 227 A.2d 731 (1967). By contrast, an extension is "a change from one nonconforming use to a new and different one . . . ." *Id.* at 734.

While an intensification of a nonconforming use is acceptable under certain circumstances, an expansion or enlargement of a nonconforming use is generally

prohibited under Maryland case law. *See* *Prince George's County v. E.L. Gardner, Inc.*, 47 Md. App. 471, 476, 424 A.2d 392 (1981), rev'd on other grounds, 293 Md. 259, 443 A.2d 114 (1982). Notwithstanding the general rule, the Maryland Court of Appeals has held that local ordinances govern whether a nonconforming use may be enlarged or extended. *Phillips v. Zoning Commissioner*, 225 Md. 102, 109, 169 A.2d 410 (1961).

Relevant here is the 1971 Baltimore County Zoning Regulations which specifically provide for the extension of a nonconforming use. The 1971 Regulations provide that "no nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be *extended more than* 25% of the ground floor area of buildings so used." *BCZR §104.1 (1971) [adopted in BCZR, 1955]* (emphasis added).

In this case, there is no question that the current use of the Camp reflects the character, nature and purpose of the original non-conforming use. There is uncontradicted evidence that a camp has operated continuously on the property since 1951. Although the Camp property has decreased in size in recent years, there was undisputed testimony that the 36 acre ± property, which is the subject of this action, was a part of the original Camp. There was also unrefuted testimony that the operation of the Camp has remained consistent since 1951.

Significantly, there was no competent evidence presented that the Camp's nonconforming use has been impermissibly extended. The Protestants testified that new structures had been built on the property over the last several years, however, they failed to produce any evidence that the Camp had been extended more than 25% of the

ground floor area of buildings so used. This is significant since there is evidence in the record that the Camp has fewer structures today then it did prior to the subdivision of a portion of the Camp's property in 1998. Thus, the square footage of the Camp has actually decreased in recent years. Additionally, as discussed below in further detail, the Petitioners failed to adduce any competent evidence that the Camp's current use of the property has a *substantially different* effect upon the neighborhood. Based on the foregoing, the Protestants failed to present sufficient evidence to prove that Beth Tfiloh's nonconforming use status was lost as result of an impermissible extension or change in the camp use.

iii. The Sale and Subdivision of 10 acres of the Camp Property Does Not Affect the Camp's Status as a Legal Nonconforming Use.

Despite the Petitioners' contentions to the contrary, Beth Tfiloh Camp's legal nonconforming use status was not effected by the sale and subdivision of 10 acres ± of its Camp property. The Petitioners insinuate that the Camp is no longer a nonconforming use since Beth Tfiloh relocated some of its camp structures and increased its use of Delight Meadows Road, a public road, after the subdivision.

The Petitioner's contentions are wholly misplaced under Maryland law. Maryland Courts have ruled that the more frequent, present use of property for the same or similar use then that for which it had been used is not an impermissible extension of a nonconforming use. *County Comm'rs of Carroll County v. Zent*, 86 Md. App 745, 587 A.2d 1205 (1991). For example, "[a]n increase, from 30 to 50, in the volume of cars parked on a portion of the property under a non-conforming use as a

parking for a garage was a [permissible] intensification of the use because the area of the property was not enlarged. Nyburg v. Solmson, 205 Md. 150, 106 A.2d 483 (1954).

Additionally, the Maryland Court of Special Appeals has found that the relocation of a nonconforming use to a different portion of the property did not effect a use's nonconforming status. Krompholz v. Farace, *Court of Special Appeals, unreported opinion, No. 1575, Sept. Term, 1985, Filed July 2, 1986; Zoning Case No. 83-276-SPH, a copy of which is attached hereto as Exhibit A.* The facts in Farace were analogous to the facts presented here. The case involved a petition for special hearing, filed by the owners of a riding stable ("Petitioner"), seeking to establish that the riding stable was a nonconforming use. *Zoning Case No. 83-276-SPH, a copy of which is attached as Exhibit A.*

In support of the riding stable's nonconforming use status, the Petitioners presented evidence that the riding stable operated continuously from the 1930's on a portion of what used to be a 185 acre ± farm. *Zoning Case No. 83-276-SPH; CBA Case No. 83-276-SPH, CC Case No. 10/13/85-CG-1278, CSA Case No. 1575, Sept Term, 1985, Copies of which are attached hereto as Exhibit A.* The Protestants in the case opposed the petition on the basis that the riding stable had lost any nonconforming status it may have possessed. Id. Specifically, the Protestants argued that any nonconforming use status was lost when the stable and its supporting buildings were demolished and relocated to another portion of the farm property. Id.

The record in the Farace case indicated that between the 1930's to the 1950's, the riding stable offered boarding and riding lessons out of a barn located along Providence Road. Id. Then, over the course of a number of years, portions of the farm in which the

riding stable was originally located were conveyed away to various owners. Id. There was uncontradicted testimony in the case that despite the conveyances, a riding stable had been operated continuously on some portion of the original farm since the 1930's. Id. According to the record, the riding stable was condensed onto a 5.47 acres ± parcel of the original farm, known as the "Hart" parcel, in approximately 1957 or 1958. Id. A new barn and accessory structures were constructed on the Hart parcel for use by the riding stable. Id.

This case was litigated from the agency level through the Maryland Court of Special Appeals. The Zoning Commissioner below found that a legal nonconforming use for a riding stable had existed and such use had been conducted on the property since the 1930's. Therefore, the Zoning Commissioner concluded that the riding stable should be permitted to continue. *Zoning Case No. 83-276-SPH.* In granting the Riding Stable's petition for special hearing, the Zoning Commissioner reasoned that "the very nature of riding stables and farming may require the owner/operator to rotate the specific areas from field to field in order to better preserve and/or utilize the land." Id. at 1.

The Board of Appeals affirmed the Zoning Commissioner's decision and reasoned that had the original tract remained intact, the boarding of horses could have legally been conducted on any portion of the site since the use obviously existed in 1945 and had continued since that time. *CBA Case No. 83-276-SPH, p. 2.* Additionally, the Board of Appeals stated that despite the original tract being diminished by the

subdivision, the portions of the tract that still remained, could continue the nonconforming use. Id. at 2-3.

The Circuit Court of Baltimore County affirmed that the riding stable was a legal nonconforming use. *CC Case No. 10/13/83-CG-1278.* The Court of Special Appeals went on to affirm the Circuit Court's decision upon reasoning that there was no evidence that the nonconforming use had been discontinued. *CSA Case No. 1575, Sept Term, 1985.* In fact, the Court found there was uncontradicted testimony that since the 1930's there had always been riding and boarding houses on the property. Id. at 3-4.

The arguments made by the Petitioners in this case are strikingly similar to those arguments presented in the Farace case in opposition to the riding stable's nonconforming use status. Similar to the riding stable in Farace, the Camp simply relocated some of its activities to another portion of the Camp property which already enjoyed nonconforming use status. Ms. Steinberg provided uncontradicted testimony that the Southwest side of the Camp, where the Camp relocated some of its activities, has always been owned by Beth Tfiloh and utilized as part of the Camp program. Further, there was supporting testimony from not only Ms. Steinberg, but also Petitioner Green that camp activities took place in the Southwest area of the Camp prior to the subdivision. Since there is no question that Beth Tfiloh's Camp existed on some portion of the original property beginning in 1951, the Camp, like the riding stable in Farace, may continue.

D. **The Petitioners Failed to Introduce Sufficient Evidence to Contradict the Substantial Evidence in the Record that Beth Tfiloh's Camp is a Legal Nonconforming Use.**

Petitioners failed to introduce sufficient evidence to contradict the substantial evidence in the record that Beth Tfiloh's Camp is a legal nonconforming use. The Petitioners case was based almost entirely upon aesthetic concerns and unsubstantiated claims of traffic, safety and noise problems allegedly caused by the Camp. In support of their Petition, the Petitioners testified to problems relating to Beth Tfiloh's use of Delight Meadows Road to access the Camp property. The Petitioners complained that the Camp's current use of Delight Meadows Road has caused traffic and safety problems. In an attempt to demonstrate the problems allegedly caused by the Camp, the Petitioners introduced into evidence a video recorded by Mr. Green on July 27, 1999. See *Petitioner's Exhibit 4*. The video was taken from Mr. Green's driveway and showed traffic entering and leaving the Camp. Despite the Petitioner's allegations, the video showed no traffic problems and in fact demonstrated that the Camp generated a relatively insignificant amount of traffic.

Notably, the Petitioners presented absolutely no evidence that Delight Meadows Road and the adjoining public roads were unable to handle the traffic generated by Beth Tfiloh's Camp. Further, the Petitioners presented no credible evidence that the Camp was improperly using the public roads leading to the Camp property. Rather, the Petitioners themselves conceded that the series of roadways leading to the Camp, including Delight Meadows Road are all public roadways. Petitioners also admitted

that Beth Tfiloh has the *right* to use all of the public roads, including Delight Meadows Road.

In a further attempt to support their claims, the Petitioners provided testimony regarding Beth Tfiloh's alternative means of accessing the Camp, Redland Court. Petitioners inferred that Beth Tfiloh has access over Redland Court based on a Public Works Comment and Beth Tfiloh's recent repair of a bridge at the Northeast edge of the Camp. Despite their contentions, the Petitioners failed to produce any evidence that Beth Tfiloh actually has an alternative means of accessing the Camp or has any easement rights over Redland Court. If such access rights existed, the Petitioners could have easily produced documentation from the Land Records of Baltimore County, Maryland. The Petitioners failed to produce any such documentation. This is significant since Ms. Steinberg testified that Beth Tfiloh has no such easement or access rights.

As to the Camp's bridge, Ms. Steinberg explained that the bridge was in disrepair and for safety reasons was recently replaced. Ms. Steinberg indicated the repair of the bridge was irrelevant to the access issue since buses never crossed the bridge even when Beth Tfiloh had access from the Northeast side of the Camp. Significantly, the Petitioners introduced no evidence that the bridge's repair was in any way related to Beth Tfiloh's access to the Camp.

In addition to complaints regarding access to the Camp, the Petitioners complained of the levels of noise supposedly being generated by the Camp. The Petitioners' noise claim was greatly discredited by Petitioner Green's own testimony

that the noise may be substantially unrelated to the Camp. Mr. Green testified that the Petitioners had experienced an increase in noise from I-795 as a result of the clearing of trees for the development of the office park, not from activities occurring on the Camp property.

Petitioners also attempted to support their petition by submitting a site plan, aerial photographs and photographic documentation regarding the size and character of the Camp today and prior to the subdivision of the Camp's 10 acres. See *Petitioner's Exhibits 1, 2a-2d, 3a-3b*. As discussed herein, there was no testimony or evidence submitted by the Petitioners that demonstrated that the Camp had impermissibly extended or changed the use. Rather, the Petitioners simply presented evidence that several structures had been constructed or relocated over the last several years. The Petitioners' failure to submit credible evidence is significant since there was uncontradicted testimony by Ms. Steinberg that the number of Camp structures had actually decreased following the 1998 subdivision. Ms. Steinberg explained that approximately thirteen (13) of the Camp's original structures were demolished and only some of the structures were rebuilt.

In this case, it is clear that the Petitioners simply failed to present sufficient evidence to prove that Beth Tfiloh's nonconforming use status was lost due to a change in the property's use or due to the Camp's effect upon the neighborhood.

III. CONCLUSION

Beth Tfiloh Congregation of Baltimore City, Inc., protestant and owner of

410 Delight Meadows Road, respectfully requests that that the relief requested in the Petition for Special Hearing be denied and Beth Tfiloh's Camp be declared a legal nonconforming use. As discussed herein, there is substantial evidence within the record that establishes that Beth Tfiloh's Camp is a nonconforming use that may continue.

Respectfully submitted,

G. Scott Barhight
Julie A. DiGrigoli
Whiteford, Taylor & Preston, LLP
Suite 400
210 W. Pennsylvania Avenue
Towson, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2001, a copy of Protestant's, Beth Tfiloh Congregation of Baltimore City, Inc., Memorandum of Law was mailed to the following persons:

Counsel for Petitioners
J. Carroll Holzer, Esquire
Holzer & Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286

Mr. Marc Schabb
348 Bonnie Meadow Circle
Reisterstown, MD 21136

Julie A. DiGrigoli

214959

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 400 Delight Meadows Rd.
which is presently zoned RCS & DR 1

This Petition shall be filed with the Department of Permits and Development Management. 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 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(See attached Petition)

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

David A. Green + Michael A. Sims
Name - Type or Print

See attached signature page
Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Beth Tfiloh Congregation
Name - Type or Print

Signature

Name - Type or Print

Signature

3300 Old Court Rd.
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Attorney For Petitioner:

J. Carroll Holzer
Name - Type or Print

J. Carroll Holzer
Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961
Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By WCR Date 6/4/99

Case No. 99-491-SPH

REV 9/15/98

Drop-Off No Review

Petitioners Signature Page

Name: DAVID A CREEN
Signature: David A Green
Address: 329 DELIGHT MEADOWS ROAD
City / St / Zip REISTERSTOWN MD 21136

Name: MICHAEL A. SIMS
Signature: Michael A. Sims
Address: 333 DELIGHT MDWS RD
City / St / Zip REIST, MD 21136

Name: _____
Signature: _____
Address: _____
City / St / Zip _____

Petition of David A. Green of 329 Delight Meadows Road, Reisterstown, Maryland 21136, and Michael A. Sims of 333 Delight Meadows Road, Reisterstown, Maryland 21136.

Petitioner requests the Zoning Commissioner to determine, pursuant to the BCZR Section 500.6, "Any violation, or alleged violation, or the proper interpretation thereof and to pass this order thereon . . ."; and pursuant to Section 500.7, "To conduct such other hearing and pass such order thereon . . . as necessary for the proper enforcement of all zoning regulations . . . to determine the existence of any purported nonconforming use on any premises..."

Your Petitioners pose the following questions:

1. Respondents Beth Tfiloh Congregation, 400 Delight Meadows Road, is the property owner of approximately 48 acres, zoned RC 5 and DR 1 which said Congregation has allegedly utilized as a nonconforming use for the Beth Tfiloh Daycamp. The Daycamp was physically being operated on the site in a manner and to the extent depicted on Petitioner's Exhibit No. 1. Exhibit No. 1 is designated by Hoff and Antonucci Associates, Land Development Consultants and Architects, dated March 11, 1992. At least on that date, the existing site improvements were physically shown on the plan.

2. A redline plan dated April 29, 1999, attached hereto and incorporated herein as **Exhibit No. 1,** has been prepared by the same firm, showing the deletion of some of the existing site improvements for the Daycamp and what appears to be new improvements identified on the redline plan. Such new improvements include proposed parking for sixteen buses, a proposed security building, a proposed pavilion, and proposed bunk house buildings. Said proposed development appears to be in a new site area as well as appearing larger than what was noted on Exhibit No. 1 for existing bunk house buildings.

3. Petitioners request the Zoning Commissioner to determine whether the respondent Beth Tfiloh Congregation is in violation of the Baltimore County Zoning Regulations, (BCZR), relating to the limitation and control of nonconforming uses, particularly Section 104.

4. Petitioners request the Zoning Commissioner to determine whether Beth Tfiloh is entitled to a nonconforming use as a Daycamp.

5. Petitioners request the Zoning Commissioner to determine whether or not pursuant to Section 104.1 of the BCZR, that the Beth Tfiloh Congregation has operated a Daycamp on the subject site in a continuous fashion, and has not abandoned such Daycamp for more than one year.

6. Petitioners request the Zoning Commissioner to determine whether or not the respondents, Beth Tfiloh Congregation by the action taken pursuant to Exhibit 1,

ORDER RECEIVED FOR FILING
Date 1/30/01
By [illegible]

have expanded the nonconforming use to more than 25% of the ground floor area of the buildings so used.

7. Petitioners request the Zoning Commissioner to determine whether or not the respondents, Beth Tfiloh Congregation has unlawfully enlarged or expanded its nonconforming use, both as to the use of the land, and the enlargement of facilities and buildings beyond the original nonconforming use, if established.

8. Petitioners request the Zoning Commissioner to determine whether the "Existing Pavilion" identified on Exhibit No. 1 was recently added in violation of any alleged nonconforming use.

9. Petitioners request the Zoning Commissioner to determine that the "Delight Meadows Road" and access to the subject site was not part of the original alleged nonconforming use and, therefore, said use, if proved, was unlawfully expanded and whether the Daycamp, too, was unlawfully expanded.

10. Petitioners request the Zoning Commissioner to determine whether the new "bunkhouses" were buildings, or structures which require a building permit.

11. Petitioners request the Zoning Commissioner to determine if a nonconforming use as a Daycamp may divest itself of land area to construct office buildings and move its operation to a new area on site, constructing new buildings and still maintain its nonconforming use status.

12. Such other and further issues regarding the claim by Beth Tfiloh Congregation for a nonconforming use as a Daycamp operation as may be raised by the evidence before the Zoning Commissioner at the hearing.

ORDER RECEIVED FOR FILING
Date 1/30/11
By

DESCRIPTION OF BETH TFILOH PROPERTY
TO ACCOMPANY PETITION FOR SPECIAL HEARING
OF DAVID GREEN AND MICHAEL SIMS

Subject property is at the east end of Delight Meadows Road which is also east of Bryan Way in the community of Delight Meadows. Subject property is west of Pleasant Hills Road at the intersection of red Run Blvd., and at the end of a private road known as Camp Road that traverses westerly.

Address of Beth Tfiloh Camp is known as 400 Delight Meadows Road, 4th Election District, 3rd Councilmanic District, Census Tract 4041 comprising 48 gross acres.

Deed References: 1932/466,467, 468

Existing Zoning: ML-IM @ 14.5 Acres, more or less
DR-1 @ 13.5 acres, more or less
Rc-5 @ 20 acres, more or less

C2/WPdocs/BethTfiloh.DES

99-491-SPH

BALTIMORE COUNTY, MARYL/
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 067078

DATE 6/4/99 ACCOUNT 001-6150

AMOUNT $ 250.00 (WCR)

RECEIVED FROM: J Carroll Holzer

FOR: #99-491-SPH 400 Delight Meadows Rd

DROP-OFF NO REVIEW

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
6/07/1999	6/04/1999	16:33:23

REG WS03 CASHIER PWES PEW DRAWER 3
Dept 5 528 ZONING VERIFICATION
Receipt # 087581 OFLN
CR NO. 067078
Recpt Tot 250.00
250.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way, also W/end private road, W/S Pleasant Hill Road at Red Run Boulevard
4th Election District
3rd Councilmanic District
Legal Owner(s):
Beth Tfiloh Congregation
Contract Purchaser:
David A. Green &
Michael A. Sims

Special Hearing: to determine whether Beth Tfiloh is in violation of the BCZR and various other non-conforming use and building permit issues to be determined.

Hearing: Monday, July 26, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

7/140 July 8 C323904

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/8/, 1999

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 7/8/, 1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at Red Run Boulevard.
4th Election District - 3rd Councilmanic District
Legal Owner(s): Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing: to determine whether Beth Tfiloh is in violation of the Baltimore County Zoning Regulations and various other non-conforming use and building permit issues to be determined.

Hearing: Friday, December 1, 2000 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/658 Nov. 14 C434038

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/16/, 2000

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 11/14/, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

[redacted]

CERTIFICATE OF POSTING

RE. Case No: 99-491-SPH

Petitioner/Developer: D. GREEN, ETAL

Date of Hearing/Closing: 12/8/00

NEW DATE

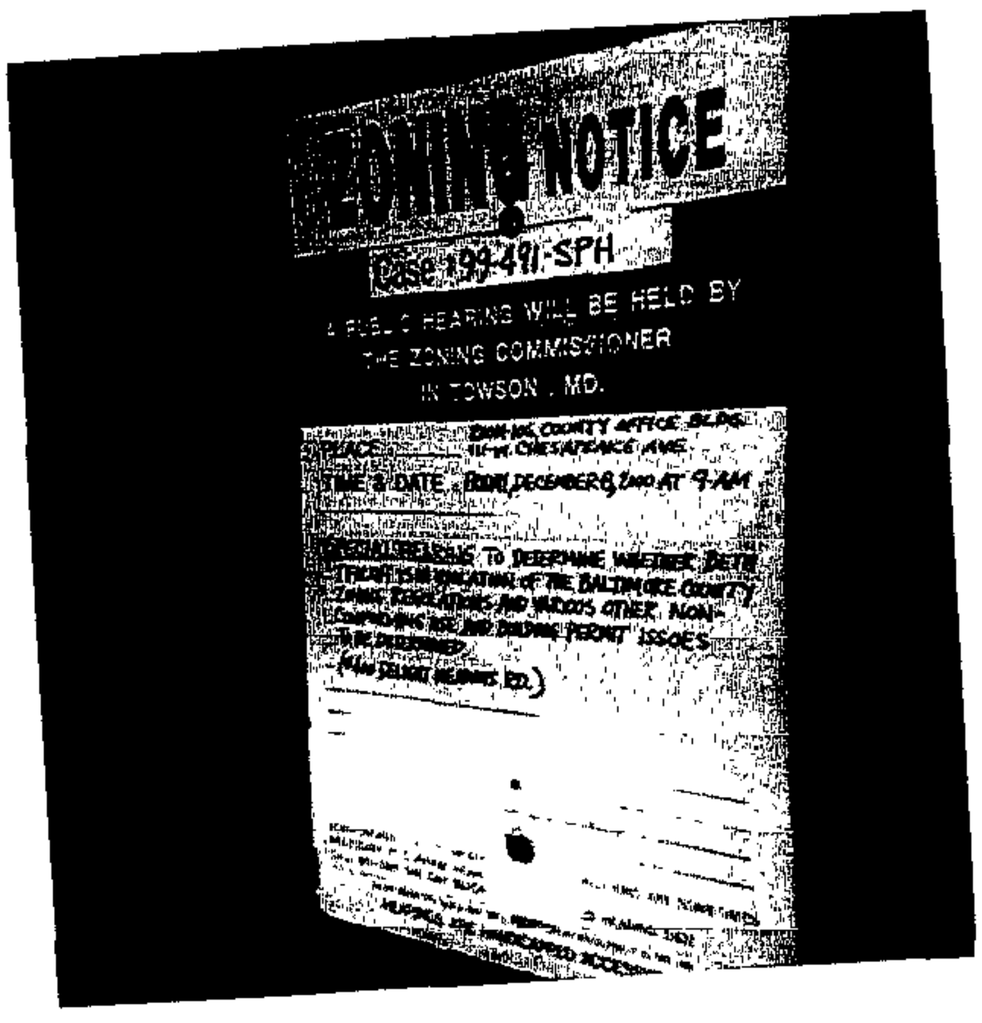
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #400 DELIGHT MEADOW RD
BETH TFILOH - CAMP

The sign(s) were posted on 12/1/00 — NEW DATE POSTING
(Month, Day, Year)



Sincerely,

12/3/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)

CERTIFICATE OF POSTING

Les 9/1/99

RE Case No 99-491-SPH

Petitioner/Developer DAVID GREEN, ETAL
C/O J.C. HOLZER, ESQ

Date of Hearing/Closing 9/1/99

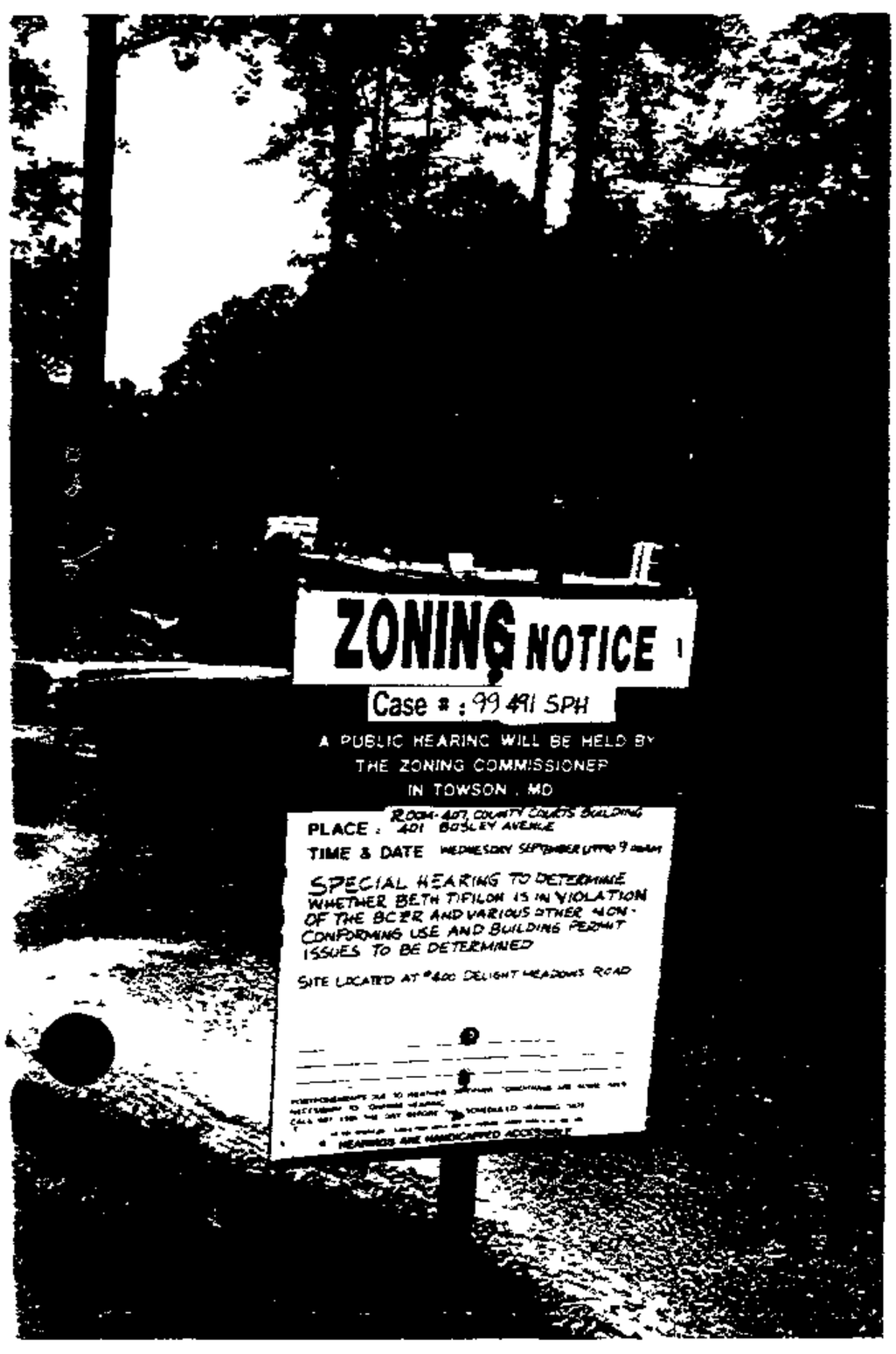
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #400 DELIGHT MEADOW RD. & DIRECTIONAL @ SUNNYDAY WAY.

