IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
N/S of Marriottsville Road, 900' E

N/S of Marriottsville Road, 900' I centerline of Powells Run Road 2nd Election District 3rd Councilmanic District (10712 Marriottsville Road)

P'TACH of Baltimore, Inc.
By: Brian Caplan, Executive Director

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-187-SPHA

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owner of the subject property, P'TACH of Baltimore, Inc. The special hearing request is to amend a previous Zoning Order in Case No. 01-143-SPHA, specifically Condition #2 referencing architectural drawings. The variance request is to allow a building to building setback of 46 ft. in lieu of the required 100 ft.

Appearing at the hearing on behalf of the special hearing and variance requests were Brian Caplan, Executive Director of P'TACH, Richard E. Matz, the professional engineer who prepared the site plan of the property, and Deborah Dopkin, attorney at law, representing the property owner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, consists of 5.213 acres, more or less, zoned R.C.5. The subject property is improved with a number of buildings, which are currently utilized by P'TACH of Baltimore who provides educational instruction and services to learning disabled children. Mr. Caplan, speaking on behalf of P'TACH, indicated that they have occupied the subject property since August of this year. P'TACH is hopeful of expanding their operation to include the old two-story dwelling

*'[s { ---, which exists on the property as shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. In order to utilize the old two-story dwelling for offices for their school, the variance request is necessary in that the dwelling is situated approximately 46 ft. from the two-story school building, which is also shown on the site plan. In order to proceed with the use of the old dwelling in this fashion, the special hearing and variance requests are necessary.

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

IT IS FURTHER ORDERED, that the special hearing request to amend a previous Zoning Order in Case No. 01-143-SPHA, specifically Condition #2 referencing architectural drawings, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

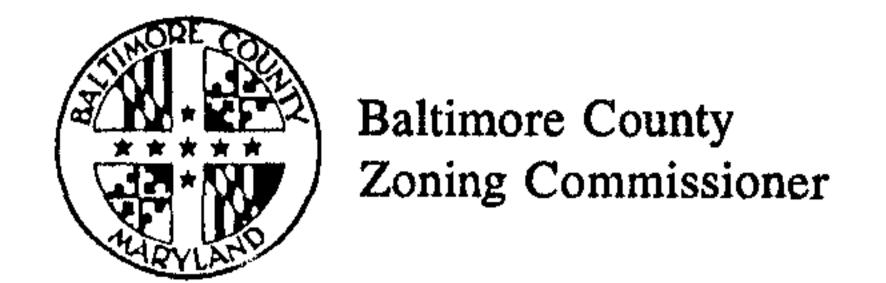
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





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

Fax: 410-887-3468

December 4, 2002

Deborah C. Dopkin, Esquire 409 Washington Avenue, Suite 1000 Towson, Maryland 21204

Re: Petitions for Special Hearing & Variance

Case No. 03-187-SPHA

Property: 10712 Marriottsville Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Muthy 16troco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Brian Caplan, Exec. Dir. P'TACH of Baltimore, Inc. 10712 Marriottsville Road Randallstown, MD 21133

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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

UNAVAILABLE FOR HEARING

Reviewed By D.THOMPSON

| for the property located at: .10712 Marriot | tsville Road | |
|---|--------------|---|
| which is presently zoned | R.C.5 | · |

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, required owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commission should approve

To amend the Plan and Zoning Order previously approved in Case No. 01-143-SPHA, and to amend Condition #2. of the Zoning Order referencing specific architectural drawings.

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 perjury, that I/we are the legal owners the subject of this Petition. | i, under the penaltic r(s) of the property | es of which |
|--------------------------------------|---|---|---|-----------------|
| Contract Purchaser/Lessee: | | Legal Owner(s): | | |
| | | Brian Caplan, Executive Director P'TACH of Baltimore, Inc. | ٢ | |
| Name - Type or Print | | Name - Type or Print | | |
| Signature | | Signature | ac bu | |
| Address. | Telephone No. | Name – Type or Print | ······································ | |
| City | State Zip Code | Signature | | |
| Attorney For Petitioner: | | 10712 Marriottsville Road | 410- | 496-47 |
| | | Address. | Telepl | hone No |
| Deborah C. Dopkin, Esq; | =+==· · · · · · · · · · · · · · · · · · | Randalistown | Md. | 2113 |
| Name - Type or Print | · · | City | State | Zip C |
| signature signature | er- | Representative to be Conta | cted: | |
| Law Offices of Deborah C. Dopkin, P. | .A | Richard E. Matz, P.E. | (eve) 410-4 | 184-87 <i>i</i> |
| Company | | COLBERT MATZ ROSENFELT, | INC | |
| 409 Washington Ave., Suite 1000 | 410-821-0200 | 2835 Smith Avenue, Suite G | (day) 410-6 | 653-38 |
| Address 3 | Telephone No. | Address | | hone Nc |
| Towson | Md. 21204 | Baltimore | MD | 2120 |
| City | State Zip Code | Clty | State | Zip C |
| | | OFFICE USE | ONLY | |
| Case No Da -100 - Coun | . | ESTIMATED LENGTH OF H | | |



Petition for Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | 10712 Marriottsville Road | • |
|-----------------------------|---------------------------|---|
| which is presentl | | |

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 we attached hereto and made a part of thereof, hereby petition for a Variance from Section(s)

1A04.3.B.2, BCZR, for a between-building setback of 46 feet, in lieu of 100 feet required.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The variance is to permit the use of two existing buildings on the site for principal permitted uses. An undue hardship would be imposed to move either of the two existing buildings.

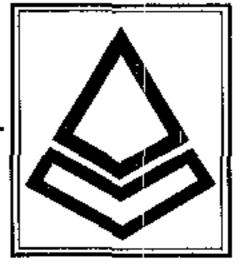
Property to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc and further agree to and are to be book deed 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, up perjury, that I/we are the legal owner(s ³ is the subject of this Petition. | nder the penalties of } of the property which |
|--------------------------------------|--|--|--|
| Contract Purchaser/Lessee: | | Legal Owner(s): | |
| | | Brian Caplan, Executive Director P'TACH of Baltimore, Inc. | |
| Name – Type or Print | | Name - Type or Print | |
| Signature | | Signature Signature | EXEC. DIR |
| Address. | Telephone No. | Name - Type or Print | Exec. Dir. |
| City | State Zip Code | Signature | · · · · · · · · · · · · · · · · · · · |
| Attorney For Petitioner: | | | |
| | | 10712 Marriottsville Road | 410-496-4746 |
| | | Address. | Telephone No. |
| Deborah C. Dopkin, Esq. | | Randalistown | Md. 21133 |
| Name Type or Print | | City | State Zip Code |
| Signature Signature | | Representative to be Contacte | ed. |
| Law Offices of Deborah C. Dopkin, Es | ia. | Richard E. Matz, P.E. | (eve.) 410-484-8757 |
| Company | | COLBERT MATZ ROSENFELT, INC | |
| 409 Washington Ave., Suite 1000 | 410-821-0200 | 2835 Smith Avenue, Suite G | 410-653-3838 |
| Address | Telephone No. | Address | Telephone No. |
| Towson | Md. 21204 | Baltimore | MD 21209 |
| City | State Zip Code | City | State Zip Code |
| | | OFFICE USE C | *4_Y |
| Case No. 03 - 187 - SP | HA | ESTIMATED LENGTH OF HEA | PING |
| | ······································ | UNAVAILABLE FOR HEARING | · · · · · · · · · · · · · · · · · · · |
| | | Reviewed By D.THOMPSON | Date 10 17 021 |

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