The sign(s) were posted on 8/15/99
(Month, Day, Year)



Sincerely,

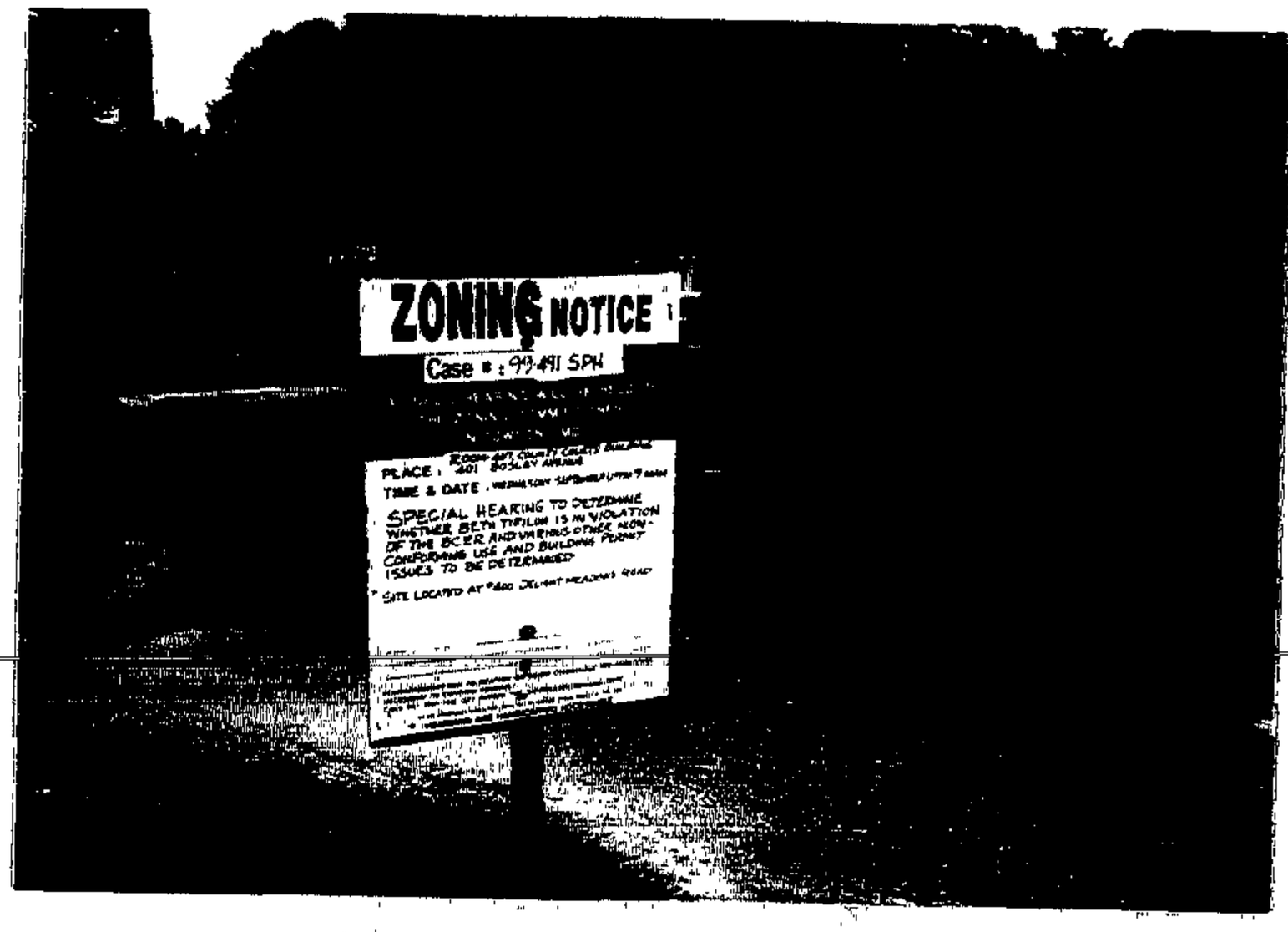
Patrick M. O'Keefe 8/23/99
(Signature of Sign Poster and Date)

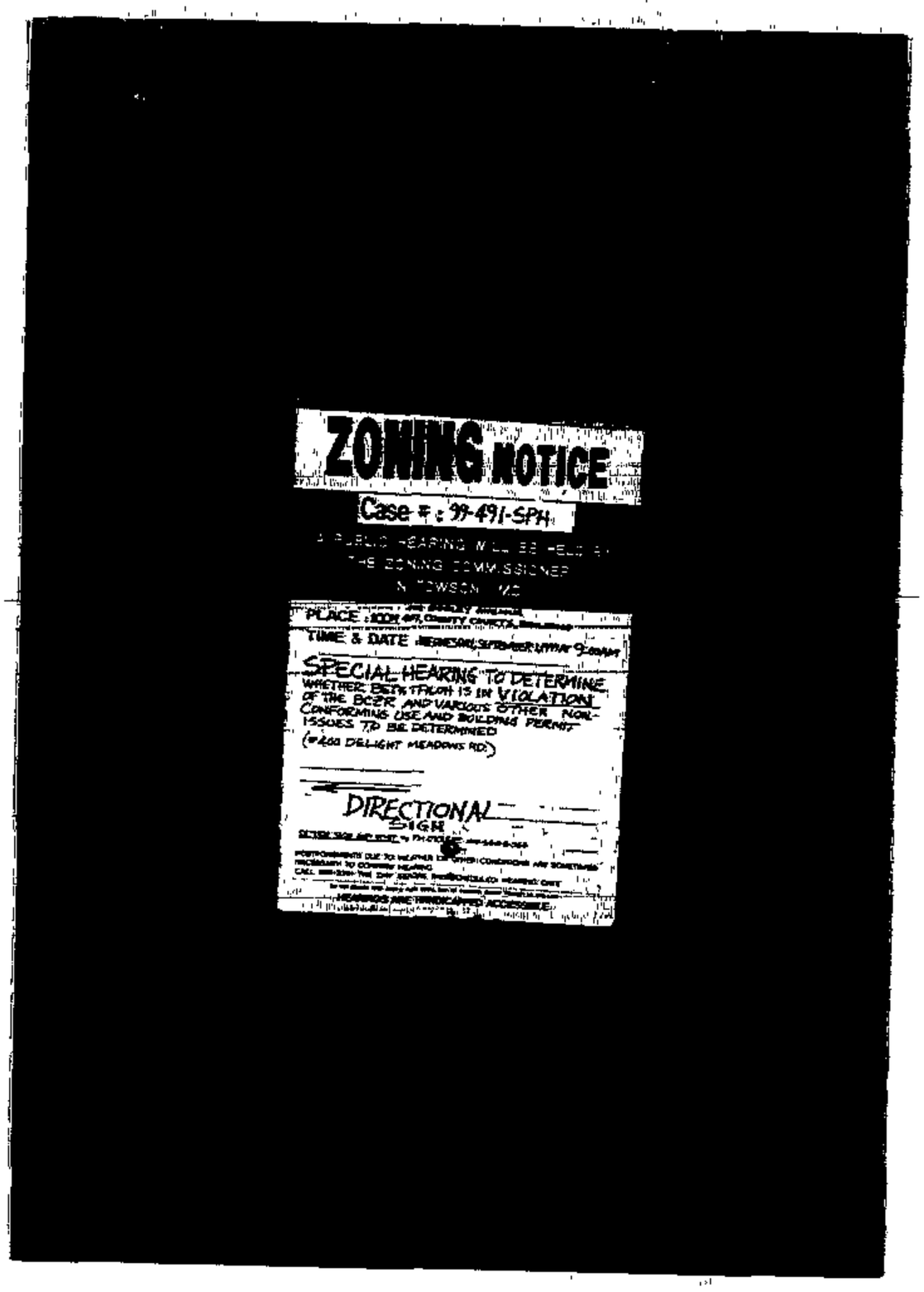
PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
(Telephone Number)


ZONING NOTICE
Case # : 99-491 SPH
PLACE :
TIME & DATE :
SPECIAL HEARING TO DETERMINE
WHETHER BETH TFILOH IS IN VIOLATION
OF THE BCZR AND VARIOUS OTHER NON-
CONFORMING USE AND BUILDING PERMIT
ISSUES TO BE DETERMINED


ZONING NOTICE
Case # : 99-491-SPH
THE ZONING COMMISSIONER
PLACE :
TIME & DATE
SPECIAL HEARING TO DETERMINE
WHETHER BETH TFILOH IS IN VIOLATION
OF THE BCZR AND VARIOUS OTHER NON-
CONFORMING USE AND BUILDING PERMIT
ISSUES TO BE DETERMINED
(#400 DELIGHT MEADOWS RD.)
DIRECTIONAL
SIGN

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 22, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at Red Run Boulevard
4th Election District – 3rd Councilmanic District
Legal Owner: Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing to determine whether Beth Tfiloh is in violation of the BCZR and various other non-conforming use and building permit issues to be determined.

HEARING: Monday, July 26, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: J. Carroll Holzer, Esquire
Beth Tfiloh Congregation
David A. Green
Michael A. Sims

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 11, 1999. PROPERTY MUST BE POSTED WITH 2 SIGNS.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 1, 2000

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Rd., E of Bryan Way
(400 Delight Meadows Road)
4th Election District – 3rd Councilmanic District
Beth Tfiloh Congregation, Owners; David A. Green & Michael A. Sims, Contr. Purchasers
Case No. 99-491-SPH

Dear Mr. Holzer:

This letter is to confirm that the above-captioned matter, which was originally scheduled for further proceedings on Friday, December 1, 2000, has been postponed due to a scheduling conflict on my calendar. By agreement of all parties, the matter has been rescheduled for Friday, December 8, 2000 and will commence at 9:00 AM in Room 106 of the County Office Building.

In the meantime, should you have any questions, please feel free to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: G. Scott Barhight, Esquire and Julie DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Beth Tfiloh Congregation, 3300 Old Court Road, Baltimore, Md. 21208
Mr. David A. Green, 329 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Michael A. Sims, 333 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Mickey Feldman, Hallmark Furniture Ser., 120 Sunnyking Dr., Reisterstown, Md.21136
Case File

Census 2000 For You, For Baltimore County Census 2000

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Come visit the County's Website at www.co.ba.md.us

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

--

SUITE COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

--

JULIE A. DIGRIGOLI
DIRECT NUMBER
410 832-2084
jdigrigoli@wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 30, 2000

Via Facsimile

Zoning Commissioner Lawrence E. Schmidt
Office of Zoning
4th Floor, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Beth Tfiloh Red Run Camp
Case No. 99-491-SPH

Dear Mr. Schmidt:

The above-referenced matter is scheduled to be heard on December 1, 2000 beginning at 2:00 p.m. As the Jewish Sabbath begins at sun down on Friday, Beth Tfiloh respectively requests that the hearing in this matter conclude promptly at 3:30 p.m. Carroll Holzer, on behalf of the Protestants, has agreed to conclude the proceedings by 3:30 in order to accommodate Beth Tfiloh's religious practices.

I apologize in advance for any inconvenience this may cause you. Beth Tfiloh thanks you for your anticipated understanding in this matter.

Very truly yours,

Julie

Julie A. DiGrigoli

cc: G. Scott Barhight, Esquire
Carroll Holzer, Esquire

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 6, 1999

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number 99-491-SPH, 400 Delight Meadows Road

The above matter, previously set for July 26, 1999, has been postponed at your request. As per your telephone conversation this morning with Sophia Jennings, you will contact Mr. Barhight, get several dates that are convenient for both of you, and get back to Sophia as soon as possible. Also, per Mr. Jablon, this case will not be postponed again.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

wcr/scj

W. Carl Richards, Jr.
Zoning Supervisor

WCR:scj

C: G. Scott Barhight, Esquire
Beth Tfiloh Congregation
David Green & Michael Sims

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on Recycled Paper

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX (410) 825-4923
E-MAIL: JCHOLZER@BCPI.NET

July 22, 1999
7145

VIA FAX
Sophia Jennings
Baltimore County Department of
Permits and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

Re: Case No. 99-491-SPH, 400 Delight Meadows Road

Dear Sophia:

As a result of the telephone conversation I had this afternoon with Julie Digrigoli, Esquire, of Whiteford, Taylor & Preston and Scott Barhight, Esquire, counsel for Beth Tfiloh, we identified September 1, 1999 as an available date for a hearing on my clients' Petition for Special Hearing. I also understand that Sterling Leese, an associate in my office and you, confirmed that Wednesday, September 1, 1999 is available in Room 407, County Courts Building, at 9 a.m. for a hearing. I am also copying Ms. Digrigoli and Scott Barhight and my clients of the scheduling of this hearing.

I appreciate your attention and assistance in this matter.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:clh

cc: J Digrigoli, Esq
G. Scott Barhight, Esq.
David Green

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

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BALTIMORE, MARYLAND 21202-1626
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FAX 410 752-7092

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10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
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WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

7/6/99
D
SJ

July 2, 1999

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Beth Tfiloh Camp

Dear Mr. Jablon:

Please be advised that I, as well as Julie DiGrigoli and Whiteford, Taylor & Preston L.L.P., represent Beth Tfiloh Congregation in the above-captioned matter.

Please send all notices regarding this matter to my attention and consult with me regarding the scheduling of the Special Hearing.

Thank you for your anticipated cooperation in this matter.

Sincerely,

G. Scott Barhight

GSB:lgs

cc: Sophie Jennings

99-491-SPH 99-1803

HOLZER

& LEE

7/1/99
cf
to SJ
call carroll &
have him call
Scott to
work agreement

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

June 28, 1999
#7145

Arnold Jablon
Director of Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Case #99-491-SPH 400 Delight Meadows Rd.
Special Hearing Re: Beth Tfiloh Day Camp

Dear Mr. Jablon:

Please be advised that I have just received notice of a scheduled hearing for Monday, July 26, 1999, for the Special Hearing in the above captioned case. That is a direct conflict with a Baltimore County Circuit Court case captioned Glyndon Meadows, LLC Plaintiff vs. Kevin Keller, et al., Case Number 03-C-99-002185 in which I am representing Larry LaSov, a Defendant. Please be advised that this is a specially set Circuit Court argument on Motions that will take all day based upon the number of attorneys involved.

Therefore, we would request that you postpone the Beth Tfiloh case until some time later in the month of August.

Please feel free to have the Assignment Office check with my calendar for purposes of rescheduling. Thank you very much for your anticipated postponement of this matter.

Very Truly Yours,

J. Carroll Holzer

cc: David Green
G. Scott Barhight, Esq.

C:\My Documents\Letters\Arnold Jablon - Case #99-491-SPH 400 Delight Meadows Rd..doc

99-1764

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 22, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at Red Run Boulevard
4th Election District – 3rd Councilmanic District
Legal Owner: Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing to determine whether Beth Tfiloh is in violation of the BCZR and various other non-conforming use and building permit issues to be determined.

HEARING: Monday, July 26, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: J. Carroll Holzer, Esquire
Beth Tfiloh Congregation
David A. Green
Michael A. Sims

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 11, 1999. PROPERTY MUST BE POSTED WITH 2 SIGNS.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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on Recycled Paper

TO WCR

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 99-491-SPH

***IN THE MATTER OF: David A. Green and Michael A. Sims* –Petitioners /Owners Beth Tfiloh Congregation – Legal Owners**
400 Delight Meadows Road
4th Election District; 3rd Councilmanic District

1/30/2001 – Petition for Special Hearing DENIED by ZC; no violation of BCZR; nonconforming use as day camp remains viable.

ASSIGNED FOR:

TUESDAY, OCTOBER 23, 2001 at 10:00 a.m. /Day #1;
THURSDAY, NOVEMBER 1, 2001 at 10:00 a.m. /Day #2;
TUESDAY, NOVEMBER 6, 2001 at 10:00 a.m. /Day #3; and
THURSDAY NOVEMBER 15, 2001 at 10:00 a.m./Day #4

NOTICE: ***This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.***

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellants /Petitioners (Protestants) : J. Carroll Holzer, Esquire
Appellants /Petitioners : David A. Green and Michael A. Sims

Counsel for Legal Owner : G. Scott Barhight, Esquire
Julie A. DiGrigoli, Esquire

Legal Owner : *Beth Tfiloh Congregation*
c/o Eve Steinberg

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

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COLUMBIA, MARYLAND 21044
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1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
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FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

January 30, 2001

Via Facsimile - (410) 230-3801

Gary R. Jones, Esquire
Baxter, Baker, Sidle & Conn, P.A.
Suite 2100
120 E. Baltimore Street
Baltimore, Maryland 21202

Re: Beth Tfiloh Congregation
Glyndon Property 99-491-SPH

Dear Gary:

Thank you for your letter dated January 25, 2001. My personal knowledge of the facts and circumstances over the last year and a half regarding this property leads me to make an observation regarding your recent letter. It never ceases to amaze me how several people can witness the same series of events, and yet have such different recollections and come to such different conclusions.

Beth Tfiloh is not interested in exchanging a series of letters for the mere purpose of contradicting each other's versions of the facts and circumstances surrounding this case. Therefore, I merely say that we disagree on what occurred during the last year and a half.

Since we have had so much general dialogue regarding the Glyndon property, and since the community is very aware of the details of the Glyndon proposal, I do not see the need for another series of general discussions. Nevertheless, negotiations are always welcome. Therefore, if the Glyndon Community Association would like to make a written proposal regarding the Glyndon property, Beth Tfiloh would be happy to review it in good faith and respond expeditiously.

If your client does agree to proceed with further dialogue by putting a proposal in writing, I respectfully suggest that such dialogue be in good faith, without prejudice and in the spirit of compromise. Sending copies of such correspondence to every interested politician and every potential decision maker on the merits is not welcome. Hopefully, our correspondence will not concern itself with posturing for our public officials.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

G. Scott Barhight

GSB:sll

cc: The Honorable C.A. Dutch Ruppersberger
The Honorable T. Bryan McIntire
The Honorable Lawrence E. Schmidt
Arnold Jablon, Director
Mr. Donald T. Rascoe
Beth Tfiloh Congregation

192121 v.3

File

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TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www wtplaw.com

SEVEN SAINT PAUL STREET
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TELEPHONE 703 836-5742
FAX 703 836-0265

G SCOTT BARHIGHT

DIRECT NUMBER
410 832-2050
gbarhight@wtplaw com

August 14, 1999

Via Hand Delivery
The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
400 Washington Avenue
Towson, MD 21204

AUG 22

Re: Beth Tfiloh Day Camp
Case No. 99-491-SPH

Dear Mr. Schmidt:

I am in receipt of Carroll Holzer's letter to you, dated August 1, 2000, regarding the rescheduling of the Community's Petition for Special Hearing in the above-referenced matter. Please communicate with my Office as well as Carroll Holzer's Office to expedite the efficient scheduling of the hearing in this matter.

Thank you for continued attention to this matter.

Sincerely,

G. Scott Barhight

JAD:lgs

ccs: Mr. Arnold Jablon *(Via Facsimile and Regular Mail)*
J. Carroll Holzer, Esquire *(Via Facsimile and Regular Mail)*
Beth Tfiloh Congregation *(Via Facsimile)*
Julie A. DiGrigoli, Esquire

AUG 14

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 6, 1999

J. Carroll Holzer, Esq.
J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Drop-Off Petition Review, Case Number: 99-491-SPH, 400 Delight Meadows Road

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the $100.00 revision fee.

The page with petitioners' signature information is actually for contract purchaser/lessee as signed on the petition form. The form should reference petitioners.

The existing conditions plan is not sealed.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis/scj

John L. Lewis
Planner II
Zoning Review

JLL:ggs

Enclosure (receipt)

c: Zoning Commissioner

8/14/00
cc/R
pl
(File)

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
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TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT

DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

August 14, 1999

Via Hand Delivery
The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
400 Washington Avenue
Towson, MD 21204

Re: Beth Tfiloh Day Camp
Case No. 99-491-SPH

Dear Mr. Schmidt:

I am in receipt of Carroll Holzer's letter to you, dated August 1, 2000, regarding the rescheduling of the Community's Petition for Special Hearing in the above-referenced matter. Please communicate with my Office as well as Carroll Holzer's Office to expedite the efficient scheduling of the hearing in this matter.

Thank you for continued attention to this matter.

Sincerely,

G. Scott Barhight

JAD:lgs

ccs: Mr. Arnold Jablon *(Via Facsimile and Regular Mail)*
J. Carroll Holzer, Esquire *(Via Facsimile and Regular Mail)*
Beth Tfiloh Congregation *(Via Facsimile)*
Julie A. DiGrigoli, Esquire

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

40 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
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TELEPHONE 703 836-5742
FAX 703 836-0265

FACSIMILE TRANSMITTAL

TOTAL PAGES (including cover sheet): 2	Date: 8/14/00
	File No.: 7437/001
ATTENTION: Arnold Jablon J. Carroll Holzer, Esquire Bernard H. Suffel	FAX #: 410-887-5708 410-825-4923 410-653-0603
FROM: G. Scott Barhight	
RE: Beth Tfiloh Day Camp	
SPECIAL INSTRUCTIONS:	

PRIVILEGED AND CONFIDENTIAL: All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. mail.

TO: PATUXENT PUBLISHING COMPANY
July 8, 1999 Issue – Jeffersonian

Please forward billing to:
J. Carroll Holzer, Esquire 410-825-6961
508 Fairmount Avenue
Towson, MD 21286

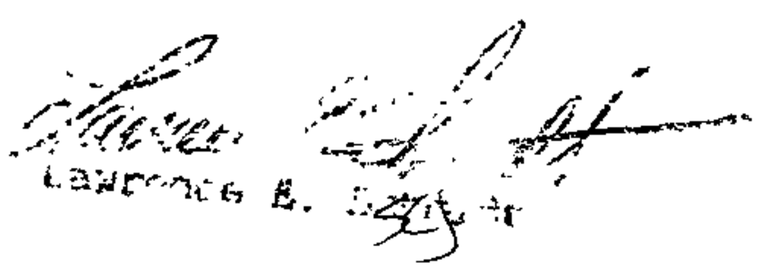
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at Red Run Boulevard
4th Election District – 3rd Councilmanic District
Legal Owner: Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing to determine whether Beth Tfiloh is in violation of the BCZR and various other non-conforming use and building permit issues to be determined.

HEARING: Monday, July 26, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 14, 2000 Issue – Jeffersonian

Please forward billing to:
J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

410 825-6961

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at red Run boulevard
4th Election District – 3rd Councilmanic District
Legal Owner: Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing to determine whether Beth Tfiloh is in violation of the Baltimore County Zoning Regulations and various other non-conforming use and building permit issues to be determined.

HEARING: Friday, December 1, 2000 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt
GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

7/26/99 &
9/1/99
pp hearings

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

Sent 12/1

October 17, 2000
7145

| 9

George Zahner
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 99-491-SPH
400 Delight Meadows Road
Legal Owner: Beth Tfiloh Congregation

Dear George:

After discussing the above referenced case with both our clients and attorney for Beth Tfiloh Congregation, Scott Barhight, the following dates are available to set in a hearing on my clients' Petition for Special Hearing: Tuesday, November 28; Friday, December 1; Friday, December 8; and Tuesday, December 12, 2000. Please see if any of these dates are available before the Zoning Commissioner or the Deputy Zoning Commissioner for a hearing for Case No. 99-491-SPH.

If you have any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:clh

cc: G. Scott Barhight, Esq.
David Green
Lawrence Schmidt, Zoning Commissioner

APPEAL

Petition for Special Hearing
400 Delight Meadows Road
E/end Delight Meadows Road, 2,000' W of Pleasant Hill Road & Red Run Blvd.
4th Election District – 3rd Councilmanic District
Beth Tfiloh Congregation - Legal Owner
Case No.: 99-491-SPH

Petition for Special Hearing (filed 6/4/99)

Zoning Description of Property

Notice of Zoning Hearing (dated 7/22/99)
Notice of Zoning Hearing (date 10/23/00)

Certification of Publication (The Jeffersonian issue 7/8/99)
Certification of Publication (The Jeffersonian issue 11/14/00)

Certificate of Posting (posted by Patrick M. O'Keefe on 8/15/99)
Certificate of Posting (posted by Patrick M. O'Keefe on 12/1/00)

Entry of Appearance by People's Counsel (Not Submitted)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Citizen(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Video of Delight Meadows Camp Traffic
2. Map of Beth Tfiloh Day Camp (dated 4/29/99)

Respondents' Exhibits:
1. Subdivision of Property of The Beth Tfiloh Congregation

Miscellaneous (Not Marked as Exhibits):
- Letter from Jay Weiss, President to Mr. Bernard Suffel (dated 5/11/99)
- Letter from J. Carroll Holzer to Arnold Jablon (dated 6/28/99)
- Letter from G. Scott Barhight to Arnold Jablon (dated 7/2/99)
- Letter from W. Carl Richards, Jr. to J. Carroll Holzer, Esquire (dated 7/6/99)
- Letter from J. Carroll Holzer, Esquire to Sophia Jennings (dated 7/22/99)
- Letter from Arnold Jablon to J. Carroll Holzer, Esquire (dated 7/22/99)
- Letter from J. Carroll Holzer to Lawrence E. Schmidt (dated 8/1/00)
- Letter from J. Carroll Holzer to George Zahner (dated 10/17/00)
- Letter from Julie A. DiGrigoli to Lawrence E. Schmidt (dated 11/30/00)
- Letter from Lawrence E. Schmidt to J. Carroll Holzer (dated 12/1/00)
- Letter from Gary R. Jones to Lawrence E. Schmidt (dated 12/5/00)
- Protestant's Memorandum of Law (37 pages) from G. Scott Barhight to Law to Lawrence E. Schmidt (dated 1/19/01)
- Letter from Lawrence E. Schmidt to J. Carroll Holzer (dated 1/29/01)
- Zoning map of Belltown Vicinity (dated 1/1986)
- C.R.G. Plan for Beth Tfiloh (dated 12/6/91)

Deputy Zoning Commissioner's/Zoning Commissioner's Order (1/30/01 - Denied)

Notice of Appeal received on 2/26/01 from J. Carroll Holzer, P.A.

c: J. Carroll Holzer, P.A., 508 Fairmount Avenue, Towson, MD 21286
Bernard Suffel, Beth Tfiloh Congregation, 330 Old Court Road, Baltimore, MD 21208
G. Scott Barhight, 210 W. Pennsylvania Avenue, Towson, MD 21204
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

3/9/01

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 9, 1999

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Item No.: See Below Zoning Agenda:

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.

1. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

[illegible], 487, [illegible], 489, [illegible], 491, 492, 493, 494, 495, 496, 497, [illegible], 499, [illegible]

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 28, 2000

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number: 99-491-SPH, 400 Delight Meadows Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 4, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR:gdz

Enclosures

C: David A. Green 329 Delight Meadows Road, Reisterstown 21136
Michael S. Sims, 333 Delight Meadows Road, Reisterstown 21136
Beth Tfiloh Congregation, 3300 Old Court Road, Baltimore 21208
People's Counsel

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 23, 1999

J. Carroll Holzer, Esq.
508 Fairmont Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case No.: 99-491-SPH, Petitioner: David A Green and Michael A. Sims, Location: 400 Delight Meadows Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 4, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 18, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 491

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL

C:\JEFF_L\491 doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: July 14, 1999

SUBJECT: Zoning Item #491
400 Delight Meadows, Beth Tfiloh

Zoning Advisory Committee Meeting of June 21, 1999

____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

__X__ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ Prior to permit approval all structures must be connected to public water and sewer and wells and septic must be abandoned and sealed by a licensed contractor.

C:\My Documents\Zoning Petitions\#491.doc

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: July 1, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for June 28, 1999
Item No. (491)

The Bureau of Development Plans Review has reviewed the subject zoning item. The access to the Day Camp site and parking area will be via the commercial site road, Redland Court, not Delight Meadows Road as shown on the plan.

See record drawing number 98-1053 for Redland Court plan and profile.

RWB:HJO:jrb

cc: File

ZAC06289.491

Ret No 5

RE: PETITION FOR SPECIAL HEARING 400 Delight Meadows Road, E/end Delight Meadows Rd, E of Byran Way; also W/end private road, W/S Pleasant Hill Rd at Red 4th Election District, 3rd Councilmanic	* * *	BEFORE THE ZONING COMMISSIONER FOR
Legal Owner: Beth Tfiloh Congregation Contract Purchasers: David Green and Michael Sims Petitioner(s)	* *	BALTIMORE COUNTY Case No. 99-491-SPH

* * * * * * * * * * * * * *

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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 1999 a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esq., 508 Fairmount Avenue, Towson, MD 21286, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 23, 2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-491-SPH
400 Delight Meadows Road
E/end Delight Meadows Road, E of Bryan Way; also W/end private road, W/S Pleasant Hill Road at red Run boulevard
4th Election District – 3rd Councilmanic District
Legal Owner: Beth Tfiloh Congregation
Contract Purchaser: David A. Green & Michael A. Sims

Special Hearing to determine whether Beth Tfiloh is in violation of the Baltimore County Zoning Regulations and various other non-conforming use and building permit issues to be determined.

HEARING: Friday, December 1, 2000 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon
Director

C: J. Carroll Holzer, P.A., 508 Fairmount Avenue, Towson 21286
David A. Green, 329 Delight Meadows Road, Reisterstown 21136
Michael S. Sims, 333 Delight Meadows Road, Reisterstown 21136
Beth Tfiloh Congregation, 3300 Old Court Road, Baltimore 21208

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 13, 2000.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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on Recycled Paper

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

October 17, 2000
 # 7145

George Zahner
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 99-491-SPH
400 Delight Meadows Road
Legal Owner: Beth Tfiloh Congregation

Dear George:

After discussing the above referenced case with both our clients and attorney for Beth Tfiloh Congregation, Scott Barhight, the following dates are available to set in a hearing on my clients' Petition for Special Hearing: Tuesday, November 28; Friday, December 1; Friday, December 8; and Tuesday, December 12, 2000. Please see if any of these dates are available before the Zoning Commissioner or the Deputy Zoning Commissioner for a hearing for Case No. 99-491-SPH.

If you have any questions, please call me at 410-825-6961.

Very truly yours,
J. Carroll Holzer
J. Carroll Holzer

JCH:clh

cc: G. Scott Barhight, Esq.
David Green
Lawrence Schmidt, Zoning Commissioner

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL. JCHOLZER@BCPL.NET

August 1, 2000
#7145

HAND DELIVERED
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Re: Beth Tfiloh Day Camp, Case No. 99-491-SPH

Dear Mr. Schmidt:

Please be advised that I would like the above captioned Petition for Special Hearing in regard to the Day Camp of Beth Tfiloh be reset before the Zoning Commissioner. However, in view of my current trial schedule and vacation schedule I would appreciate the case be reset sometime after October 1, 2000. As you recall, this matter was continued by agreement of both parties in order to try to work out a settlement agreement. However, that possibility has alluded us. I would therefore request that the matter not be dismissed, but be rescheduled at your convenience after October 1, 2000. It would also be helpful if the Assignment Office contacted Sterling Leese in regard to my schedule as well as Scott Barhight who likewise has a busy hearing schedule.

Thank you for your cooperation.

Very truly yours,

Carroll

J. Carroll Holzer

Cc: Scott Barhight, Esq.
David Green

AUG - 1

C:\My Documents\Letters\Lawrence Schmidt-rescheduling letter 2.doc

Baltimore County, Maryland

Date 8/1/00

To: George Zahner
Dept. of Permits & Dev. Mgmt.

From: Bette Schuhmann
Zoning Commissioner's Office

- ☐ Please Note & File
- XX ☒ For Your Information
- ☐ Please Note & Return
- ☐ Please Handle
- ☐ To be Signed
- ☐ Please Comment
- ☐ Please See Me
- ☐ Investigate & Report
- ☐ Please answer, Sending me Copy of your letter
- ☐ Please Prepare reply for my Signature

Remarks: Pursuant to the attached letter dated August 1, 2000 from J. Carroll Holzer, Esquire, please reschedule Case No. 99-491-SPH, before Larry, sometime after October 1, 2000, as docketing permits. Please notify all parties to the case when the matter has been reset. Also, please advise Mr. Holzer that he is responsible for having the property reposted as the case was never opened, per se, but continued to allow both sides to negotiate a settlement agreement. Additionally, some time has passed since this matter was first scheduled to be heard. Please call me if you have any questions. Thanks.

CPS-004 Recycled Paper

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 25, 2000

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Rd., E of Bryan Way
(400 Delight Meadows Road)
4th Election District – 3rd Councilmanic District
Beth Tfiloh Congregation, Owners; David A. Green & Michael A. Sims, Contr. Purchasers
Case No. 99-491-SPH

Dear Mr. Holzer:

This letter is to follow-up on my last conversation with you and Bette's telephone conversation this date with Sterling Leese regarding the above-captioned matter.

By way of background, this case was scheduled for a public hearing on July 26, 1999, but was postponed, at your request, due to a conflict in your schedule and reset for September 1, 1999. The matter was subsequently postponed in open hearing on September 1, 1999 to allow further negotiation between your clients (the Contract Purchasers), and the owners of the property, Beth Tfiloh Congregation. During our last discussion on February 23, 2000, you indicated that no agreement had been reached between the parties and that the matter should probably be rescheduled for further proceedings. However, there was no written formal request to reset the matter. Meanwhile, I understand that Bette spoke with Sterling this morning and that this matter is still pending.

Therefore, in order to resolve this matter, it is being requested that you advise us, in writing, within fifteen (15) days of the date of this letter if your clients wish to proceed so that the matter can either be rescheduled or dismissed without prejudice. Thank you for your prompt attention.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: G. Scott Barhight, Esquire and Julie DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Case File

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Come visit the County's Website at www.co.ba.md.us

Case Number _____

PLEASE *PRINT* LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
J. Carroll Holzer	508 Fairmount Ave	Towson	21286
David Green	329 DELIGHT MEADOWS RD	REISTERSTOWN	21136

Case Number _____

PLEASE *PRINT* LEGIBLY

Beth Tyler

Respondent's **CITIZEN'S SIGN-IN SHEET**

Name	Address	City, State	Zip Code
Bernard Suffal	1311 Park Heights Ave	Balt, MD	21208
Dr. Steven Stemberg	3105 HATTON RD	BALTO. MD	21208
Stephen Eller	3113 HATTON RD.	BALT. MD	21208
EVE KRESIN STENBERG	3105 HATON ROAD	BALTO, MD	21208
HOWARD A. DAVIDOV	7221 DENBERG RD	BALTO. MD	21209
MAUREEN H. DAVIDOV	7221 DENBERG RD	BALTO, MD	21209
Nadyne Turner	3109 Woodvalley Dr.	Balt. MD	21208
Judy Young	9150 Gracious End Ct	Columbia	21046
Sheila Eller	3113 Hatton Rd	Balto, MD	21208
Adrienne Blamberg	2904 Lightfoot Dr.	Balto. Md.	21209
Sarellen Levine	1711 Bywoods Ln	Stevenson, MD	21153
David Schlosser	11 Highmill Ct	Owings Mills	21117
Sara Malka Laderman	3320 Offutt Rd.	Randallstown	21133
Jacob Laderman	3320 Offutt Rd.	Randallstown	21133
Sandy Wilbree	Eucalyptus Ct	Balto	21209
Sid Cohen	7909 Ivy Lane	Balto	21208

Revised 4/17/00

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 29, 2001

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Road, 2,000' W of Pleasant Hill Road & Red Run Blvd.
(600 Delight Meadows Road)
4th Election District – 3rd Council District
Beth Tfiloh Congregation, Legal Owners; David A. Green & Michael A. Sims - Petitioners
Case No. 99-491-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David A. Green, 329 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Mickey Feldman, 120 Sunnyking Drive, Reisterstown, Md. 21136
Mr. Michael A. Sims, 333 Delight Meadows Road, Reisterstown, Md. 21136
G. Scott Barhight, Esquire & Julie A. DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Ms. Eve Steinberg, 3105 Hatton Road, Baltimore, Md. 21208
People's Counsel; Case File

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WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G.SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

March 13, 2001

VIA FACSIMILE
J. Carroll Holzer, Esquire
Holzer & Lee
The 508 Building
508 Fairmount Avenue
Towson, MD 21286

Re: Beth Tfiloh Congregation, Red Run Camp
Zoning Case No. 99-491-SPH

Dear Carroll:

Thank you for forwarding a copy of your clients' Notice of Appeal in the above-referenced matter to my attention. In order to effectively schedule the hearing before the Board of Appeals in this matter, please let me know how many days you will require to complete your case-in-chief. Thank you for your kind attention to this matter.

Very truly yours,

G. Scott Barhight

GSB/lgs

cc: Julie A. DiGrigoli, Esquire
Beth Tfiloh Congregation of Baltimore City, Inc.
Kathleen Bianco

221906

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

50 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

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L.L.P.

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TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

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WASHINGTON D.C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

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ALEXANDRIA, VIRGINIA 22314-2929
TELEPHONE 703 836-5742
FAX 703 836-0265

FACSIMILE TRANSMITTAL

TOTAL PAGES (including cover sheet):	Date: 3/13/01
	File No.. 7437/3
ATTENTION: J. Carroll Holzer, Esquire Bernard H. Suffel Kathleen Bianco	FAX #: 410-825-4923 410-653-0603 410-887-3182
FROM: G. Scott Barhight	
RE: Beth Tfiloh/Red Run Camp	
SPECIAL INSTRUCTIONS	

PRIVILEGED AND CONFIDENTIAL: All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. mail

Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

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COUNTY BOARD OF APPEALS
01 MAR -9 PM 2:58

March 9, 2001

G. Scott Barhight
Whiteford, Taylor & Preston, LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

Dear Mr. Barhight:

RE: Case No. 99-491-SPH, Beth Tfiloh Congregation, 400 Delight Meadows Road

Please be advised that an appeal of the above-referenced case was filed in this office on February 26, 2001 by J. Carroll Holzer, P.A. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:aem

c: J. Carroll Holzer, P.A., 508 Fairmount Avenue, Towson, MD 21286
Bernard Suffel, Beth Tfiloh Congregation, 3300 Old Court Road, Baltimore, MD 21208
David A. Green, 329 Delight Meadows Road, Reisterstown, MD 21136
Michael A. Sims, 333 Delight Meadows Road, Reisterstown, MD 21136
Mickey Feldman, Hallmark Furniture Service, 120 Sunnyking Drive, Reisterstown, MD 21136
Howard A. & Maureen Davidov, 7221 Denberg Road, Baltimore, MD 21209
Jacob & Sara-Malka Laderman, 3320 Offutt Road, Randallstown, MD 21133
Eve Kresin Steinberg, 3105 Haton Road, Baltimore, MD 21208
People's Counsel, MS 2010

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ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

COUNTY BOARD OF
01 JUL -6 PM 12:

July 5, 2001

Lawrence Wescott, Esq.
Chairman, Board of Appeals for Baltimore County
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Scheduling Before the Board
In the Matter of:
Beth Tfiloh Congregation of Baltimore City, Inc.
Red Run Camp
2.000 W of Pleasant Hill Road & Red Run Blvd.
600 Delight Meadows Road
Zoning Case #:99-491-SPH

Dear Chairman Wescott:

Please accept this letter as my request that the above-referenced case be scheduled for hearing. Below is a summary of the procedural status of this matter.

- Matter involves a Petition for Special Hearing to determine whether Beth Tfiloh's existing day camp is a nonconforming use of the subject property.

- In his Opinion, dated January 30, 2001, the Zoning Commissioner denied the Petition for Special Hearing and declared the day camp a nonconforming use.

- Appeal filed on February 26, 2001 by David A. Green and Michael Sims.

As you can imagine, my client is anxious to procedure with this appeal. I recognize that the Board is busy and that the time in which an appeal must be heard for a Special Hearing Request such as this one is not prescribed. Nevertheless, we hope that this matter can proceed expeditiously.

Please contact me or Julie DiGrigoli at 410-832-2084 at your earliest convenience if there is any additional information you require, or if you have any questions with regard to this matter. Thank you for your time and cooperation.

Sincerely,

G. Scott Barhight

GSB
cc: Mr. Bernard H. Suffel
Ms. Kathi Bianco
Julie A. DiGrigoli, Esquire

229674

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

pp'd 10/10/01 @ request of Counsel for Petitioners/Protestants next to June. 2002

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

August 13, 2001

NOTICE OF ASSIGNMENT

CASE #: 99-491-SPH

IN THE MATTER OF: David A. Green and Michael A. Sims **–Petitioners /Owners Beth Tfiloh Congregation – Legal Owners**
400 Delight Meadows Road
4th Election District; 3rd Councilmanic District

1/30/2001 – Petition for Special Hearing DENIED by ZC; no violation of BCZR; nonconforming use as day camp remains viable.

ASSIGNED FOR:

TUESDAY, OCTOBER 23, 2001 at 10:00 a.m. /Day #1;
THURSDAY, NOVEMBER 1, 2001 at 10:00 a.m. /Day #2;
TUESDAY, NOVEMBER 6, 2001 at 10:00 a.m. /Day #3; and
THURSDAY NOVEMBER 15, 2001 at 10:00 a.m./Day #4

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: **No postponements *will be granted without sufficient reasons; said requests* must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).**

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners (Protestants) : J. Carroll Holzer, Esquire
Appellants /Petitioners : David A. Green and Michael A. Sims

Counsel for Legal Owner : G. Scott Barhight, Esquire
Julie A. DiGrigoli, Esquire

Legal Owner : Beth Tfiloh Congregation
c/o Eve Steinberg

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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on Recycled Paper

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
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410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

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10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

October 9, 2001

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

HAND-DELIVERED

OCT -9 PM 3:18

Re: In the Matter of: Beth Tfiloh Congregation -
Legal Owner David Green & Michael Sims - Petitioners
Case No. 99-491-SPH/Request for Postponement

Dear Ms. Bianco:

This letter is to confirm our telephone conversation of October 9, 2001 regarding the above request for postponement. I have consulted with my client and they are willing to agree to the postponement. Please reschedule this matter for three, rather than four, days when appropriate under your docket.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

G. Scott Barhight

GSB:nd

cc: Peter M. Zimmerman, People's
Counsel for Baltimore County
J. Carroll Holzer, Esquire
Beth Tfiloh Congregation

236070

Febr. dates - O/C

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 5, 2001

SENT VIA FAX AND U.S. MAIL

G. Scott Barhight, Esquire
WHITEFORD, TAYLOR & PRESTON
500 Court Towers
210 W. Pennsylvania Avenue
Towson, MD 21204-4515

RE: *In the Matter of: Beth Tfiloh Congregation* –Legal Owner
David Green & Michael Sims -Petitioners
Case No. 99-491-SPH /Request for Postponement

Dear Mr. Barhight:

Enclosed for your information and comment is a copy of a letter received this date from Mr. Holzer requesting a postponement of the hearing scheduled in the subject matter.

Since the first day of hearing is scheduled for October 23rd, your earliest response would be most appreciated.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Peter M. Zimmerman /People's Counsel
for Baltimore County
J. Carroll Holzer, Esquire

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on Recycled Paper

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

October 5, 2001
#7145

HAND DELIVERED
Mr. Lawrence S. Wescott
Chairman, Board of Appeals of Baltimore County
Old Court House
400 Washington Avenue
Towson MD 21204

In the Matter of David A. Green & Michael Sims, Petitioners
Beth Tfiloh Congregation, Legal Owners
Case No. 99-491-SPH

Dear Mr. Wescott:

Attached please find a letter from my client, David Green. Mr. Green was the only witness for his community in the above captioned case before the Zoning Commissioner.

The case is presently scheduled before the Board of Appeals for October 23, November 1, 6 and 15, 2001.Due to the tragedy in New York, Mr. Green's employer has rescheduled job related activities which will not permit him to attend these hearing dates. Additionally, Protestants have not requested any previous postponements to my knowledge. Therefore, I request that a postponement be granted and the case rescheduled.

It is also my understanding that this case will not take longer than 2 days to try before the Board, if that.

I appreciate the Board's cooperation, as always.

Very truly yours,

J. Carroll Holzer

JCH:clh

C:\My Documents\Letters\David Green- Wescott CBA Letter.doc

PAYCHEX
MAJOR MARKET SERVICES

Suite 200
100 Painters Mill Road
Owings Mills, MD 21117

(410) 581/7700
www.paychex.com

Friday, October 05, 2001

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Dear Carroll:

Due to the recent events in New York, my Company which has its corporate headquarters in Rochester, New York, has been required to reschedule various work related activities for me which now make it impossible for me to attend the Board of Appeals hearings on Oct 23, November 1, November 6 and possibly November 15th.

Since I was the only representative witness for the community, it will be impossible for the protestants to present their case without me.

The community has not requested any postponements to date; however I would appreciate your requesting a delay in our hearing before the Board of Appeals.

Sincerely,

David A. Green

HOLZER
&
LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

FILE COPY

January 4, 2002
#7145

Lawrence Wescott, Chair
Baltimore County Board of Appeals
Old Courthouse, Room 49
Towson, MD 21204

Re: David Green Appeal
Case No. 99-491-SPH

Dear Mr. Wescott:

I represent David Green, the Appellant, in the above captioned case which is currently scheduled for Tuesday, February 12th, Wednesday, February 13th, and Wednesday, February 20th, 2002.

I have discussed the matter with my clients and I expect that I would be able to present my entire case in two and a half hours, from 10:00 a.m. to 12:30 p.m., on the third day of the hearing. I recently discovered that I would be out of town from Friday, February 1st until Wednesday, February 13th, 2002. I have a hearing currently scheduled for Thursday, February 14th, 2002 before the Board, day two of the Lynch matter, in which I will be in attendance

I have had the opportunity to discuss my situation with Scott Barhight and he has advised that I may represent that he has no objection to a postponement for Tuesday, February 12th and Wednesday, February 13th, 2002. He suggested that I ask the Board to provide us one additional day other than Wednesday, February 20th, 2002 in the event that we do not finish. I advised him that I would stand by my position that the Appellants could try their case in two and a half hours on Wednesday, February 20th.

I would, therefore, request that February 12th and 13th be postponed and the case would be tried on Wednesday, February 20th as the first day with the possibility of an additional day being scheduled by the Board if necessary. Scott would like to have an additional day scheduled before February 20th, 2002 so that he may feel comfortable that if he cannot complete his case on the afternoon of Wednesday, February 20th, 2002 he will have additional time scheduled Thank you very much for your kind attention and approval of this request

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

cc: Scott Barhight
David Green

C:\My Documents\Letters\Wescott - David Green postponement request.doc

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

PP'd day 1 and 2; 2/20 = day 1 4/17 = day 2

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

October 10, 2001

NOTICE OF POSTPONEMENT AND REASSIGNMENT

CASE #: 99-491-SPH

IN THE MATTER OF: David A. Green and Michael A. Sims **–Petitioners /Owners Beth Tfiloh Congregation – Legal Owners**
400 Delight Meadows Road
4th Election District; 3rd Councilmanic District

1/30/2001 – Petition for Special Hearing DENIED by ZC; no violation of BCZR; *nonconforming use as day camp remains viable.*

which had been assigned for four days of hearing in October and November 2001 has been POSTPONED at the request of Counsel for Petitioner /Protestant, and without objection has been:

REASSIGNED FOR:

TUESDAY, FEBRUARY 12, 2002 at 10:00 a.m. /Day #1;
WEDNESDAY, FEBRUARY 13, 2002 at 10:00 a.m. /Day #2; and
WEDNESDAY, FEBRUARY 20, 2002 at 10:00 a.m. /Day #3

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Petitioners (Protestants) : J. Carroll Holzer, Esquire
Appellants /Petitioners : David A. Green and Michael A. Sims

Counsel for Legal Owner : G. Scott Barhight, Esquire
Julie A. DiGrigoli, Esquire

Legal Owner : Beth Tfiloh Congregation
c/o Eve Steinberg

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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& LEE

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E-MAIL: JCHOLZER@BCPL.NET

January 4, 2002
#7145

Lawrence Wescott, Chair
Baltimore County Board of Appeals
Old Courthouse, Room 49
Towson, MD 21204

Re: David Green Appeal
Case No. 99-491-SPH

Dear Mr. Wescott:

I represent David Green, the Appellant, in the above captioned case which is currently scheduled for Tuesday, February 12th, Wednesday, February 13th, and Wednesday, February 20th, 2002.

I have discussed the matter with my clients and I expect that I would be able to present my entire case in two and a half hours, from 10:00 a.m. to 12:30 p.m., on the third day of the hearing. I recently discovered that I would be out of town from Friday, February 1st until Wednesday, February 13th, 2002. I have a hearing currently scheduled for Thursday, February 14th, 2002 before the Board, day two of the Lynch matter, in which I will be in attendance.

I have had the opportunity to discuss my situation with Scott Barhight and he has advised that I may represent that he has no objection to a postponement for Tuesday, February 12th and Wednesday, February 13th, 2002. He suggested that I ask the Board to provide us one additional day other than Wednesday, February 20th, 2002 in the event that we do not finish. I advised him that I would stand by my position that the Appellants could try their case in two and a half hours on Wednesday, February 20th.

I would, therefore, request that February 12th and 13th be postponed and the case would be tried on Wednesday, February 20th as the first day with the possibility of an additional day being scheduled by the Board if necessary. Scott would like to have an additional day scheduled before February 20th, 2002 so that he may feel comfortable that if he cannot complete his case on the afternoon of Wednesday, February 20th, 2002 he will have additional time scheduled. Thank you very much for your kind attention and approval of this request.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JAN -7 AM 11:47

cc: Scott Barhight
David Green

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

March 21, 2002

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: David A. Green & Michael A. Sims* –
Petitioners; Beth Tfiloh Congregation –Legal Owner
Case No. 99-491-SPH

Dear Mr. Holzer:

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.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /trs

Kathleen C. Bianco
Administrator

Enclosure

c: David A. Green and Michael A. Sims
G. Scott Barhight, Esquire
Beth Tfiloh Congregation
c/o Eve Steinberg
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

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2/2002 – Board convened for hearing (Wescott, Barranger, Adams); Petitioner Green asserted that exhibits were missing from the file; T/C to PDM; George Zahner brought PDM copy of file to CBA office; contained everything they have; **only item marked** as an exhibit was **"Exhibit A"**; no photos found; no aerial maps.
-- Appellant proceeded with case; Counsel for Property Owner /Appellee moved for dismissal
-- Board recessed briefly to individually review notes, case law and evidence presented; reconvened for public deliberation; unanimous decision – Appellee's Motion to Dismiss is GRANTED; appeal is dismissed; written Opinion and Order to be issued; appellate period to run from date of written Order.

Case No. 99-491-SPH

David A. Green and Michael A. Sims – Petitioners /Protestants
SPH–Determination – as to possible violation /nonconforming use – day camp at subject site

1/30/2001 –Z.C.'s decision in which Petition for Special Hearing was *DENIED* (no violation exists; nonconforming use as day camp viable)

3/22/01 – Letter from G. Scott Barhight, Esquire – requesting 4 hearing days for this matter.

7/05/01 – Letter from Mr. Barhight – request for hearing and status of scheduling.

8/13/01 – Notice of Assignment sent to following; scheduled for hearing on: Tuesday, October 23, 2001 at 10:00 a.m./Day #1; Thursday, November 1, 2001 at 10:00 a.m. /Day #2; Tuesday, November 6, 2001 at 10:00 a.m. /Day #3; and Thursday, November 15, 2001 at 10:00 a.m./Day #4:

J. Carroll Holzer, Esquire
David A. Green and Michael A. Sims
G. Scott Barhight, Esquire
Julie A. DiGrigoli, Esquire
Beth Tfiloh Congregation
c/o Eve Steinberg
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

10/05/01 – Letter of request for postponement from J. Carroll Holzer on behalf of Mr. Green – due to WTC attack and schedule /work changes – Mr. Green cannot attend three and possibly all four hearing days as scheduled; therefore requesting reassignment. Also, indicates that only two days will be needed.
-- Copy of Mr. Holzer's request to Mr. Barhight by FAX and via US mail this date. Copy also to PC.'

10/09/01 – T/C from Mr. Barhight – Spoke w/client; no objection to PP as requested for reason as given; will send a letter this date indicating same. Case will then be postponed and reassigned to next available dates (schedule for three rather than four as originally assigned).
-- Letter from Mr. Barhight confirming telephone conversation /client willing to agree to postponement; requesting three days in lieu of the four scheduled.

1/07/02 – T/C from S. Leese – Letter sent to CBA on 1/04/02 re: C. Holzer has conflict with first two days as scheduled (i.e., 2/12 and 2/13/02). Has spoken with S. Barhight, who has no objection to postponing first two days, with 2/20/02 becoming day #1 but asks that an additional date be set in the event two days are needed.
-- Received original and FAX of postponement request from C. Holzer. T/C w/S. Barhight to confirm. Postponement to be granted as requested and notice sent. T/C to C. Holzer to confirm that first two days are postponed.
-- Second Notice of PP and Reassignment sent to parties; postponed from 2/12 and 2/13/02 (original days 1 and 2); retained original day 3 (2/20/02). Day #1 = Wednesday, February 20, 2002 at 10:00 a.m.; day #2, if needed, assigned for Wednesday, April 17, 2002 at 10:00 a.m.

2/19/02 – Visit by David Green (Petitioner /Protestant); requesting postponement of 2/20/02 hearing scheduled for tomorrow; does not have money to go forward at this time; may have raised enough money for April date; stopped here from Mr. Holzer's office.
-- T/C to S. Barhight – to advise of Mr. Green's request; awaiting call from Mr. Barhight.
-- Cannot agree to PP at this time. Will go with decision of Board on 2/20/02
-- T/C w/Mr. Green – advised him that a postponement could not be granted at this time; request would have to be made on the record pursuant to Board's rules.
-- T/C to Mr. Holzer; he indicated that he would not appear on 2/20/02 per conversation with client (Mr. Green).
-- Conversation with Mr. Barhight advising him that postponement request will be made on the record by Mr. Green on 2/20/02. Board will convene at 10 a.m. as scheduled.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Beth Tfiloh Congregation –Legal Owner; David A. Green, et al – Petitioners /Case No. 99-491-SPH	
DATE :	Wednesday, February 20, 2002	
BOARD /PANEL :	Lawrence S. Wescott	(LSW)
	C. Lynn Barranger	(CLB)
	Melissa Moyer Adams	(MMA)
RECORDED BY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No.99-491-SPH /Petition for Special Hearing filed by David Green, et al

Board convened for deliberation after individual review of notes from Mr. Barhight's argument and the cases cited by Mr. Barhight.

Deliberation:

- LSW – Opinion – evidence shows that camp has been in existence since prior to 1955; although originally approximately 47 acres, 10 acres have been sold off; but still leaves remaining acreage for camp property; no question that camp has been used for camping business.

- Buildings on site – some have been taken down and replaced with others; but primary business has not changed; whether or not some of buildings have increased in size is questionable but no definitive evidence with respect to size of buildings, either old or new ones.

- Persuaded by cases cited by Mr. Barhight – *Krompholz v. Paul Farace* – before Zoning Commissioner; before this Board; Circuit Court for Baltimore County; and Court of Special Appeals – unreported opinion. That case shows that, regardless of the fact that a piece of property has been diminished in size, if sufficient evidence shows that use has remained same through entire utilization of property, then nonconforming use will adhere to the property and will be allowed.

- Opinion – that decision is critical in this matter, and is the case law which we should apply in this matter. Would grant Motion to Dismiss.

- CLB – Looked at § 104 and basically the law is – was this use in existence prior to 1955; Green's testimony on cross – his answer to this question was "yes"
-
- When going through 104: 104.1 – testimony uncontradicted – in existence prior to 1955; no testimony at all nor any evidence on change of use or termination of such use; downtimes during winter; normal; no period of year or more without use; no evidence or testimony about that
  - 104.2 – talks about – was it destroyed by fire; does not apply
  - 104.3 – no nonconforming building or structure or use shall be extended by more than 25 percent of ground floor etc. No evidence of being extended; relocation and alluding to downsizing rather than extended; no hard facts, etc.; no floor area of buildings.

- 104.4 , 5, 6, 7 – not applicable here; no office building, Chesapeake Bay critical area, etc.

- Looking at law – applies to use, not location on site; no evidence in this case that use has been discontinued or changed; owners can relocate buildings on land in accordance with zoning regulations; looking at case law 0 *Price* and *Krompholz* – changing of size of property does not affect use.

- Opinion – would also grant Motion to Dismiss; case was not presented here as such that the use has been discontinued or changed.

- MMA – Agreed with LSW and CLB; Motion should be granted

- Was cut and dried from the beginning to the end – no evidence to show that Petitioner met burden; regulations are clear as to what you have to do to show this; requirements were not met.

Decision:

Unanimous decision of the Board: Appellee's Motion to Dismiss is GRANTED. Written Order to be issued by the Board; appellate period to run from date of written Order.

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco, Administrator
County Board of Appeals

Section 104
NONCONFORMING USES
[BCZR 1955]

104.1--A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. **[Bill Nos. 18-1976; 124-1991]**

104.2--A structure damaged to any extent or destroyed by fire or other casualty may be restored within two years after such destruction or damage but may not be enlarged. In the case of residentially used structures which are nonconforming in density, the number of dwelling units or density units rebuilt may be equal to but may not exceed the number of units which existed before the casualty. **[Bill No. 124-1991]**

104.3--No nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25% of the ground floor area of the building so used. This provision does not apply to structures or uses restored pursuant to Section 104.2, except as authorized by the Zoning Commissioner pursuant to Section 307. **[Bill No. 124-1991]**

104.4--Exception. A contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. **[Bill Nos. 167-1980; 124-1991]**

104.5--Any use which becomes or continues to be nonconforming which exists within the Chesapeake Bay critical Area on or after the effective date of this section is subject to the provisions of Sections 104.1, 104.2 and 104.3 and to the variance provisions and procedures of Section 26-207, 26-445 or 26-453 of the Baltimore County Code, 1998 Edition, as revised, whichever is or are applicable. **[Bill Nos. 32-1988; 124-1991; 9-1996]**

104.6--A striptease business lawfully operating prior to the effective date of this legislation[1] that is in violation of the requirements contained herein shall be deemed a nonconforming use. A striptease business which is a nonconforming use:

---

[1] Editor's Note: Apparently refers to Bill No. 137-1990. (Shown as footnote #34 in BCZR Section 104.)

A. Shall be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty days or more; and

B. Shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. **[Bill No. 137-1990]**

104.7--Notwithstanding the provisions of this section, nonconforming signs are subject to Section 450.8.C. **[Bill No. 89-1997]**

5/11/99
cf
For Zoning File
ucu 5/28/99

Delight Meadows Development Corporation

31 Walker Avenue - Suite 110
Baltimore, Maryland 21208

410 559 0000
fax 410 559 9999

May 11, 1999

RECEIVED
MAY 11 1999
99-1218
DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

Mr. Bernard Suffel, Executive Director
Beth Tfiloh Congregation
3300 Old Court Road
Baltimore, Maryland 21208

re: Delight Meadows Road - access to Beth Tfiloh Camp

Dear Mr. Suffel,

It has been recently been brought to our attention that your Congregation may be planning to use Delight Meadows Road as an access for autos and buses to the Beth Tfiloh Camp. If these are your plans, we are dismayed and dissapointed that you have not contacted Delight Meadows Development Corporation to discuss these plans.

A portion of Delight Meadows Road, as shown on the recorded Plat Two, Section Three, Delight Meadows - recorded in SM 53, folio 40, is not a public road. That portion of Delight Meadows Road is the property of Delight Meadows Development Corporation.

As of this date, that portion of the road has not been deeded to public use since the development work is unfinished with only the base coat of asphalt paving having been applied. In addition, the stone base and the paving do not connect to the Beth Tfiloh Camp as they end in a temporary T turnaround, as per the final development plan , leaving a 4 foot (m/l) undisturbed strip between the end of the paving and the Camp property line.

Therefore, you are hereby advised that use by the Beth Tfiloh Congregation or the Beth Tfiloh Camp, their agents, servants, employees, contractors, invitees, licensees, or concessionaires, of that portion of Delight Meadows Road, shown on the aforementioned Record Plat, is prohibited and would constitute trespassing without obtaining in each instance the prior written consent of the Delight Meadows Development Corporation. Additionally, you may not enter onto our property in any manner whatsoever to improve,

99-491-SPH

Delight Meadows Development Corporation

pave, extend, modify, construct, or connect the existing road bed that ends in the T turnaround to the Beth Tfiloh Camp property.

Inasmuch as you have failed to contact us to seek permission for the use of the aforementioned road portion of Delight Meadows Road, our corporation has deemed it necessary to take the action described in this letter.

Very truly,

Delight Meadows Development Corporation

Jay Weiss
President

cc: Councilman Bryan McIntire
Lester Belsky, President - Beth Tfiloh
Steven Eller, Director - Beth Tfiloh Camp
Arnold Jablon, Director - Department of Permits and Development Management
Julius Lichter

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

7/1/99
cf
to SJ
call Carroll &
have him call
Scott to
reach agreement

June 28, 1999
#7145

Arnold Jablon
Director of Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

RE: Case #99-491-SPH 400 Delight Meadows Rd.
Special Hearing Re: Beth Tfiloh Day Camp

Dear Mr. Jablon:

Please be advised that I have just received notice of a scheduled hearing for Monday, July 26, 1999, for the Special Hearing in the above captioned case. That is a direct conflict with a Baltimore County Circuit Court case captioned Glyndon Meadows, LLC Plaintiff vs. Kevin Keller, et al., Case Number 03-C-99-002185 in which I am representing Larry LaSov, a Defendant. Please be advised that this is a specially set Circuit Court argument on Motions that will take all day based upon the number of attorneys involved.

Therefore, we would request that you postpone the Beth Tfiloh case until some time later in the month of August.

Please feel free to have the Assignment Office check with my calendar for purposes of rescheduling. Thank you very much for your anticipated postponement of this matter.

Very Truly Yours,

J. Carroll Holzer

cc: David Green
G. Scott Barhight, Esq.

C:\My Documents\Letters\Arnold Jablon - Case #99-491-SPH 400 Delight Meadows Rd..doc

99-1764

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D C 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT
DIRECT NUMBER
410 832-2050
gbarhight@ wtplaw com

7/6/99
S J

July 2, 1999

Arnold Jablon, Director
Department of Permits &
Development Management
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Beth Tfiloh Camp

Dear Mr. Jablon:

Please be advised that I, as well as Julie DiGrigoli and Whiteford, Taylor & Preston L.L.P., represent Beth Tfiloh Congregation in the above-captioned matter.

Please send all notices regarding this matter to my attention and consult with me regarding the scheduling of the Special Hearing.

Thank you for your anticipated cooperation in this matter.

Sincerely,

G. Scott Barhight

GSB:lgsr

cc: Sophie Jennings

99-491-SPH 99-1803

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 6, 1999

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number 99-491-SPH, 400 Delight Meadows Road

The above matter, previously set for July 26, 1999, has been postponed at your request. As per your telephone conversation this morning with Sophia Jennings, you will contact Mr. Barhight, get several dates that are convenient for both of you, and get back to Sophia as soon as possible. Also, per Mr. Jablon, this case will not be postponed again.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

wcr/scj

W. Carl Richards, Jr.
Zoning Supervisor

WCR:scj

C: G. Scott Barhight, Esquire
Beth Tfiloh Congregation
David Green & Michael Sims

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HOLZER
&
LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX (410) 825-4923
E-MAIL: JCHOLZER@COMCAST.NET

July 22, 1999
7145

VIA FAX
Sophia Jennings
Baltimore County Department of
Permits and Development Management
111 West Chesapeake Ave.
Towson, MD 21204

Re Case No. 99-491-SPH, 400 Delight Meadows Road

Dear Sophia.

As a result of the telephone conversation I had this afternoon with Julie Digrigoli, Esquire, of Whiteford, Taylor & Preston and Scott Barhight, Esquire, counsel for Beth Tfiloh, we identified September 1, 1999 as an available date for a hearing on my clients' Petition for Special Hearing. I also understand that Sterling Leese, an associate in my office and you, confirmed that Wednesday, September 1, 1999 is available in Room 407, County Courts Building, at 9 a.m. for a hearing. I am also copying Ms. Digrigoli and Scott Barhight and my clients of the scheduling of this hearing.

I appreciate your attention and assistance in this matter.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH·clh

cc. J Digrigoli, Esq.
G. Scott Barhight, Esq.
David Green

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 22, 1999

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

Dear Mr. Holzer:

RE: Case Number 99-491-SPH, 400 Delight Meadows Road (Beth Tfiloh)

The above matter, previously assigned to be heard on July 26, 1999 has been **rescheduled for Wednesday, September 1, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue**.

As the person requesting the postponement, you are now responsible for affixing the new hearing date and time to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

Arnold Jablon
Director

AJ:scj

C: G. Scott Barhight, Esquire
Beth Tfiloh Congregation
David A. Green
Michael A. Sims

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Baltimore County, Maryland

Date 8/1/00

To: George Zahner
Dept. of Permits & Dev. Mgmt.

From: Bette Schuhmann
Zoning Commissioner's Office

- ☐ Please Note & File
- XX ☑ For Your Information
- ☐ Please Note & Return
- ☐ Please Handle
- ☐ To be Signed
- ☐ Please Comment
- ☐ Please See Me
- ☐ Investigate & Report
- ☐ Please answer, Sending me Copy of your letter
- ☐ Please Prepare reply for my Signature

Remarks: Pursuant to the attached letter dated August 1, 2000 from J. Carroll Holzer, Esquire, please reschedule Case No. 99-491-SPH, before Larry, sometime after October 1, 2000, as docketing permits. Please notify all parties to the case when the matter has been reset. Also, please advise Mr. Holzer that he is responsible for having the property reposted as the case was never opened, per se, but continued to allow both sides to negotiate a settlement agreement. Additionally, some time has passed since this matter was first scheduled to be heard. Please call me if you have any questions. Thanks.

CPS-004 Recycled Paper

HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE
TOWSON, MD 21286
(410) 825-6961
FAX. (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

August 1, 2000
#7145

HAND DELIVERED
Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

Re: Beth Tfiloh Day Camp, Case No. 99-491-SPH

Dear Mr. Schmidt:

Please be advised that I would like the above captioned Petition for Special Hearing in regard to the Day Camp of Beth Tfiloh be reset before the Zoning Commissioner. However, in view of my current trial schedule and vacation schedule I would appreciate the case be reset sometime after October 1, 2000. As you recall, this matter was continued by agreement of both parties in order to try to work out a settlement agreement. However, that possibility has alluded us. I would therefore request that the matter not be dismissed, but be rescheduled at your convenience after October 1, 2000. It would also be helpful if the Assignment Office contacted Sterling Leese in regard to my schedule as well as Scott Barhight who likewise has a busy hearing schedule.

Thank you for your cooperation.

Very truly yours,

J. Carroll Holzer

Cc: Scott Barhight, Esq.
David Green

C:\My Documents\Letters\Lawrence Schmidt-rescheduling letter 2.doc

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 25, 2000

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Rd., E of Bryan Way
(400 Delight Meadows Road)
4th Election District – 3rd Councilmanic District
Beth Tfiloh Congregation, Owners; David A. Green & Michael A. Sims, Contr. Purchasers
Case No. 99-491-SPH

Dear Mr. Holzer:

This letter is to follow-up on my last conversation with you and Bette's telephone conversation this date with Sterling Leese regarding the above-captioned matter.

By way of background, this case was scheduled for a public hearing on July 26, 1999, but was postponed, at your request, due to a conflict in your schedule and reset for September 1, 1999. The matter was subsequently postponed in open hearing on September 1, 1999 to allow further negotiation between your clients (the Contract Purchasers), and the owners of the property, Beth Tfiloh Congregation. During our last discussion on February 23, 2000, you indicated that no agreement had been reached between the parties and that the matter should probably be rescheduled for further proceedings. However, there was no written formal request to reset the matter. Meanwhile, I understand that Bette spoke with Sterling this morning and that this matter is still pending.

Therefore, in order to resolve this matter, it is being requested that you advise us, in writing, within fifteen (15) days of the date of this letter if your clients wish to proceed so that the matter can either be rescheduled or dismissed without prejudice. Thank you for your prompt attention.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: G. Scott Barhight, Esquire and Julie DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Case File

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HOLZER

& LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL. JCHOLZER@BCPL.NET

October 17, 2000
7145

George Zahner
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Re: Case No. 99-491-SPH
400 Delight Meadows Road
Legal Owner: Beth Tfiloh Congregation

Dear George:

After discussing the above referenced case with both our clients and attorney for Beth Tfiloh Congregation, Scott Barhight, the following dates are available to set in a hearing on my clients' Petition for Special Hearing: Tuesday, November 28; Friday, December 1; Friday, December 8; and Tuesday, December 12, 2000. Please see if any of these dates are available before the Zoning Commissioner or the Deputy Zoning Commissioner for a hearing for Case No. 99-491-SPH.

If you have any questions, please call me at 410-825-6961.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:clh

cc: G. Scott Barhight, Esq.
David Green
Lawrence Schmidt, Zoning Commissioner

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

SECURITY CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

JULIE A. DIGRIGOLI
DIRECT NUMBER
410 832-2081
jdigrigoli@wtplaw.com

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

November 30, 2000

Via Facsimile

Zoning Commissioner Lawrence E. Schmidt
Office of Zoning
4th Floor, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Beth Tfiloh Red Run Camp
Case No. 99-491-SPH

Dear Mr. Schmidt:

The above-referenced matter is scheduled to be heard on December 1, 2000 beginning at 2:00 p.m. As the Jewish Sabbath begins at sun down on Friday, Beth Tfiloh respectively requests that the hearing in this matter conclude promptly at 3:30 p.m. Carroll Holzer, on behalf of the Protestants, has agreed to conclude the proceedings by 3:30 in order to accommodate Beth Tfiloh's religious practices.

I apologize in advance for any inconvenience this may cause you. Beth Tfiloh thanks you for your anticipated understanding in this matter.

Very truly yours,

Julie A. DiGrigoli

cc: G. Scott Barhight, Esquire
Carroll Holzer, Esquire

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 1, 2000

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Rd., E of Bryan Way
(400 Delight Meadows Road)
4th Election District – 3rd Councilmanic District
Beth Tfiloh Congregation, Owners; David A. Green & Michael A. Sims, Contr. Purchasers
Case No. 99-491-SPH

Dear Mr. Holzer:

This letter is to confirm that the above-captioned matter, which was originally scheduled for further proceedings on Friday, December 1, 2000, has been postponed due to a scheduling conflict on my calendar. By agreement of all parties, the matter has been rescheduled for Friday, December 8, 2000 and will commence at 9:00 AM in Room 106 of the County Office Building.

In the meantime, should you have any questions, please feel free to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: G. Scott Barhight, Esquire and Julie DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Beth Tfiloh Congregation, 3300 Old Court Road, Baltimore, Md. 21208
Mr. David A. Green, 329 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Michael A. Sims, 333 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Mickey Feldman, Hallmark Furniture Ser., 120 Sunnyking Dr., Reisterstown, Md.21136
Case File

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Baxter, Baker, Sidle & Conn, P.A.
Attorneys at Law
120 E. Baltimore Street, Suite 2100
Baltimore, Maryland 21202-1643

Gary R. Jones
Principal
Direct Line (410) 385-8004

Telephone (410) 230-3800
Facsimile (410) 230-3801
e-mail: grj@bbsclaw.com

December 5, 2000

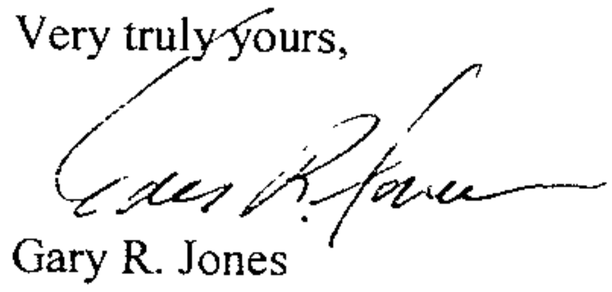
Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Maryland 21204

Re: Beth Tfiloh Congregation – Camp Glyndon
Petition for Amendment to Special Exception
for School and Gymnasium
Our File No.: 20205-003

Dear Mr. Schmidt:

My law firm represents the Glyndon Community Association and two neighboring landowners of Camp Glyndon with respect to Beth Tfiloh's proposed development of a school and a gymnasium. As I am sure you are aware, my client, which is comprised of homeowners of Glyndon that border the proposed site, has an interest in how this property is developed. It is my understanding that Beth Tfiloh is in the process, or shortly will be in the process, of attempting to amend the special exception zoning status of the property to build a school, as well as gymnasium and cafeteria, and possibly daycare facilities. We would appreciate it if you could keep us informed of any and all filings, requests and/or hearings related to Camp Glyndon. We intend to be present at all proceedings with respect to this property. Thank you in advance for your cooperation.

Very truly yours,



Gary R. Jones

GRJ/mjr
cc: G. Scott Barhight, Esquire
Honorable Dutch Ruppersberger
Honorable T. Bryan McIntire
Arnold Jablon, Esquire
Virginia W. Barnhart, Esquire
Norman Karolenko
Mary Ellen Porter
Thomas F. Corcoran, Esquire

WHITEFORD, TAYLOR & PRESTON
L.L.P.

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015
www.wtplaw.com

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

30 COLUMBIA CORPORATE CENTER
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COLUMBIA, MARYLAND 21044
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TELEPHONE 202 659-6800
FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

G. SCOTT BARHIGHT

DIRECT NUMBER
410 832-2050
gbarhight@wtplaw.com

January 19, 2001

Via Hand Delivery
The Honorable Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
4th Floor
401 Bosley Avenue
Towson, MD 21204

Re: Beth Tfiloh Day Camp
Case No. 99-491-SPH

Dear Mr. Schmidt:

Enclosed please find Protestant's Memorandum of Law for filing in the above-referenced case. If you have any questions, please do not hesitate to contact me.

Sincerely,

G. Scott Barhight

GSB:lgs
Enclosure
ccs: J. Carroll Holzer, Esquire
Mr. Marc Schabb

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 29, 2001

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITION FOR SPECIAL HEARING
E/end Delight Meadows Road, 2,000' W of Pleasant Hill Road & Red Run Blvd.
(600 Delight Meadows Road)
4th Election District – 3rd Council District
Beth Tfiloh Congregation, Legal Owners; David A. Green & Michael A. Sims - Petitioners
Case No. 99-491-SPH

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has 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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. David A. Green, 329 Delight Meadows Road, Reisterstown, Md. 21136
Mr. Mickey Feldman, 120 Sunnyking Drive, Reisterstown, Md. 21136
Mr. Michael A. Sims, 333 Delight Meadows Road, Reisterstown, Md. 21136
G. Scott Barhight, Esquire & Julie A. DiGrigoli, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, Md. 21204
Ms. Eve Steinberg, 3105 Hatton Road, Baltimore, Md. 21208
People's Counsel; Case File

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BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 20, 2002

TO : George Zahner

FROM: Kathi Bianco

RE : Return of your file – Case No. 99-491-SPH

George –

Attached is your copy of the file in Beth Tfiloh /Delight Meadows which you so kindly brought over to me this morning.

Thanks for your help.

kathi

Attachment

Bettye Du Bois

87.42

CASE NO. 83-276-SPH

UNREPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1575

September Term, 1985

JUL 7 1986

MICHAEL E. KROMPHOLZ

v.

PAUL FARACE, ET AL.

Adkins
Bloom
Karwacki,
JJ.

PER CURIAM

Filed: July 2, 1986

RECEIVED
COUNTY BOARD OF APPEALS
1986 JUL -3 A 9:33

A Baltimore County Deputy Zoning Commissioner granted the petition of appellees, Paul Farace and Robin Morfe, for a determination that the use of their 5.47 acre tract on Hart Road as a riding stable was a lawful, pre-existing nonconforming use. Appellant, Michael E. Krompholz, appealed the Deputy Commissioner's decision to the Board of Appeals, which, after a de novo hearing, affirmed the ruling. Undaunted, Mr. Krompholz appealed that decision to the Circuit Court for Baltimore County. The court affirmed the Board of Appeals. Undoubtedly discouraged but by no means willing to concede defeat, Mr. Krompholz has appealed to this court. He will have no greater success here than he has heretofore experienced.

When appellees acquired the subject property in 1980, it was being used to board, stable, and hire out riding horses. Appellees have continued the same use of the property. The evidence adduced before the Board of Appeals showed that appellees' property was once part of a much larger tract, containing approximately 184 acres, that was formerly known as the Bridenstein Farm. The Bridenstein family acquired that large tract of land in 1916 and began using it to board, stable, and hire out horses somewhere around 1930. Baltimore County first enacted a zoning ordinance in 1945, so it was incumbent upon appellees to show a continuous use of their land as a riding stable from before 1945. Mr. Krompholz contended below that the evidence actually showed that the part of the Bridenstein Farm

acquired by appellees was never used to stable horses and that, even if it was occasionally so used, that use was not continuous but interrupted at least once when the land was used to garage school buses.

On appeal Mr. Krompholz argues that the decision of the Board of Appeals was arbitrary and capricious for a variety of reasons. We feel that the matter is a rather simple one and that we need only be satisfied that the decision of the Board of Appeals was based on substantial evidence. "The zoning authority is presumed to possess the expertise necessary for deciding the matters brought before it and if its decision is based on substantial evidence then the courts may not substitute their judgment for that of the zoning authority." Brouillett v. Eudowood Shopping Plaza, Inc., 249 Md. 606, 608 (1968). See also Prince George's County, Maryland v. Meininger, 264 Md. 148, 154 (1972); Snowden v. Mayor and City Council of Baltimore, 224 Md. 443, 445 (1961).

The "substantial evidence test" was examined by the Court of Appeals in Board of County Commissioners of Prince George's County v. Oak Hill Farms, Inc., 232 Md. 274 (1963). There the Court noted that Justice Frankfurter in Universal Camera Corp. v. National Labor Relations Board (340 U.S. 474) (1951) "pointed out that substantial evidence had been held to mean more than a scintilla and was such evidence 'as a reasonable mind might accept as adequate to support a conclusion *** and enough to justify, if the trial were to a jury, a refusal to direct a

verdict ***.'" 232 Md. at 280. The Court noted the similarities between the "substantial evidence test" and the "against the weight of the evidence test" and concluded as follows:

> Whether the test of substantial evidence on the entire record or the test of against the weight of all the evidence is followed, the courts have exercised restraint so as not to substitute their judgments for that of the agency and not to choose between equally permissible inferences or make independent determinations of fact, because to do so would be exercising a nonjudicial role. Rather, they have attempted to decide whether a reasoning mind could reasonably have reached the result the agency reached upon a fair consideration of the fact picture painted by the entire record.

Id. at 283.

With these considerations in mind, we examine the record below. We shall not summarize all the testimony presented to the Board of Appeals, for we need only note that there was evidence, through the deposition of Lucille Bridenstein, which was corroborated in many respects by the testimony of other witnesses, that the Bridenstein family acquired the 184 acre farm around 1916 and, sometime during the thirties, began to use the entire farm to stable, board, and rent out horses for riding. Over the course of the years, various porrions of the farm were conveyed away. After each conveyance the boarding and stabling operations continued on the remaining acreage until all of the activities involving horses were eventually condensed into the last piece of property, the 5.47 acres purchased by appellees.

It is true that there was some evidence to indicate that for certain extended periods there were no horses on the 5.47

acre parcel bought by appellees. Some evidence suggested that for some period of time appellees' property was used exclusively to garage school buses. The blunt fact of the matter, however, is that there was also competent evidence that the property in question had been continuously used as a riding stable since the 1930's. Which evidence we find more compelling is irrelevant, for when equally competent evidence is presented in favor of both sides, as it was here, we shall not disturb the conclusion of the Board of Appeals. We are satisfied that the evidence upon which the Board based its decision, principally the deposition of Lucille Bridenstein, satisfied the "substantial evidence test." Accordingly, we affirm the judgment of the circuit court.

JUDGMENT AFFIRMED.

COSTS TO BE PAID BY APPELLANT.

IN THE MATTER OF THE APPLICATION OF PAUL FARACE, ET AL FOR SPECIAL HEARING TO APPROVE A NONCONFORMING RIDING STABLE S/S HART ROAD, 225' SE OF C/L OF DENBY ROAD 9th DISTRICT	:	BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY NO. 83-276-SPH

::

OPINION

This case comes before the Board on an appeal from a decision of the Deputy Zoning Commissioner, dated March 5, 1984, granting the existence of a non-conforming use and citing restrictions to this use. The case was heard de novo by this Board and consumed all or part of three days of testimony.

Petitioners requested a Special Hearing for the approval of a nonconforming riding stable on property located on the south side of Hart Road 225 feet southeast of the center line of Denby Road, in the Ninth Election District of Baltimore County.

Testimony and evidence was received from sixteen witnesses which is now part of the record in this case and, therefore, will not be summarized, per se, in this Opinion. The record will speak for itself. The following deductions have been made by careful consideration of all the testimony and evidence.

The subject property, known as the Bridenstein property, was owned by the Bridensteins prior to 1920 and consisted of some 100 to 180 acres of land. Mr. John Etzel, land surveyor, testified that this tract was subdivided in 1945, and further subdivided in 1947. There is no dispute as to the fact that horses were kept and

boarded on this property up until at least 1947. Mrs. Flora Chrest testified that in June, 1956, there were horses on the Bridenstein property, but in the Providence Road area and not the Hart Road area. In 1955, Ida Bridenstein died and the administration of the estate deeded the Hart Road portion of the farm to Leonard and Ruth Bridenstein. Testimony from an eyewitness, Mrs.Chrest, now establishes the presence of horses on the tract in 1957, but still in the Providence Road area and still on the Bridenstein tract. In 1957, Leonard Bridenstein moved into a new residence on the 5+ acres that is the subject of this hearing, and in 1958 or 1959 erected a "pole barn" on the site and then in 1959 horses for hire or boarding appeared on this Hart Road site. The presence of these horses on this site has continued from that time until the present. In 1980, Paul Farace took title to this 5.7 acre tract and has continued to operate a riding stable thereon.

There was testimony as to the storage of school buses on the subject site and testimony as to inspection reports dating as far back as 1968, but these issues are not this Board's primary concern. This Board must decide whether a nonconforming use existing since 1945, meeting all the requirements of the Baltimore County Zoning Regulations (BCZR), §101 and §104, is or is not a fact. Had the original Bridenstein tract remained intact, the boarding of horses could legally have been conducted on any portion of the site since the use obviously existed in 1945, and obviously continued until 1957 or thereabouts. Now the original tract is being diminished by subdivision but portions are still retained by the Bridenstein family and heirs and, therefore,

the nonconforming use could continue. From testimony, in 1959 horses for board or hire appeared on the Leonard Bridenstein parcel located on Hart Road, this parcel being part of the original holdings. There was no positive testimony that between 1957 and 1959 there were no horses on any portion of the Bridenstein holdings, nor was there any positive testimony that horses were there. There is testimony, however, that for 38 of the 40 years since 1945, horses have been boarded and kept for hire on some portion of the Bridenstein holdings and there is no positive evidence either way on the other two years.

Therefore, this Board is of the opinion that the existence of a nonconforming use as a riding stable has been evidenced and will so order.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 26th day of March, 1985, by the County Board of Appeals, ORDERED that the Order of the Deputy Zoning Commissioner, dated March 5, 1984, is AFFIRMED, and that the petition for special hearing to determine a nonconforming use for a riding stable be and the same is hereby GRANTED, subject to the restrictions contained in the Order of the Deputy Zoning Commissioner.

Any appeal from this decision must be 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

William T. Hackett, Chairman

Lawrence E. Schmidt

Lawrence E. Schmidt

Diana K. Vincent

Diana K. Vincent

RE: PETITION FOR SPECIAL HEARING
S/S of Hart Rd., 225' SE of the center line of Denby Rd. - 9th Election District
Paul Farace, et al - Petitioners
NO. 83-276-SPH (Item No. 175)

: BEFORE THE
: DEPUTY ZONING COMMISSIONER
: OF
: BALTIMORE COUNTY

::: ::: ::: ::: ::: ::: :::

The herein petitioners seek to establish the existence of a nonconforming riding stable on the subject property.

Testimony presented on behalf of the petitioners included a deposition from Mrs. Lucille Bridenstein indicating that in 1917 she moved to the Bridenstein farm, a 185 acre farm, which contained the 5.47 acres of the subject site. Horses were boarded and/or a riding school has been in existence on the farm continuously from the 1930's until the present. The subject property was a part of the Bridenstein family farm for over 65 years until it was sold to the present owners. Various members of the Bridenstein family held title to this and other tracts but the area remained known as the Bridenstein farm, and the ridirg stable was a part of that farm on a continuous basis.

Several witnesses, in support of the subject petition, testified to the existence of the boarding and/or keeping for hire of horses continuously from 1945. Bromley's 1915 Atlas and aerial photographs from 1953 and 1961 showed the existence of several barns/stables/farm buildings on various portions of the original farm.

A nearby property owner and protestant testified that from about 1956 to 1960 there were no horses on the farm and that there were no buildings on the 5.47 acre subject site until after a house was built in 1957.

Without reviewing the testimony and evidence further, in the opinion of the Deputy Zoning Commissioner, the very nature of riding stables and farming may require the owner/operator to rotate or move the specific uses from field to field in order to better preserve and/or utilize the land.

ORDER RECEIVED FOR FILING
DATE Mar. 15, 1984
BY Mary Kempfert (Clerk)

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 5th day of March, 1984, that a nonconforming use for a riding stable has existed and has been conducted on the property since the 1930's and, as such, should be and the same is hereby GRANTED the right to continue from and after the date of this Order, subject, however, to the following:

1. Abandonment or discontinuance for a period of one year or more shall terminate the nonconforming use herein granted.

2. The total number of horses shall not exceed 48.

3. There shall be no more than 3 benefit rides per year.

4. Outside lighting, other than security lights, shall be directed downward and shall be arranged as to reflect the light away from adjacent residential properties.

5. A farm conservation plan, prepared by the Baltimore County Soil Conservation District, shall be implemented according to the schedule established and maintained for the life of the riding stable use.

6. The driveway and parking area shall be of previous material as shown on Petitioner's Exhibit 6. The parking area shall be delineated by barriers such as railroad ties.

7. The area for storage of manure shall be indicated on the site plan.

8. Compliance with Health Department comments dated May 9, 1983.

9. Any horses from the stable shall not be ridden on private land belonging to other than the petitioner.

10. The buildings shall be limited to those shown on Petitioner's Exhibit 6 and the proposed 50' x 30' block garage intended for storage of tractor, wagon, truck and farm equipment to be used in running the stable. This proposed building shall be indicated on the site plan and, when built, will totally use up the 25% expansion area allowed under Section 104.1 of the Baltimore County Zoning Regulations.

11. A revised site plan shall be submitted and approved by the Office of Planning and Zoning.

ORDER RECEIVED FOR FILING
DATE March 5, 1984
BY Mary Campagna (Clerk)
Administrative Assistant

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

a. Gibbon

R-179
Ord 123

MAR 7
ZONING OFFICE

IN THE MATTER OF THE APPLICATION OF PAUL FARACE, ET AL FOR SPECIAL HEARING TO APPROVE A NONCONFORMING RIDING STABLE S/S HART ROAD, 225' S/E OF C/L OF DENBY ROAD 9th DISTRICT	*	IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
MICHAEL E. KROMPHOLZ, Appellant-Protestant	*	
Zoning File No. 83-276-SPH	*	Case No. 10/13/85-CG-1278

* * * * * * * * * * * *

RECEIVED
COUNTY BOARD OF APPEALS
MAR 27 AM 10 40

OPINION

This is an appeal by Michael E. Krompholz, Appellant-Protestant, from an Order of the Board dated the 26th day of March, 1985, granting the existence of a nonconforming use on the above captioned property.

The case was heard de novo by the Board. The Petitioner-Appellee, Paul Farace, et al, requested a special hearing for the approval of a nonconforming riding stable on property located on the south side of Hart Road, 225 feet southeast of the center line of Denby Road in the 9th Election District of Baltimore County, constituting aproximately 5.47 acres.

On October 28, 1985, counsel for the parties were heard in open court. All the transcripts of the testimony before the Board having been read by the court and after reviewing these transcripts and reviewing the numerous exhibits in this case, the memorandum and reply memorandum filed by counsel for the parties in this case, the court cannot find that the Board was

erroneous, arbitrary or capricious in the interpretation and the finding of fact and the conclusions from those facts, nor in the application of the law to the facts as it had before it evidence legally sufficient to support its decision.

Also, the Board's decision states that there was no positive testimony between the years 1957 and 1959 concerning the lack of horses nor was there any positive testimony that the horses were there. The first witness in the May 11, 1983 testimony was Lucille Bridenstine. This elderly lady testified in effect on page 13 that there had always been riding and boarding of horses on the property. In Feldstein v. Zoning Board, 246 Md. 204, clearly states on page 210 . . . "because the temporary disuse of a nonconforming use does not amount to a surrender of the use, an owner of property will not be deemed to have lost his right to the nonconforming use until the relinquishment thereof has been clearly indicated by evidence of intention, action or inaction for a reasonable period of time."

The evidence in this case does not clearly indicate that the nonconforming use was discontinued. Therefore, the decision of the Board of Appeals of Baltimore County is AFFIRMED.

William R. Buchanan, Sr.
Judge

November 22, 1985

Petitioner's Exhibit #4

Case 99-4991-SPH

Pet No 4

DELIGHT MEADOWS
CAMP
TRAFFIC

~~PAYROLL & LEAVE UNIT~~

A.C. Zoning Commission

#

340P

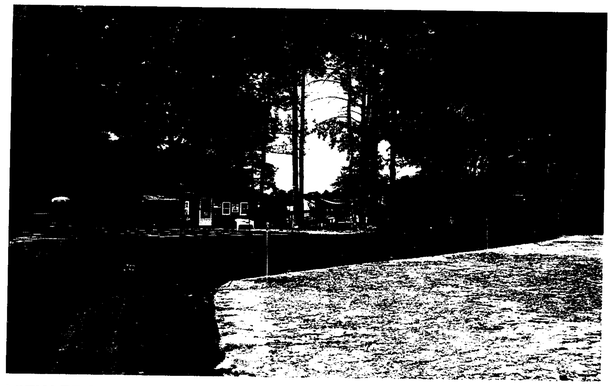
Ron Jackson

ZC

2112

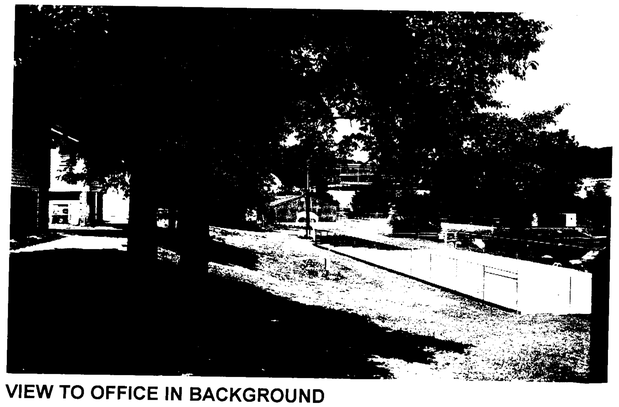
VIEW FROM DELIGHT MEADOWS ROAD INTO CAMP ENTRANCE

OFFICE TRAILER

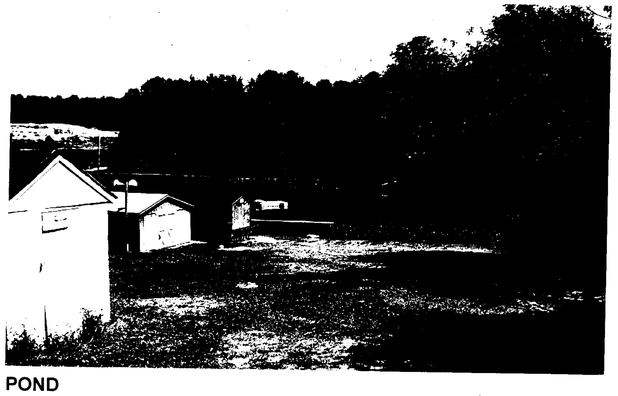


VIEW FROM CAMP TO DELIGHT MEADOWS ROADS

PAVILIONS



VIEW TO OFFICE IN BACKGROUND



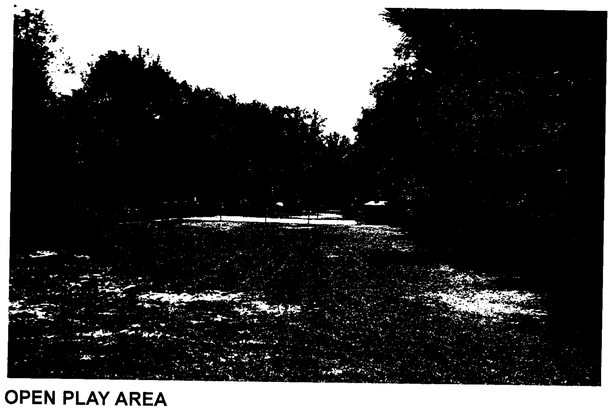
POND

POND

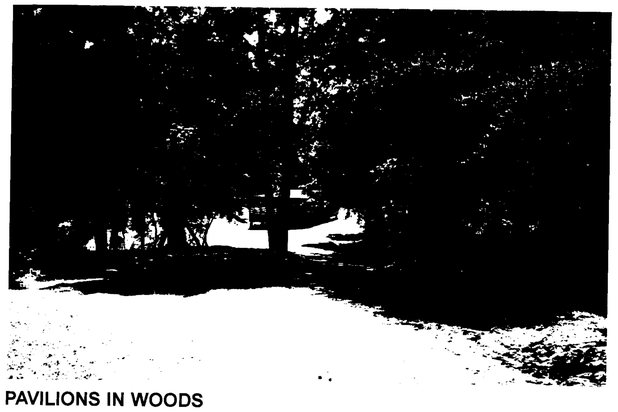
PLAYFIELD

PAVILIONS

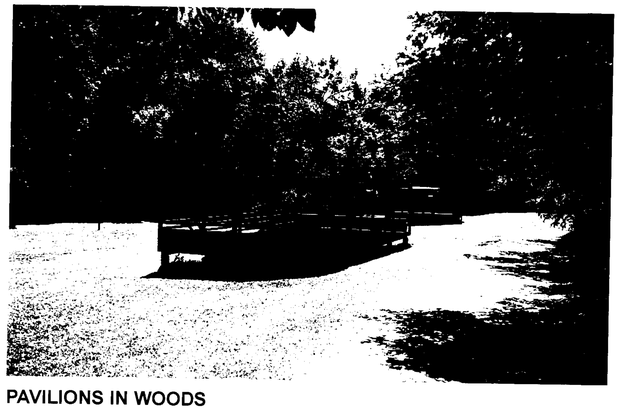
VIEW FROM PAVILIONS TO POND



OPEN PLAY AREA



PAVILIONS IN WOODS



PAVILIONS IN WOODS

PAVILIONS IN WOODS

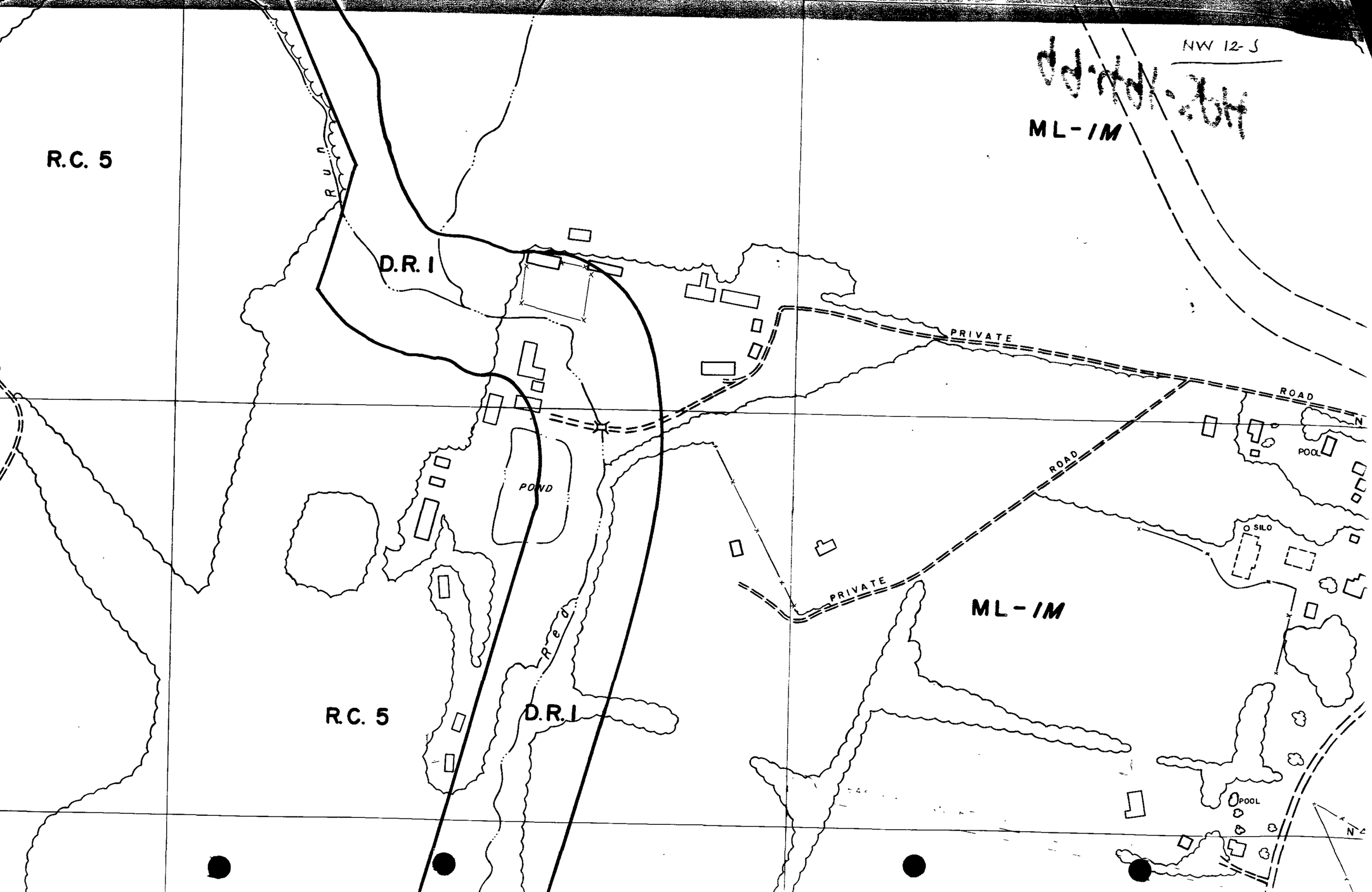
"PHOTO IMAGE BOARD"

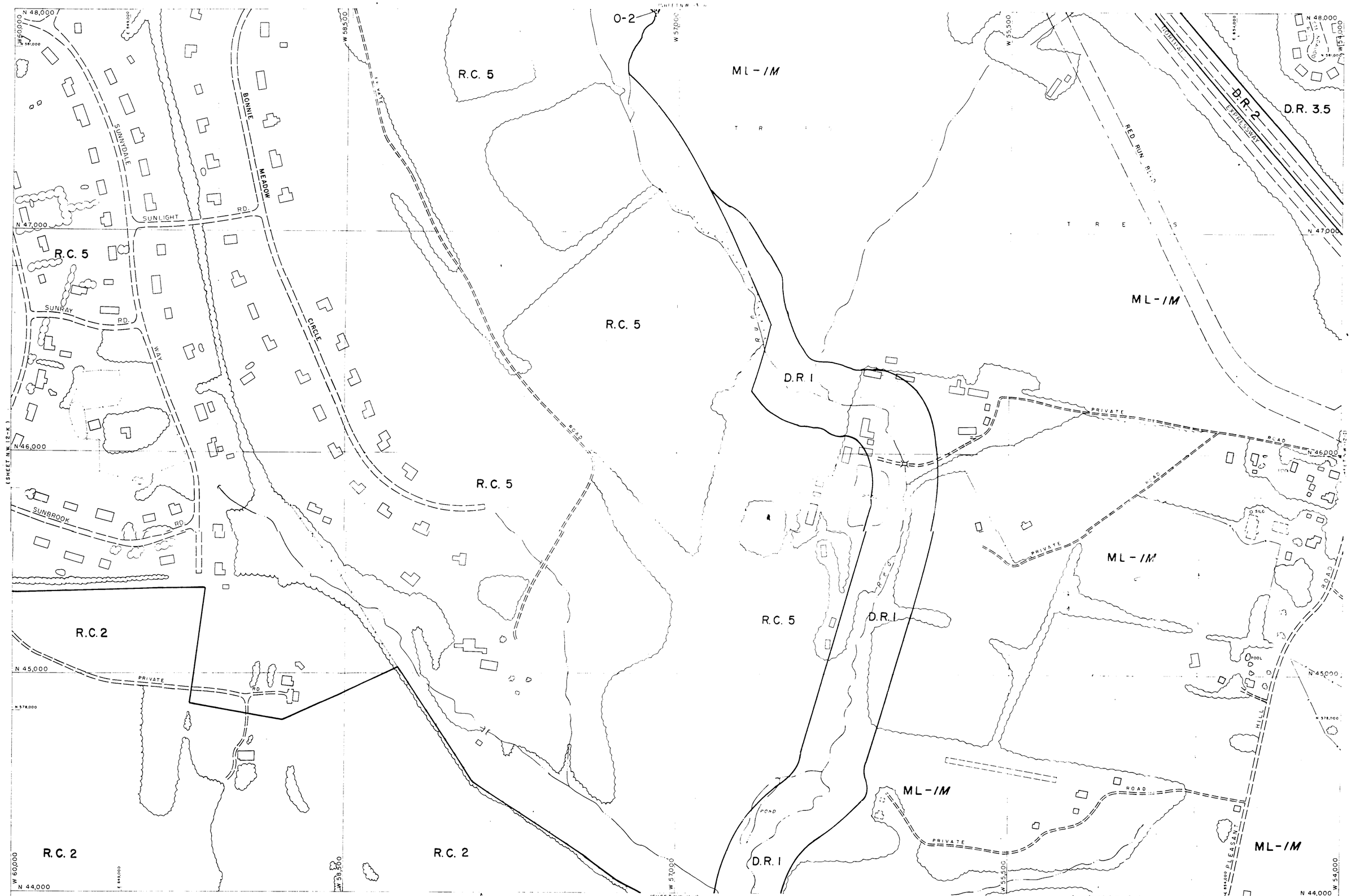
BETH TFILOH DAY CAMP

400 DELIGHT MEADOWS ROAD
OWING MILLS, MARYLAND
Date: February 19, 2002

LDR International
AN HNTB COMPANY

Appellees
Ex 1


NW 12-S
ML-IM
R.C. 5
D.R. I
Run
PRIVATE
ROAD
POND
Red
R.C. 5
D.R. I
PRIVATE
ROAD
ML-IM
SILO
POOL
POOL
N



Y-SE T-SW

1976 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL,
[illegible]
Bills Nos. 1[illegible], 1[illegible], 132-[illegible], 135-96

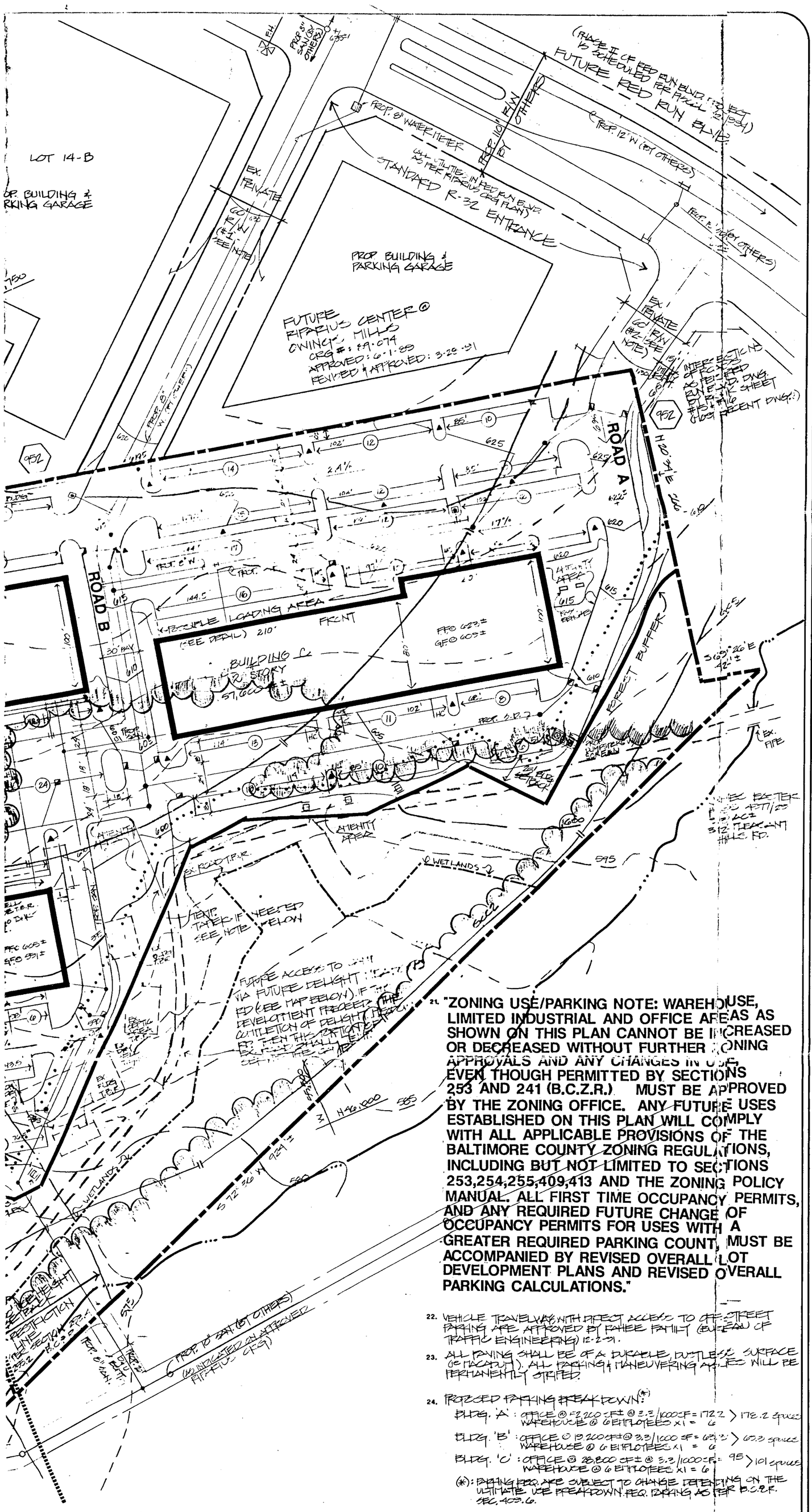
Kevin Kamenetz
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

99.491-SPH

SCALE	LOCATION	SHEET
1" = 200'±	BELLTOWN VICINITY	N.W. 12-J
DATE OF PHOTOGRAPHY JANUARY 1986		



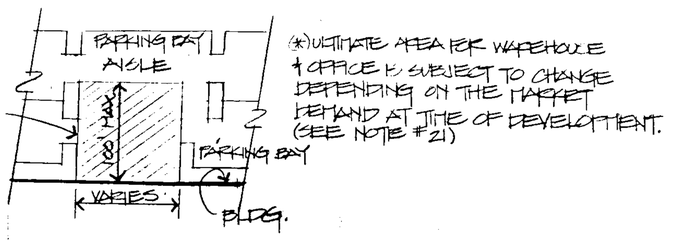
21. "ZONING USE/PARKING NOTE: WAREHOUSE, LIMITED INDUSTRIAL AND OFFICE AREAS AS SHOWN ON THIS PLAN CANNOT BE INCREASED OR DECREASED WITHOUT FURTHER ZONING APPROVALS AND ANY CHANGES IN USE, EVEN THOUGH PERMITTED BY SECTIONS 253 AND 241 (B.C.Z.R.) MUST BE APPROVED BY THE ZONING OFFICE. ANY FUTURE USES ESTABLISHED ON THIS PLAN WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING REGULATIONS, INCLUDING BUT NOT LIMITED TO SECTIONS 253,254,255,409,413 AND THE ZONING POLICY MANUAL. ALL FIRST TIME OCCUPANCY PERMITS, AND ANY REQUIRED FUTURE CHANGE OF OCCUPANCY PERMITS FOR USES WITH A GREATER REQUIRED PARKING COUNT, MUST BE ACCOMPANIED BY REVISED OVERALL LOT DEVELOPMENT PLANS AND REVISED OVERALL PARKING CALCULATIONS."

22. VEHICLE TRAVELWAY WITH DIRECT ACCESS TO OFF-STREET PARKING ARE APPROVED BY FIRE MARSHALL (BUREAU OF TRAFFIC ENGINEERING) 12-2-91.

23. ALL PAVING SHALL BE OF A DURABLE, DUSTLESS SURFACE (IE MACADAM). ALL PARKING & MANEUVERING AREAS WILL BE PERMANENTLY STRIPED.

24. PROPOSED PARKING BREAK DOWN(*):
BLDG. 'A': OFFICE @ 52,200 SF± @ 3.3/1000 SF = 172.2 WAREHOUSE @ 6 EMPLOYEES x1 = 6 > 178.2 spaces
BLDG. 'B': OFFICE @ 19,200 SF± @ 3.3/1000 SF = 63.3 WAREHOUSE @ 6 EMPLOYEES x1 = 6 > 69.3 spaces
BLDG. 'C': OFFICE @ 28,800 SF± @ 3.3/1000 SF = 95 WAREHOUSE @ 6 EMPLOYEES x1 = 6 > 101 spaces
(*): PARKING REQ. ARE SUBJECT TO CHANGE DEPENDING ON THE ULTIMATE USE BREAKDOWN. REQ. PARKING AS PER B.C.Z.R. SEC. 409.6.

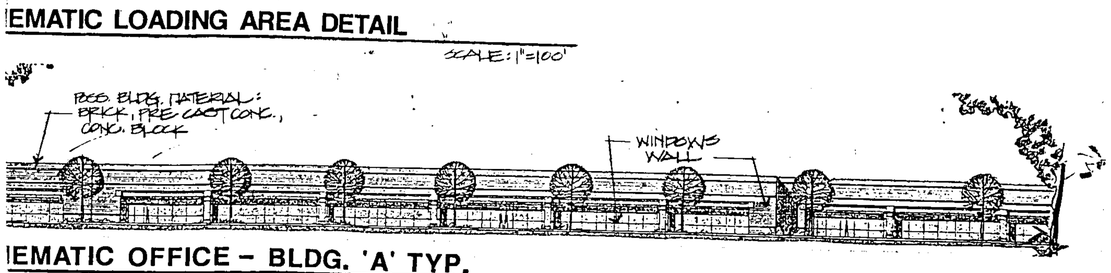
25. SIGNAGE: SIGN DESIGN IE TYPE, HEIGHT, DIMENSIONS, SF & ILLUMINATION ARE UNKNOWN AT THIS TIME. SIGNS SHALL COMPLY W/ SEC. 413.6 (B.C.Z.R.) & ALL ZONING POLICIES OR A ZONING VARIANCE IS REQUIRED.



(*) ULTIMATE AREA FOR WAREHOUSE & OFFICE IS SUBJECT TO CHANGE DEPENDING ON THE MARKET DEMAND AT TIME OF DEVELOPMENT. (SEE NOTE #21)

EMATIC LOADING AREA DETAIL

SCALE: 1"=100'

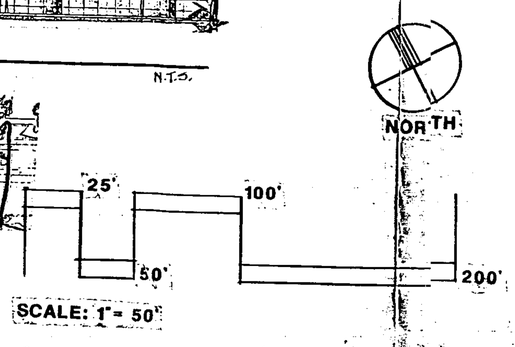


EMATIC OFFICE – BLDG. 'A' TYP.

N.T.S.

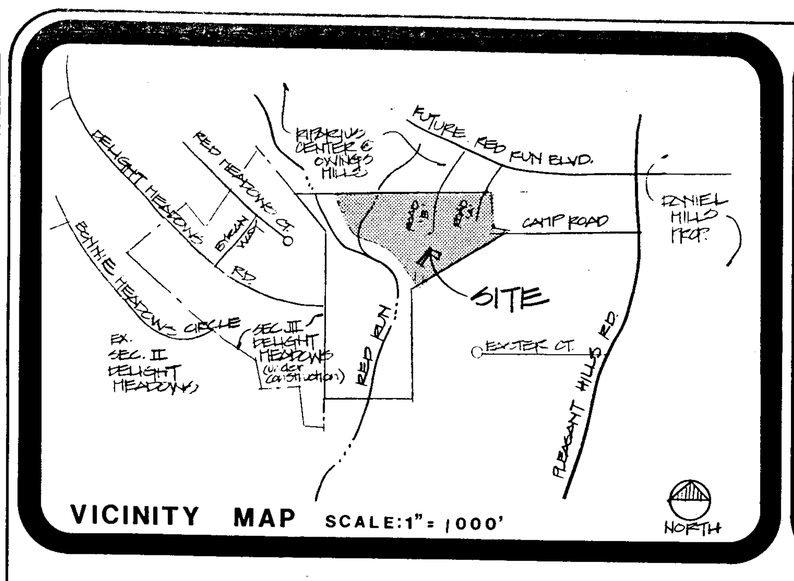
EMATIC OFFICE/WAREHOUSE ELEVATION – BLDG. 'A' TYP.

N.T.S.



SCALE: 1" = 50'

PRE-CRG: 12-2-91 CRG: 12-12-91



VICINITY MAP SCALE: 1" = 1000'

APPLICANT
BETH TFILOH CONGREGATION
C/O MR. JULIUS W. LICHTER, ESQUIRE
305 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204
321-0600

GENERAL NOTES

1. DEVELOPMENT NAME: Beth Tfiloh (Owings Mills)

2. APPLICANT: Beth Tfiloh
c/o JULIUS W. LICHTER, ESQUIRE
305 West Chesapeake Avenue
Towson, Maryland 21204

OWNER: Beth Tfiloh Congregation
3300 OLD COURT ROAD
Baltimore, Maryland 21209

DEED REFERENCES: 1932/466,467
TAX ACCOUNT NUMBER: 04-02-021250
TAX MAP: 57 GRID: 24 P/O Parcel 156

3. CRG PLAN PREPARED BY: D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, Maryland 21207
(301) 944-3647

ATTN: Ms. Stacey McArthur, L.A.

4. GENERAL DATA: Election District: 4
Census Tract: 4041
Councilmanic District: 3
Watershed: 28
Subsewershed: 66

5. SITE INFORMATION:
A. Gross acreage = 48 Ac.±
Net acreage = 48 Ac.±

B. Zoning
Existing Zoning: ML-IM @ 14.5 Ac.±
DR-1 @ 13.5 Ac.±
RC-5 @ 20 Ac.±

C. Density Calculations:
Allowable = 2.0 F.A.R. OR 1,263,240 SF

ML-IM: 1,263,240 SF / 631,620 SF = 2

DR-1: NA
RC-5: NA

Proposed: .31 FAR OR 200,400 SF* FLEX SPACE (*)
WAREHOUSE: 100,200
OFFICE: 100,200

(*) ULTIMATE AREA FOR WAREHOUSE & OFFICE IS SUBJECT TO CHANGE DEPENDING ON THE MARKET DEMAND AT THE TIME OF DEVELOPMENT.

D. Parking
Required: OFFICE: 3.3/1,000 SF - 100,200 S.F. ÷ 1,000 X 3.3 = 330.6
WAREHOUSE: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT
18 EMPLOYEES X 1 = 18 SPACES
HANDICAPPED SPACES = 2% (FOR 501 - 1,000 SPACES)
Total: 349(*) (SEE NOTE #21)

Parking Proposed HANDICAPPED PROPOSED - 567 X 2% = 12 SPACES
555 REGULAR SPACES
567 TOTAL SPACES

(*) PARKING REQUIREMENTS ARE SUBJECT TO CHANGE DEPENDING ON THE ULTIMATE USE BREAKDOWN. REQUIRED PARKING AS PER B.C.Z.R. SEC. 409.6.

E. Open Space
Required: N/A

F. Landscape planting as specified in the Baltimore County Landscape Manual, Section IX, Landscape Standards and Criteria.

Required: 129.8 P.U.	Proposed: 129.8 P.U.
1 P.U./40 LF of adjacent roadway	N.A.
1 P.U./20 LF of interior roadway of which 50% shall be major deciduous.	1025 L.F. ± ÷ 20 = 52 (of which 26 are major deciduous)
1 P.U./12 parking spaces (major deciduous)	567 ÷ 12 = 47.2 P.U.
Screening of parking from residential zones CLASS A SCREEN 1 P.U./15 L.F.	460' - 15 L.F. = 30.6 P.U.

6. UTILITIES: Public water and sewer will be provided.

7. USE: The existing use is Day Camp.
The proposed use is MIXED USE OFFICE/ WAREHOUSE (FLEX SPACE)

8. EXISTING: There are no known historic buildings, critical areas, archaeological sites, endangered species, or hazardous materials on this site.

9. ROADS: All roads are PRIVATE

10. AVERAGE DAILY TRIPS (ADTS): WAREHOUSE: 57 1,000 S.F. 100,200 ÷ 1,000 X 5 = 501 ADT
OFFICE UNDER 100,000 S.F.: 14/1,000 S.F. 100,200 S.F. ÷ 1,000 X 14 = 1402.8 ADT
1903.8 ADT TOTAL

11. STORM WATER MANAGEMENT: Storm water management shall be private.

12. GRADING: Grading shown is schematic only.

13. VEGETATION: Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of woods, meadows/lawn.

14. STORAGE TANKS: There are no known underground storage tanks on site.

15. REFERENCES: Boundary: Deed 1932/466,467, 7451/402 & ADJACENT RIPARIUS CRG.
Floodplains: Red Run Watershed Project for Baltimore County dated 2/24/84 (sheets 8 & 9)
Topography: Baltimore County 200 scale Topography Survey
Wetlands: Delineated by M.A. Dirocks, surveyed by D.S. Thaler & Associates, Inc. Verified by Betty Berg (DEPRM), Baltimore County, 6/14/90
Stream: From Red Run Watershed Project and offsite survey by D.S. Thaler & Associates, Inc.

16. Existing well and septics shall be field located, removed and backfilled by a licensed well driller. Well abandonement report will be filed with Baltimore County Department of Environmental Protection and Resource Management prior to razing.

17. Storm water management facility shall be screened from any adjacent residential properties.

18. Soil and Slope Mitigation Measures:

The developer shall do the following in those areas where severe or moderate soil limitations are indicated and/ or steep slopes occur:

a. Insure that grading plans consider protection of these areas from increase in run-off. This will include draining roof down spouts and drives into storm drains.
b. Stabilization of disturbed areas in accordance with approved sediment control practices.
c. Provide for geotechnical assistance with on-site inspectors as required.

19. "There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

20. "Any Forest Buffer shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

BETH TFILOH (OWINGS MILLS) PUBLIC SERVICES CRG 90450 PLANNING # IV-419

REVISED CRG PLANS
FILE COPY
DATE 12-6-91

REVISIONS 12-6-91: 100' VOE SETBACK LINE, AMENITY AREA, RELOCATE DUMPSTER, EX. WELL & SEPTIC AREAS, BLDG. ELEV., R/W ENTRY, E/W & CROSS, EIT. NOTES, REVISE RED RUN BLVD TEK FR-K, NOTES: #16, #21-#25, LOADING DETAIL, CAMP ACCESS NOTE, GREENWAY RESERVATION NOTE, VICINITY MAP, TRACT BOUNDARY MAP, H20 METER, PROP. GRADES, R/W #1 & #2 DIMS., LOADING AREAS.

DATE: 10-3-90
SCALE: 1" = 50'
C.I. 5'
DESIGNED BY:
DRAWN BY:
CHECKED BY:
APPROVED BY:

STATE OF MARYLAND — STACEY McARTHUR — No. 767 — REGISTERED LANDSCAPE ARCHITECT

C.R.G. PLAN

BALTIMORE COUNTY, MD.

PUBLIC SERVICES C.R.G. No. 90450 PLANNING No. IV-419

BETH TFILOH

OWINGS MILLS

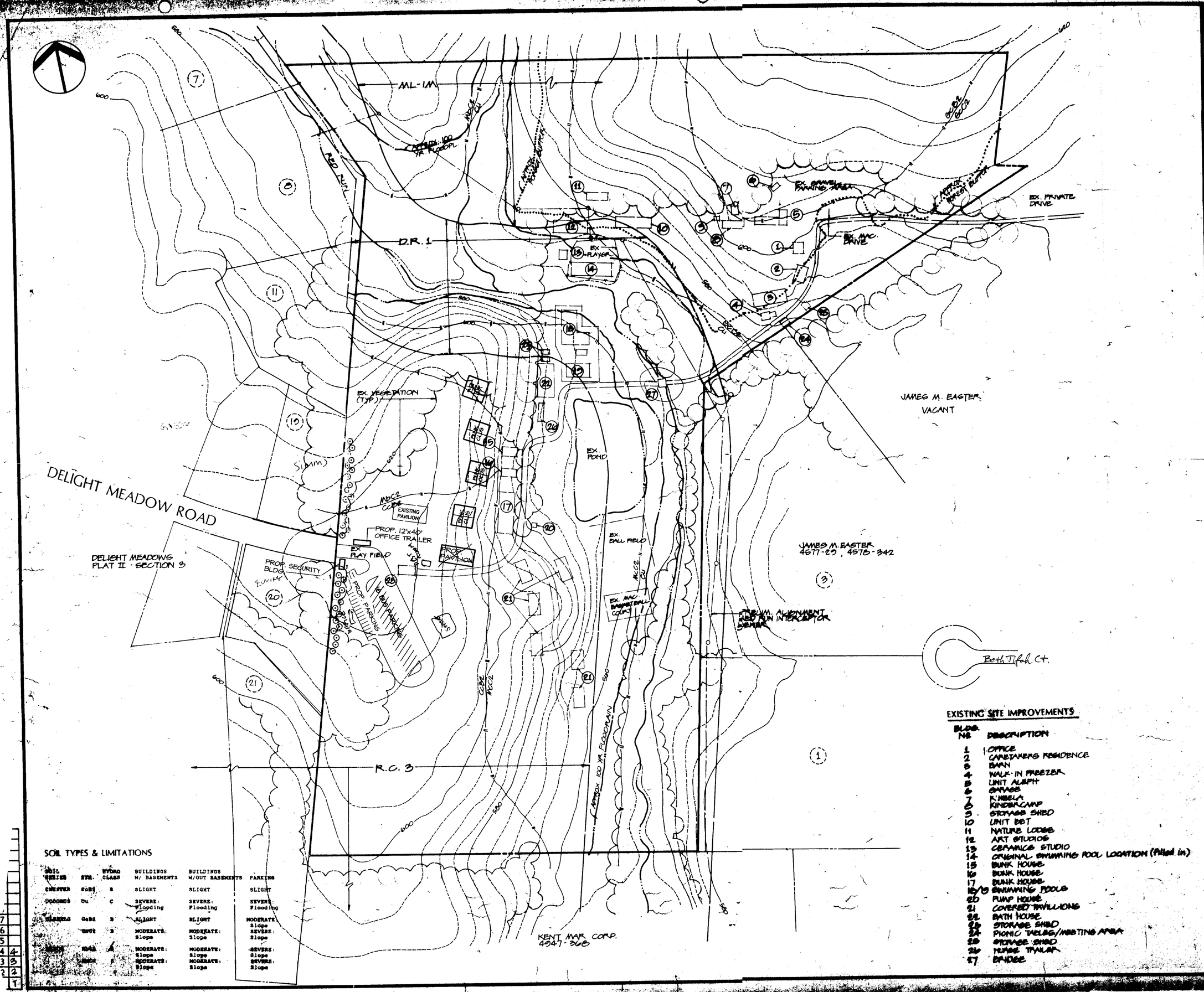
ELECTION DISTRICT No. 4

DS T&A

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

PROJECT No. 1002

SHEET No. 1 OF 1



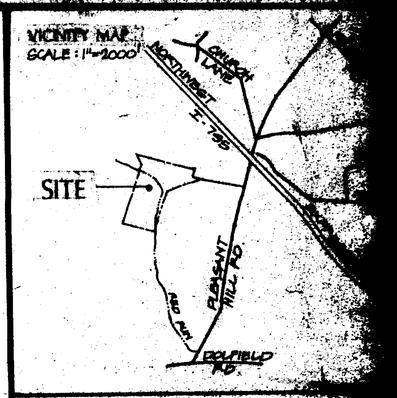
SOIL TYPES & LIMITATIONS

SOIL SERIES	SYM.	HYDRO CLASS	BUILDINGS W/ BASEMENTS	BUILDINGS W/OUT BASEMENTS	PARKING
CHESTER	GaB2	B	SLIGHT	SLIGHT	SLIGHT
DOWNING	Du	C	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
GLENELG	GaB2	B	SLIGHT	SLIGHT	MODERATE: Slope
	GnC2	B	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	A	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
	[illegible]	B	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

EXISTING SITE IMPROVEMENTS

BLDG. NO.	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
6	GARAGE
7	KINBELA
8	KINDERCAMP
9	STORAGE SHED
10	UNIT BET
11	NATURE LODGE
12	ART STUDIOS
13	CERAMICS STUDIO
14	ORIGINAL SWIMMING POOL LOCATION (Filled in)
15	BUNK HOUSE
16	BUNK HOUSE
17	BUNK HOUSE
18/19	SWIMMING POOLS
20	PUMP HOUSE
21	COVERED PAVILLIONS
22	BATH HOUSE
23	STORAGE SHED
24	PICNIC TABLES/MEETING AREA
25	STORAGE SHED
26	NURSE TRAILER
27	BRIDGE

VICINITY MAP
SCALE: 1"=2000'



Fd No 1

EXISTING CONDITIONS

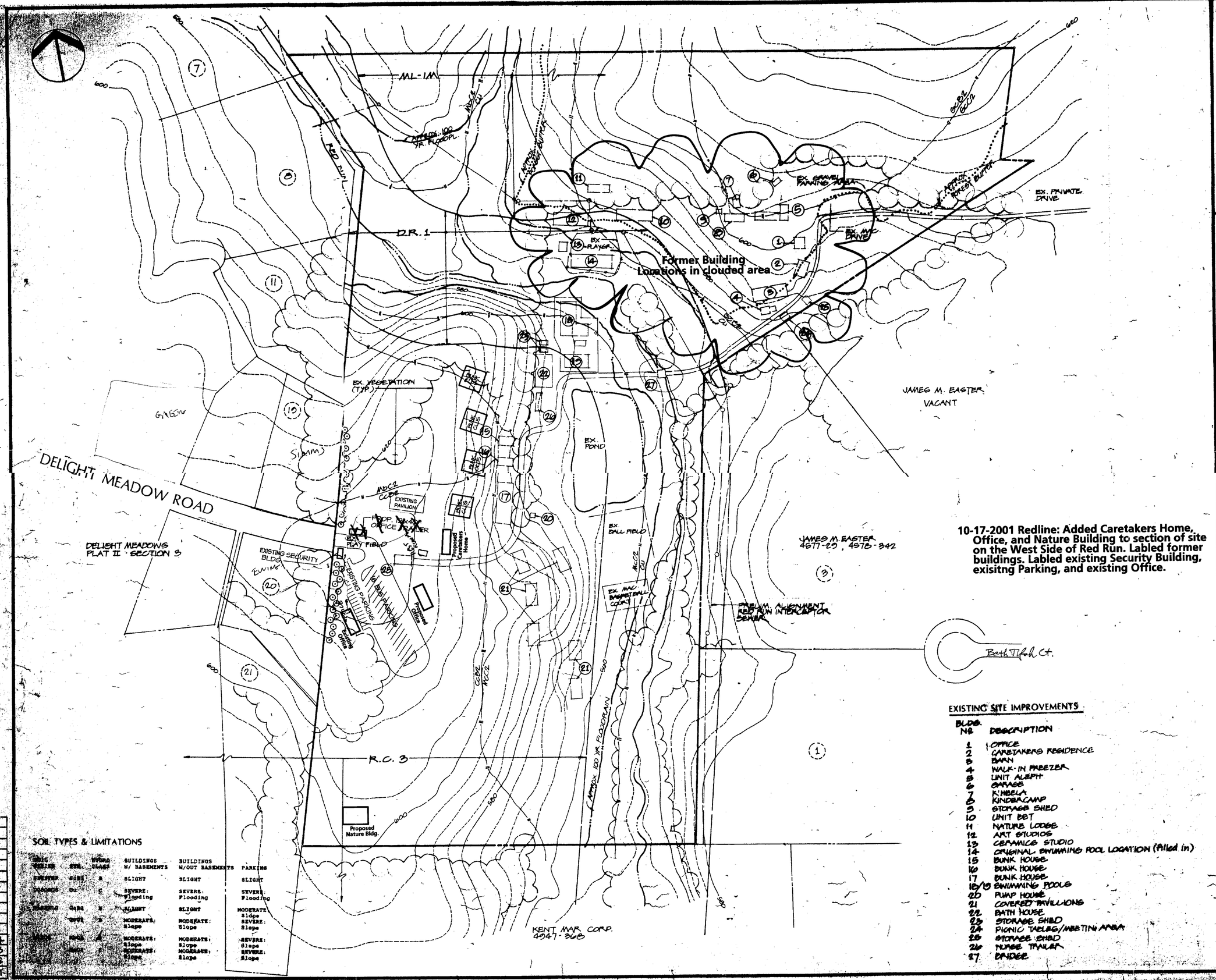
BETH TFILOH DAY CAMP
REPLINED: 4/29/99

ELECTION DISTRICT NO. 4.
BALTIMORE COUNTY, MD.

PET 1.

REVISIONS:
4/2/02 - JAJ

Land Development Consultants and Landscape Architects
HOFF & ANTONUCCI ASSOCIATES
1717 York Road • Suite 18 • Lutherville, MD 21093
301-828-9225 • Fax 301-825-0820



10-17-2001 Redline: Added Caretakers Home, Office, and Nature Building to section of site on the West Side of Red Run. Labled former buildings. Labled existing Security Building, exisitng Parking, and existing Office.

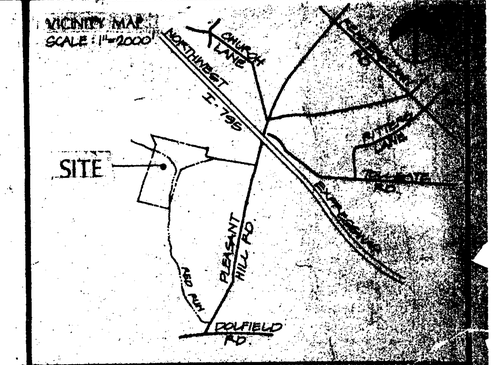
EXISTING SITE IMPROVEMENTS

BLDG. NO	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
6	GARAGE
7	KINBELA
8	KINDERCAMP
9	STORAGE SHED
10	UNIT BET
11	NATURE LODGE
12	ART STUDIOS
13	CERAMICS STUDIO
14	ORIGINAL SWIMMING POOL LOCATION (Filled in)
15	BUNK HOUSE
16	BUNK HOUSE
17	BUNK HOUSE
18/19	SWIMMING POOLS
20	PUMP HOUSE
21	COVERED PAVILLIONS
22	BATH HOUSE
23	STORAGE SHED
24	PICNIC TABLES/MEETING AREA
25	STORAGE SHED
26	NURSE TRAILER
27	BRIDGE

SOIL TYPES & LIMITATIONS

Soils Symbol	Slope	Hydro Class	Buildings w/ Basements	Buildings w/out Basements	Parking
SWEWER	0-3%	B	SLIGHT	SLIGHT	SLIGHT
PRAGUE	0-3%	C	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
[illegible]	4-8%	B	SLIGHT	SLIGHT	MODERATE: Slope
[illegible]	[illegible]	B	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	A	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

VICINITY MAP
SCALE: 1"=2000'



10-17-2001 Redline Prepared by
Matis Warfield, Inc.
10540 York Road, Suite M
Hunt Valley, Maryland 21030

Rd No 1

EXISTING CONDITIONS

BETH TFILOH DAY CAMP
REDLINED: 4/29/99
Redlined: 10-17-2001

ELECTION DISTRICT NO 4
BALTIMORE COUNTY, MD.

REVISIONS:
4/2/02 · JAJ

SCALE: 1"=100'
DATE: [illegible]
JOB NO.: [illegible]
DESIGNED:
DRAWN: JAJ
CHECKED: [illegible]
DRAWING NUMBER: COMT-1

Land Development Consultants and Landscape Architects
HOFF & ANTONUCCI ASSOCIATES
1717 York Road • Suite 1B • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229

100-YEAR FLOODPLAIN, DRAINAGE AND UTILITY EASEMENT

No.	BEARING	DIST.
L101	S 19°11'12"E	100.90'
L102	S 34°42'25"E	110.99'
L103	S 55°12'57"E	29.67'
L104	S 72°44'29"E	32.01'
L105	S 87°57'20"E	34.72'
L106	N 82°16'11"E	33.76'
L107	S 86°30'46"E	31.82'
L108	N 58°20'09"E	22.81'
L109	N 38°18'08"E	29.99'
L110	N 21°51'00"E	113.16'
L111	S 66°48'38"E	45.31'
L112	S 44°20'19"E	32.72'
L113	S 81°42'23"E	26.41'
L114	S 71°34'21"E	32.71'
L115	S 83°12'50"E	46.06'
L116	N 86°06'04"E	24.01'
L117	N 73°04'46"E	26.18'
L118	S 85°54'58"E	22.93'
L119	S 71°34'21"E	60.26'
L120	S 59°40'04"E	25.86'
L121	S 65°46'54"E	47.76'
L122	S 71°58'49"E	52.69'
L123	SOUTH	14.15'
L124	S 67°26'05"E	52.48'
L125	S 78°47'24"E	64.39'
L126	S 43°18'21"E	37.81'
L127	S 24°16'15"E	42.39'
L128	S 02°47'36"E	44.68'
L129	S 08°22'10"W	56.11'
L130	S 32°17'13"W	12.23'
L131	N 85°45'56"W	29.48'
L132	N 79°09'52"W	26.06'
L133	S 76°52'17"W	16.77'
L134	S 23°58'19"E	10.72'
L135	S 72°04'14"E	99.00'
L136	S 63°02'40"E	34.82'
L137	S 36°20'20"E	22.97'
L138	S 05°14'39"E	59.57'
L139	S 04°10'54"W	97.53'
L140	S 13°28'44"W	53.73'
L141	S 15°02'39"W	37.76'
L142	S 58°17'15"W	35.20'
L143	S 75°12'34"W	59.69'
L144	S 86°46'37"W	38.72'
L145	S 81°05'20"W	28.11'
L146	S 33°42'06"W	11.78'
L147	S 04°30'15"W	69.33'
L148	S 11°23'49"W	74.40'
L149	S 09°30'04"W	89.90'
L150	S 28°49'17"W	62.12'
L151	S 28°08'03"W	35.80'
L152	S 15°51'58"W	49.79'
L153	S 12°16'12"W	64.05'
L154	S 13°00'00"W	36.31'
L155	S 12°02'52"W	41.74'
L156	S 25°34'11"W	27.75'
L157	S 18°14'30"W	26.24'
L158	S 01°41'08"W	74.05'
L159	S 15°57'07"W	39.62'
L160	S 04°11'12"W	22.37'
L161	S 10°39'54"E	47.07'
L162	S 10°29'45"E	29.89'
L163	S 06°57'21"W	22.48'
L164	S 30°42'39"W	19.44'
L165	N 25°01'23"W	22.23'
L166	N 04°24'02"W	42.58'
L167	N 02°29'39"W	64.28'
L168	N 06°32'57"E	33.42'
L169	N 16°21'18"E	42.54'
L170	N 25°12'39"E	40.90'
L171	N 06°56'14"E	40.57'
L172	N 02°48'27"E	111.16'
L173	N 02°57'46"E	31.95'
L174	N 28°13'40"E	25.33'
L175	N 42°10'42"E	38.92'
L176	N 37°39'35"E	24.06'
L177	N 60°23'13"E	33.84'
L178	N 31°50'19"W	27.11'
L179	N 17°44'16"E	40.65'
L180	N 27°25'04"E	58.71'
L181	N 42°51'05"E	38.61'
L182	N 36°52'55"E	20.79'
L183	N 24°06'42"W	21.63'
L184	N 00°02'18"W	28.99'
L185	N 08°30'08"E	45.71'
L186	N 04°14'18"W	42.20'
L187	N 14°53'33"W	42.48'
L188	N 25°32'25"W	178.89'
L189	N 67°08'26"W	82.93'
L190	N 72°28'54"W	51.79'
L191	N 43°40'49"W	15.81'
L192	N 44°10'12"W	49.99'
L193	N 60°42'02"W	33.98'
L194	N 69°35'54"W	23.85'
L195	N 74°12'15"W	28.63'
L196	N 85°01'57"W	24.00'
L197	N 61°18'14"W	23.20'
L198	N 30°58'29"W	27.27'
L199	N 03°52'49"W	30.73'
L200	N 14°40'37"E	125.15'
L201	N 15°18'11"E	63.03'
L202	N 17°14'28"E	133.99'

COORDINATES

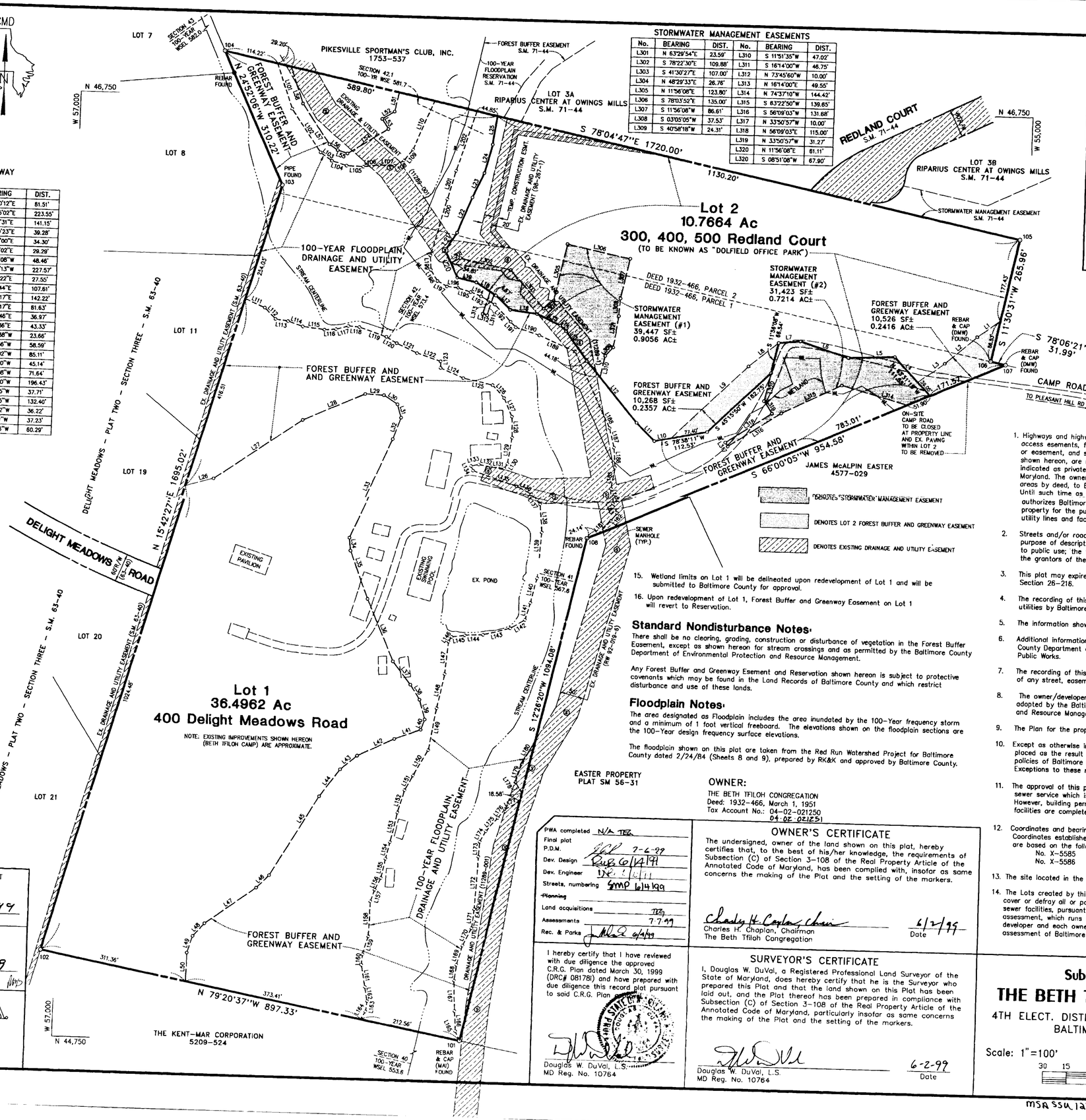
No.	NORTH	WEST
101	44765.7826	-56148.3514
102	44831.7140	-57030.2015
103	46563.4407	-56571.3168
104	46844.8930	-56701.7736
105	46489.6266	-55018.8637
106	46229.0147	-55071.9268
107	46222.4216	-55040.8250
108	45834.1765	-55912.6904
109	46739.1066	-56200.6598
110	46282.2006	-56297.0843
111	46227.9362	-56039.9542
112	45817.9684	-55949.0964

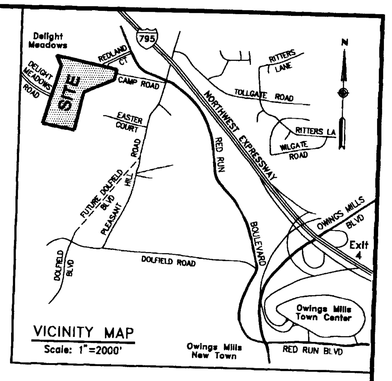
FOREST BUFFER AND GREENWAY EASEMENT

No.	BEARING	DIST.
L1	S 53°33'46"W	59.45'
L2	S 48°26'44"W	88.43'
L3	S 53°53'38"W	89.30'
L4	N 43°31'15"W	72.50'
L5	S 87°21'00"W	98.25'
L6	N 72°14'37"W	106.58'
L7	S 84°31'58"W	45.70'
L8	S 49°34'25"W	80.06'
L9	S 45°15'50"W	223.15'
L10	S 78°38'11"W	35.13'
L11	N 46°00'26"W	54.42'
L12	N 39°50'09"W	167.32'
L13	N 36°16'27"W	77.21'
L14	N 46°56'23"W	17.37'
L15	N 64°53'34"W	54.46'
L16	N 82°46'58"W	56.44'
L17	N 46°47'36"W	43.52'
L18	N 58°06'43"W	50.18'
L19	N 77°56'21"W	41.85'
L20	N 25°44'07"W	63.81'
L21	N 32°20'57"E	45.44'
L22	N 21°22'32"E	82.00'
L23	N 24°37'48"E	57.72'
L24	N 14°00'14"E	62.54'
L25	N 07°35'50"E	61.35'
L26	N 74°00'12"E	81.51'
L27	N 54°35'02"E	223.55'
L28	N 65°11'31"E	141.15'
L29	S 87°50'23"E	39.28'
L30	S 57°21'00"E	34.30'
L31	S 16°09'02"E	29.29'
L32	S 18°43'08"W	48.46'
L33	S 22°59'13"W	227.57'
L34	S 06°10'22"E	27.55'
L35	S 21°01'44"E	107.61'
L36	S 23°38'17"E	142.22'
L37	S 38°40'17"E	61.63'
L38	S 32°44'46"E	36.97'
L39	S 16°53'36"E	43.33'
L40	S 20°08'38"W	23.66'
L41	S 69°16'56"W	58.59'
L42	S 63°40'02"W	85.11'
L43	S 49°00'10"W	45.14'
L44	S 35°30'08"W	71.64'
L45	S 30°20'40"W	196.43'
L46	S 43°25'15"W	37.71'
L47	S 53°39'15"W	132.40'
L48	S 40°52'02"W	36.22'
L49	S 17°21'39"W	37.23'
L50	S 00°47'46"W	60.29'
L51	S 11°55'13"W	42.00'
L52	S 56°55'13"W	30.00'
L53	S 33°04'47"E	25.00'
L54	S 56°55'13"W	99.98'
L55	N 72°44'29"W	21.22'
L56	N 55°12'57"W	21.30'
L57	N 34°42'25"W	103.06'
L58	N 19°11'12"W	82.41'

STORMWATER MANAGEMENT EASEMENTS

No.	BEARING	DIST.	No.	BEARING	DIST.
L301	N 63°29'54"E	23.59'	L310	S 11°51'35"W	47.02'
L302	S 78°22'30"E	109.88'	L311	S 16°14'00"W	46.75'
L303	S 41°30'27"E	107.00'	L312	N 73°45'60"W	10.00'
L304	N 48°29'33"E	26.76'	L313	N 16°14'00"E	49.55'
L305	N 11°56'08"E	123.80'	L314	N 74°37'10"W	144.42'
L306	S 78°03'52"E	135.00'	L315	S 63°22'50"W	139.65'
L307	S 11°56'08"W	86.61'	L316	S 56°09'03"W	131.68'
L308	S 03°05'05"W	37.53'	L317	N 33°50'57"W	10.00'
L309	S 40°58'18"W	24.31'	L318	N 56°09'03"E	115.00'
			L319	N 33°50'57"W	31.27'
			L320	N 11°56'08"E	61.11'
			L320	S 08°51'06"W	67.90'





VICINITY MAP
Scale: 1"=2000'

SM. 71-132
Filed for record
S.M. 71 FOLIO 132
Date JUL 8 1999
Test:
Clerk

GENERAL NOTES

1. Highways and highway widenings, slope easements, drainage and utility easements, access easements, forest buffer areas in fee or easement, greenway areas in fee or easement, and stormwater management areas, no matter how entitled, shown hereon, are reserved unto the owner and, except for those indicated as private, are hereby offered for dedication to Baltimore County, Maryland. The owner, his personal representatives and assigns will convey said areas by deed, to Baltimore County, Maryland, at no cost. Until such time as said conveyance is accepted by Baltimore County, the owner authorizes Baltimore County, its agents and assigns, the right to enter upon the property for the purpose of installing, constructing, maintaining and repairing roads, utility lines and facilities, and stormwater management pond and facilities.
2. Streets and/or roads shown hereon and the mention thereof in deeds are for purpose of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
3. This plat may expire in accordance with the provisions of the Baltimore County Code, Section 26-216.
4. The recording of this plat does not guarantee the installation of streets or utilities by Baltimore County.
5. The information shown hereon may be superseded by a subsequent or amended plat.
6. Additional information concerning this plat may be obtained from the Baltimore County Department of Permits and Development Management and the Department of Public Works.
7. The recording of this plat does not constitute or imply acceptance by the County of any street, easement, park, open space or other public area shown on the plat.
8. The owner/developer will comply with the best management practices adopted by the Baltimore County Department of Environmental Protection and Resource Management.
9. The Plan for the property shown on this plat approved on April 12, 1999.
10. Except as otherwise indicated, all building restriction lines shown hereon have been placed as the result of interpretation only of currently applicable regulations and policies of Baltimore County Department of Permits and Development Management. Exceptions to these restrictions may apply.
11. The approval of this plat is based upon a reasonable expectation that the water and sewer service which is planned for the development will be available when needed. However, building permits may not be issued until the planned water and sewer facilities are completed and determined adequate to serve the proposed development.
12. Coordinates and bearings shown on this plat are referred to the System of Coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
    No. X-5585 N 45155.67 W 54241.60
    No. X-5586 N 45423.27 W 54036.90
13. The site located in the Gwynn Falls sewershed.
14. The Lots created by this subdivision plat are subject to a fee or assessment to cover or defray all or part of the developer's cost of installation of water and sewer facilities, pursuant to Baltimore County Code Section 26-246. This fee or assessment, which runs with the land, is a contractual obligation between the developer and each owner of this property and is not in any way a fee or assessment of Baltimore County.
15. Wetland limits on Lot 1 will be delineated upon redevelopment of Lot 1 and will be submitted to Baltimore County for approval.
16. Upon redevelopment of Lot 1, Forest Buffer and Greenway Easement on Lot 1 will revert to Reservation.

Standard Nondisturbance Notes:

There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer Easement, except as shown hereon for stream crossings and as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Any Forest Buffer and Greenway Esement and Reservation shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these lands.

Floodplain Notes:

The area designated as Floodplain includes the area inundated by the 100-Year frequency storm and a minimum of 1 foot vertical freeboard. The elevations shown on the floodplain sections are the 100-Year design frequency surface elevations.

The floodplain shown on this plat are taken from the Red Run Watershed Project for Baltimore County dated 2/24/84 (Sheets 8 and 9), prepared by RK&K and approved by Baltimore County.

EASTER PROPERTY
PLAT SM 56-31

OWNER:
THE BETH TFILOH CONGREGATION
Deed: 1932-466, March 1, 1951
Tax Account No.: 04-02-021250
04-02-021251

PWA completed N/A TEG
Final plat
P.D.M. 7-6-99
Dev. Design 6/14/99
Dev. Engineer
Streets, numbering SMP 6/14/99
~~Planning~~
Land acquisitions TEG
Assessments 7-7-99
Rec. & Parks 6/4/99

I hereby certify that I have reviewed with due diligence the approved C.R.G. Plan dated March 30, 1999 (DRC# 08178I) and have prepared with due diligence this record plat pursuant to said C.R.G. Plan.

Douglas W. DuVal, L.S.
MD Reg. No. 10764

OWNER'S CERTIFICATE

The undersigned, owner of the land shown on this plat, hereby certifies that, to the best of his/her knowledge, the requirements of Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, has been complied with, insofar as same concerns the making of the Plat and the setting of the markers.

Charles H. Caplan, Chair
Charles H. Caplan, Chairman
The Beth Tfiloh Congregation

6/2/99
Date

SURVEYOR'S CERTIFICATE

I, Douglas W. DuVal, a Registered Professional Land Surveyor of the State of Maryland, does hereby certify that he is the Surveyor who prepared this Plat and that the land shown on this Plat has been laid out, and the Plat thereof has been prepared in compliance with Subsection (C) of Section 3-108 of the Real Property Article of the Annotated Code of Maryland, particularly insofar as same concerns the making of the Plat and the setting of the markers.

Douglas W. DuVal, L.S.
MD Reg. No. 10764

6-2-99
Date

APPROVED FOR THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT PURSUANT TO SECTION 26-215(C), BALTIMORE COUNTY CODE

David Flowers
Director of Permits and Development Management

7-7-99
Date

APPROVED FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Director of Department of Environmental Protection and Resource Management

6.25.99
Date

DRC# 08178I

Subdivision of Property of
THE BETH TFILOH CONGREGATION

4TH ELECT. DISTRICT - 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100'
Date: June 2, 1999

30 15 0 30 60 90
SCALE IN FEET

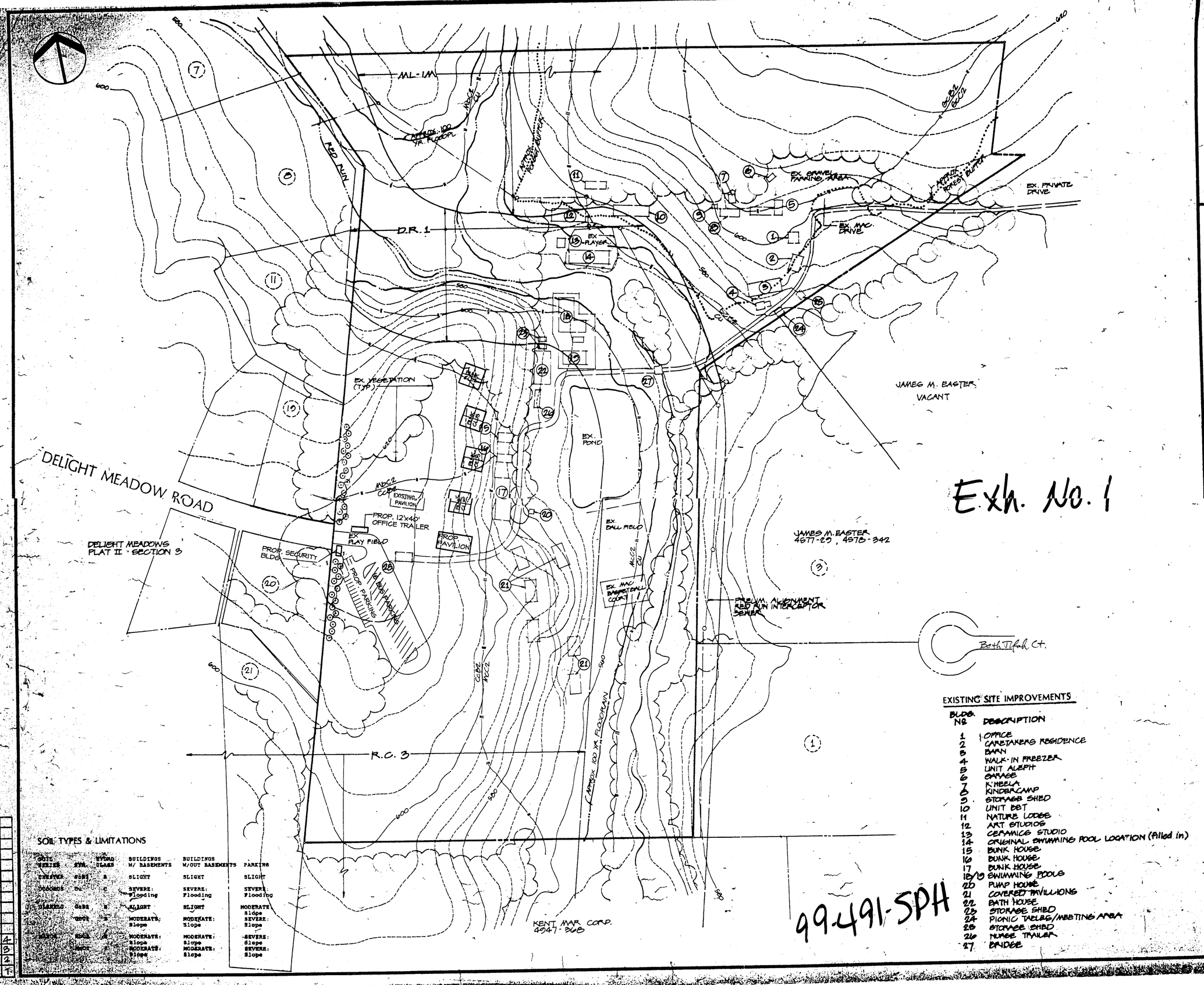
98056RP.DWG

DuVal & Associates, P.A.
ENGINEERS • SURVEYORS
8 Edgarwood Court
Phoenix, MD 21131
410-666-5467

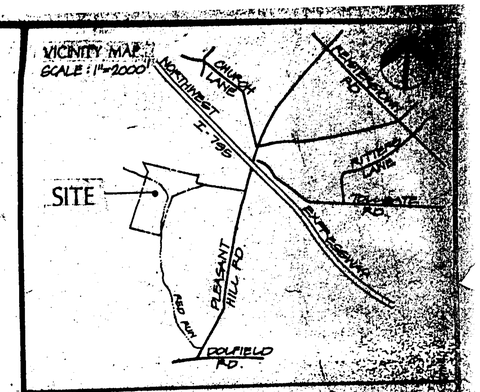
MSA SSU 1236 -10554

71-132

Respondent No 1



Exh. No. 1



EXISTING SITE IMPROVEMENTS

BLDG. NO	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
6	GARAGE
7	K'HELA
8	KINDERCAMP
9	STORAGE SHED
10	UNIT BET
11	NATURE LODGE
12	ART STUDIOS
13	CERAMICS STUDIO
14	ORIGINAL SWIMMING POOL LOCATION (filled in)
15	BUNK HOUSE
16	BUNK HOUSE
17	BUNK HOUSE
18/19	SWIMMING POOLS
20	PUMP HOUSE
21	COVERED PAVILLIONS
22	BATH HOUSE
23	STORAGE SHED
24	PICNIC TABLES/MEETING AREA
25	STORAGE SHED
26	NURSE TRAILER
27	BADGE

SOIL TYPES & LIMITATIONS

SOIL TYPE	SYM.	HYDRO CLASS	BUILDINGS W/ BASEMENTS	BUILDINGS W/OUT BASEMENTS	PARKING
CHALMER	CaB2	B	SLIGHT	SLIGHT	SLIGHT
GLENELG	GlB	C	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
GLENELG	GaB2	B	SLIGHT	SLIGHT	MODERATE: Slope
	GaC2	B	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	A	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
	[illegible]	A	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

EXISTING CONDITIONS

BETH TFILOH DAY CAMP

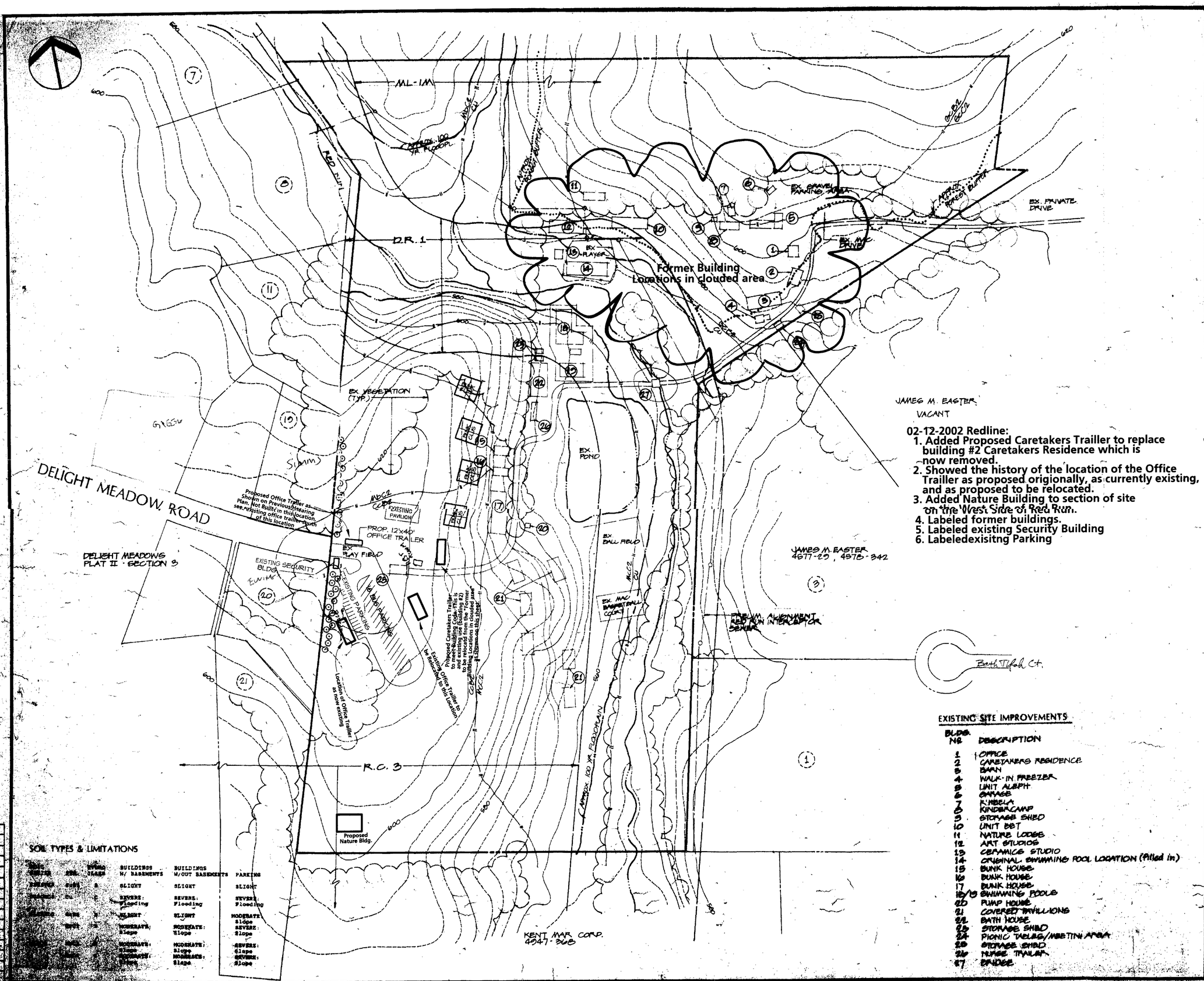
REDLINED: 4/29/99

ELECTION DISTRICT NO 4.
BALTIMORE COUNTY, MD.

REVISIONS: 4/9/02 - JAJ

SCALE: 1" = 100'
DATE: 8-11-98
JOB NO.: 166/01
DESIGNED:
DRAWN: JAJ
CHECKED: TJH
DRAWING NUMBER: CON-1
SHEET 1 OF 2

Land Development Consultants and Landscape Architects
HOFF & ANTONUCCI ASSOCIATES
1717 York Road • Suite 1B • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229



02-12-2002 Redline:
1. Added Proposed Caretakers Trailler to replace building #2 Caretakers Residence which is now removed.
2. Showed the history of the location of the Office Trailler as proposed origionally, as currently existing, and as proposed to be relocated.
3. Added Nature Building to section of site on the West Side of Red Run.
4. Labeled former buildings.
5. Labeled existing Security Building
6. Labeledexisitng Parking

SOIL TYPES & LIMITATIONS

Symbol	Soil Name	Hydrologic Group	BUILDINGS W/ BASEMENTS	BUILDINGS W/OUT BASEMENTS	PARKING
[illegible]	[illegible]	A	SLIGHT	SLIGHT	SLIGHT
[illegible]	[illegible]	[illegible]	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
[illegible]	[illegible]	[illegible]	SLIGHT	SLIGHT	MODERATE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
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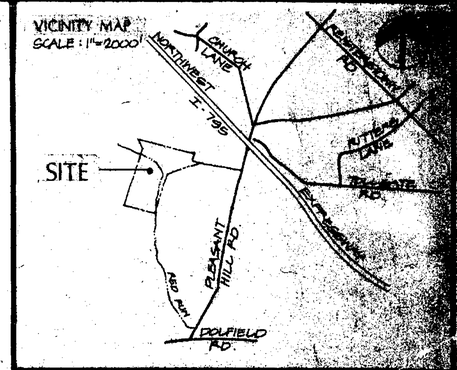
EXISTING SITE IMPROVEMENTS

BLDG. NO.	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
6	GARAGE
7	KIMBELA
8	KINDERCAMP
9	STORAGE SHED
10	UNIT BET
11	NATURE LODGE
12	ART STUDIOS
13	CERAMICS STUDIO
14	ORIGINAL SWIMMING POOL LOCATION (Filled in)
15	BUNK HOUSE
16	BUNK HOUSE
17	BUNK HOUSE
18/19	SWIMMING POOLS
20	PUMP HOUSE
21	COVERED PAVILLIONS
22	BATH HOUSE
23	STORAGE SHED
24	PICNIC TABLES/MEETING AREA
25	STORAGE SHED
26	NURSE TRAILER
27	BRIDGE



02-12-2002 Redline Prepared by
Matis Warfield, Inc.
10540 York Road, Suite M
Hunt Valley, Maryland 21030

Fd No 1

EXISTING CONDITIONS

BETH TFILOH DAY CAMP

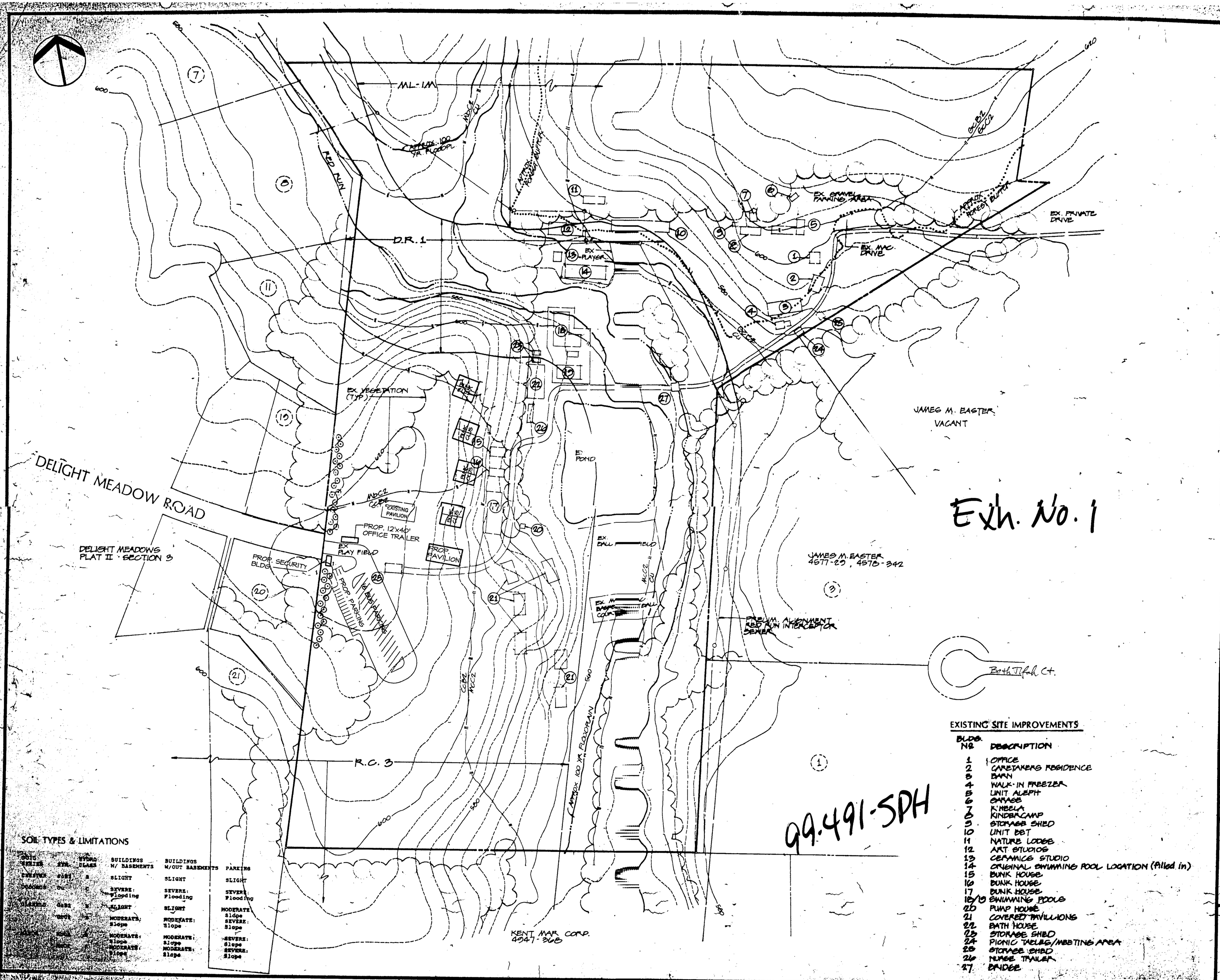
REDLINED: 4/29/99
Redlined: 02-12-2002

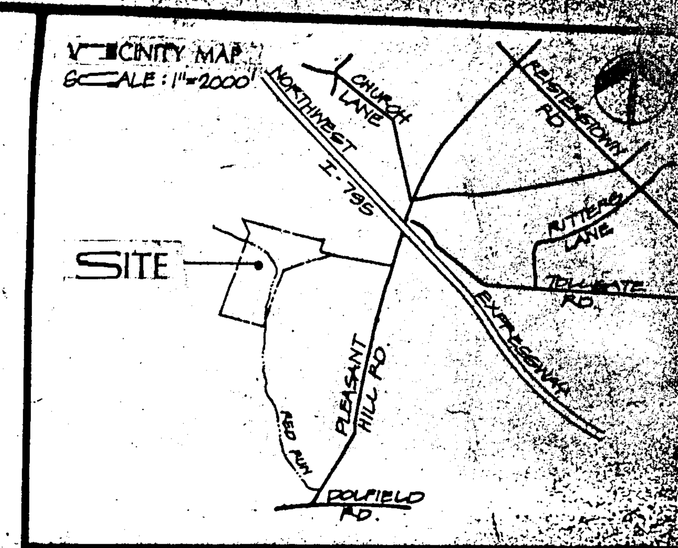
ELECTION DISTRICT NO 4
BALTIMORE COUNTY, MD.

REVISIONS:
4/2/02 · JAJ

SCALE: 1" = 100'
DATE: 3/11/99
JOB NO.: 1999-106
DESIGNED:
DRAWN: JAJ
CHECKED: TWA
DRAWING NUMBER
C-1

HOFF & ANTONUCCI ASSOCIATES
Land Development Consultants and Landscape Architects
1717 York Road • Suite 1B • Lutherville, MD 21093
301-628-9225 • Fax 301-628-9229





SOIL TYPES & LIMITATIONS

SOIL SERIES	SYM.	HYDRO. CLASS	BUILDINGS N/ BASEMENTS	BUILDINGS W/OUT BASEMENTS	PARKING
[illegible]	[illegible]	B	SLIGHT	SLIGHT	SLIGHT
[illegible]	[illegible]	C	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
[illegible]	[illegible]	B	SLIGHT	SLIGHT	MODERATE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

EXISTING SITE IMPROVEMENTS

BLDG. NO.	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
6	GARAGE
7	KIBBELA
8	KINDERCAMP
9	STORAGE SHED
10	UNIT BET
11	NATURE LODGE
12	ART STUDIOS
13	CERAMICS STUDIO
14	ORIGINAL SWIMMING POOL LOCATION (Filled in)
15	BUNK HOUSE
16	BUNK HOUSE
17	BUNK HOUSE
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21	COVERED PAVILIONS
22	BATH HOUSE
23	STORAGE SHED
24	PICNIC TABLES/MEETING AREA
25	STORAGE SHED
26	NURSE TRAILER
27	BRIDGE

EXISTING CONDITIONS

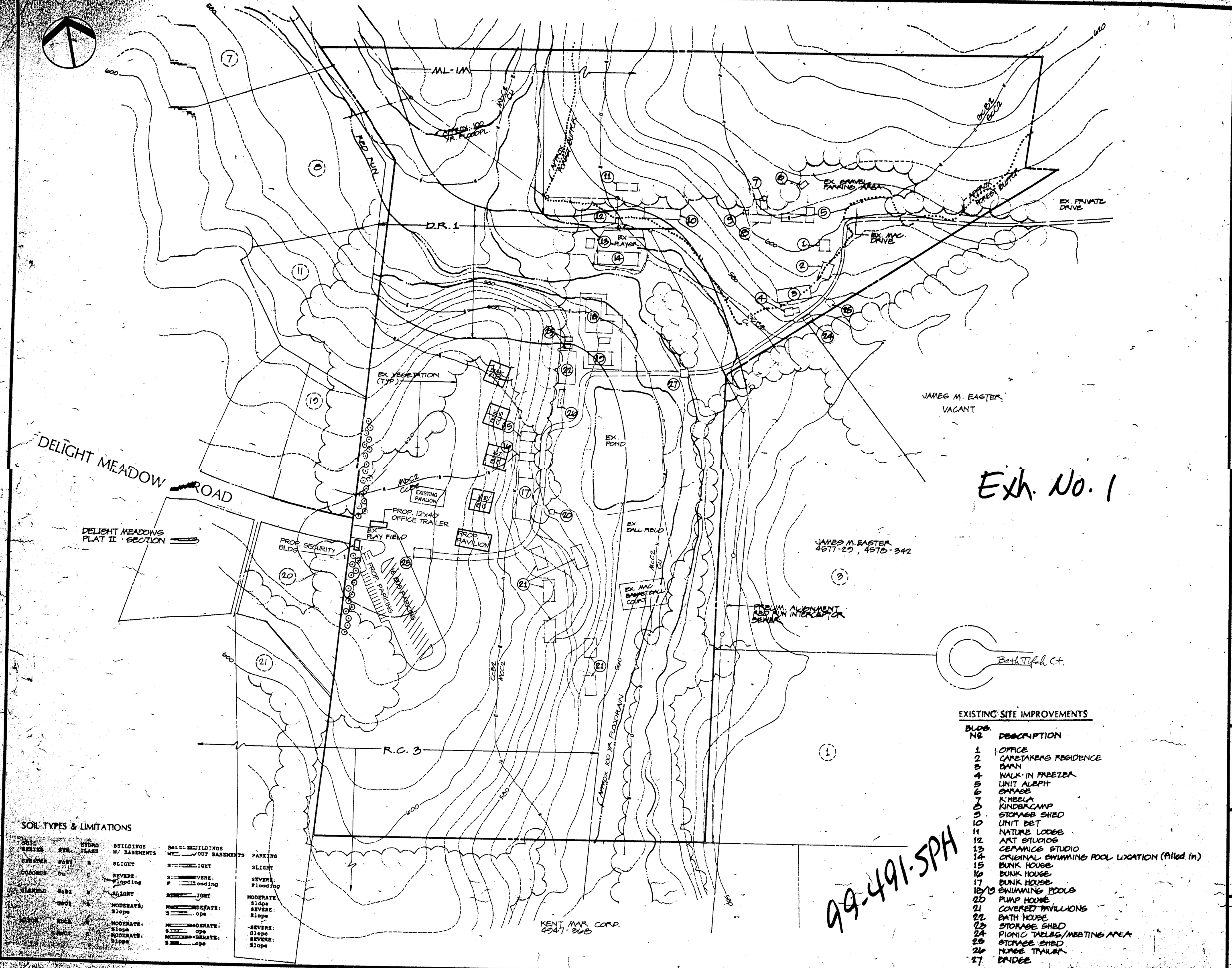
BETH TFILOH DAY CAMP

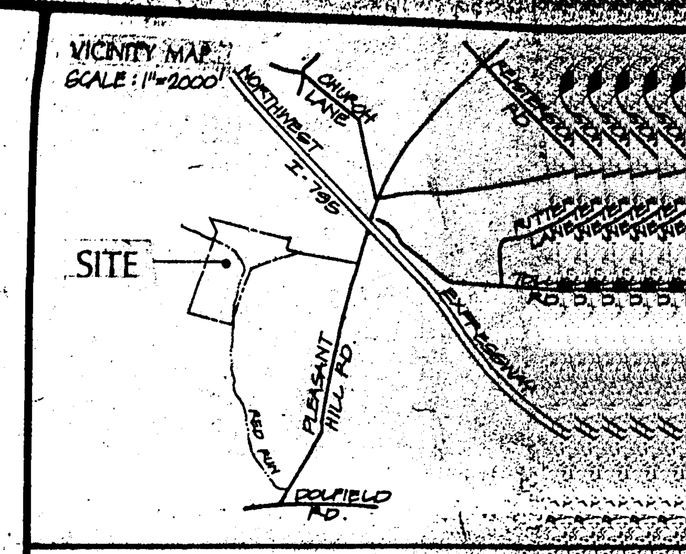
REVISED: 4/29/99

ELECTION DISTRICT NO. 4
BALTIMORE COUNTY, MD.

REVISIONS:	4/2/02 · JAJ
SCALE:	1" = 100'
DATE:	3-11-02
JOB NO.:	166/01
DESIGNED:	
DRAWN:	JAJ
CHECKED:	TAA
DRAWING NUMBER:	CON-1
SHEET	OF

HOFF & ANTONUCCI ASSOCIATES
Land Development Consultants and Landscape Architects
1717 Williamsburg Road • Suite 1B • Lutherville, MD 21093
301-[redacted]-9225 • Fax 301-525-9229





EXISTING SITE IMPROVEMENTS

BLDG. No.	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
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25	STORAGE SHED
26	NURSE TRAILER
27	BRIDGE

SOIL TYPES & LIMITATIONS

SOIL SERIES	SYM.	HYDRO. GROUP	BUILDINGS W/ BASEMENTS	BUILDINGS WITHOUT BASEMENTS	PARKING
[illegible]	[illegible]	[illegible]	SLIGHT	SLIGHT	SLIGHT
[illegible]	[illegible]	[illegible]	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
[illegible]	[illegible]	[illegible]	SLIGHT	SLIGHT	MODERATE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

EXISTING CONDITIONS

BETH TFILOH DAY CAMP

REDLINED: 4/29/99

ELECTION DISTRICT No 4.
BALTIMORE COUNTY, MD.

REVISIONS:
4/2/02 JAJ

SCALE: 1"=[illegible]
DATE: [illegible]
JOB NO.: [illegible]
DESIGNED: [illegible]
DRAWN: [illegible]
CHECKED: [illegible]
DRAWING NO. [illegible]
SHEET [illegible]

Land Development Consultants and Landscape Architects
HOFF & ANTONUCCI ASSOCIATES
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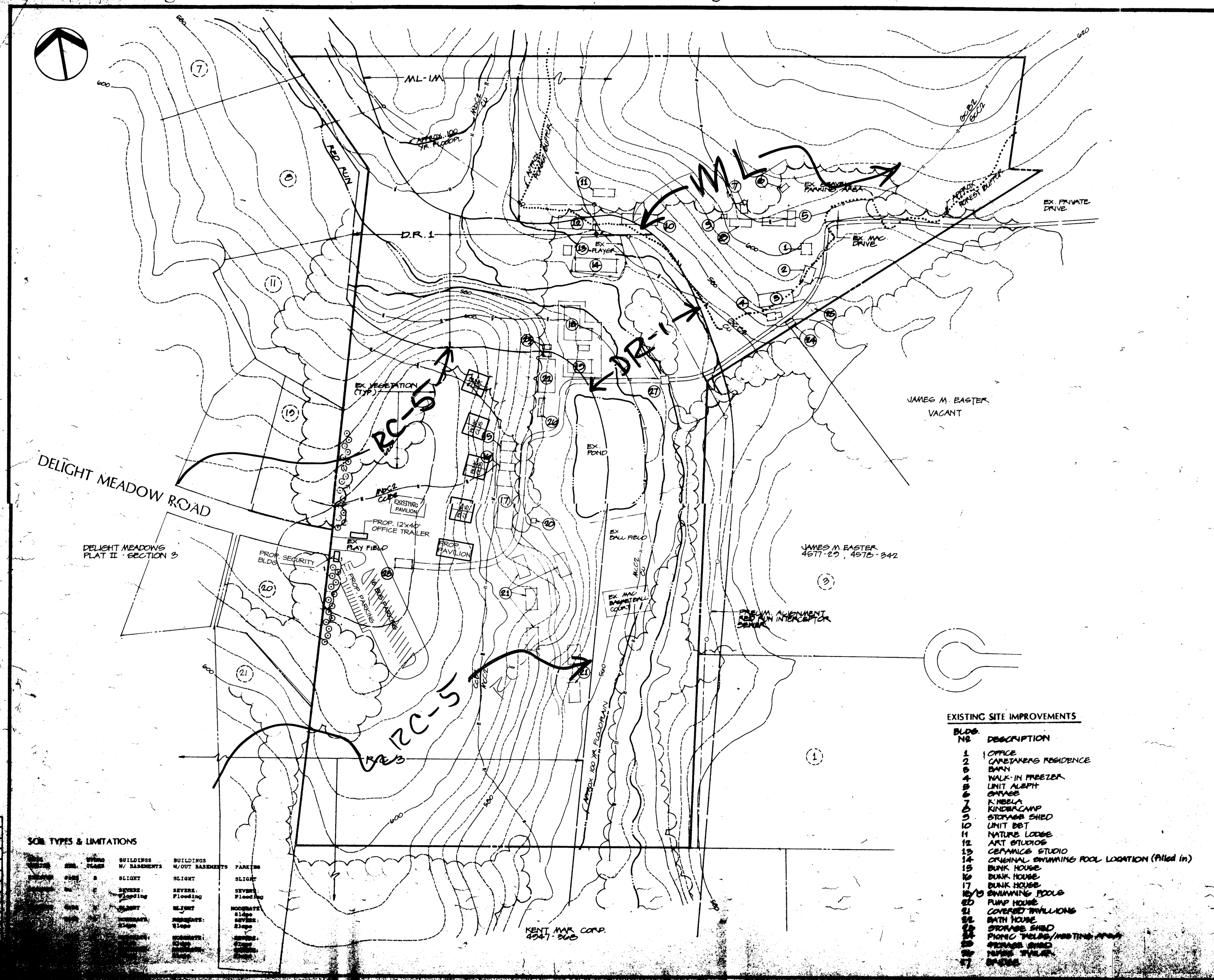
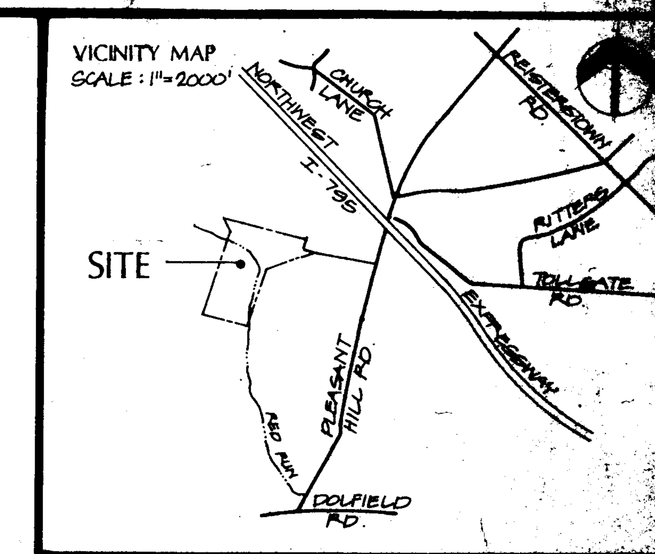
301-628-9225 • Fax 301-628-9229





Keep in File
UCR 5/28/99

EXISTING SITE IMPROVEMENTS

BLDG. Nº	DESCRIPTION
1	OFFICE
2	CARETAKERS RESIDENCE
3	BARN
4	WALK-IN FREEZER
5	UNIT ALEPH
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25	STORAGE SHED
26	NURSE TRAILER
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SOIL TYPES & LIMITATIONS

Soil Type	Sym.	Drng. Class	BUILDINGS W/ BASEMENTS	BUILDINGS W/OUT BASEMENTS	PARKING
[illegible]	[illegible]	[illegible]	SLIGHT	SLIGHT	SLIGHT
[illegible]	[illegible]	[illegible]	SEVERE: Flooding	SEVERE: Flooding	SEVERE: Flooding
[illegible]	[illegible]	[illegible]	SLIGHT	SLIGHT	MODERATE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope
[illegible]	[illegible]	[illegible]	MODERATE: Slope	MODERATE: Slope	SEVERE: Slope

EXISTING CONDITIONS

BETH TFILOH DAY CAMP

REPLINED: 4/29/99

ELECTION DISTRICT Nº 4
BALTIMORE COUNTY, MD.

REVISIONS: 4/2/92 · JMJ

99.491.SPH

SCALE: 1" = 100'
DATE: 9/[illegible]
JOB NO.: [illegible]
DESIGNED:
DRAWN: JMJ
CHECKED:
DRAWING:

Land Development Consultants and Landscape Architects

HOFF & ANTONUCCI ASSOCIATES

1717 York Road • Suite 16 • Lutherville, MD 21093
[illegible] • Fax [illegible]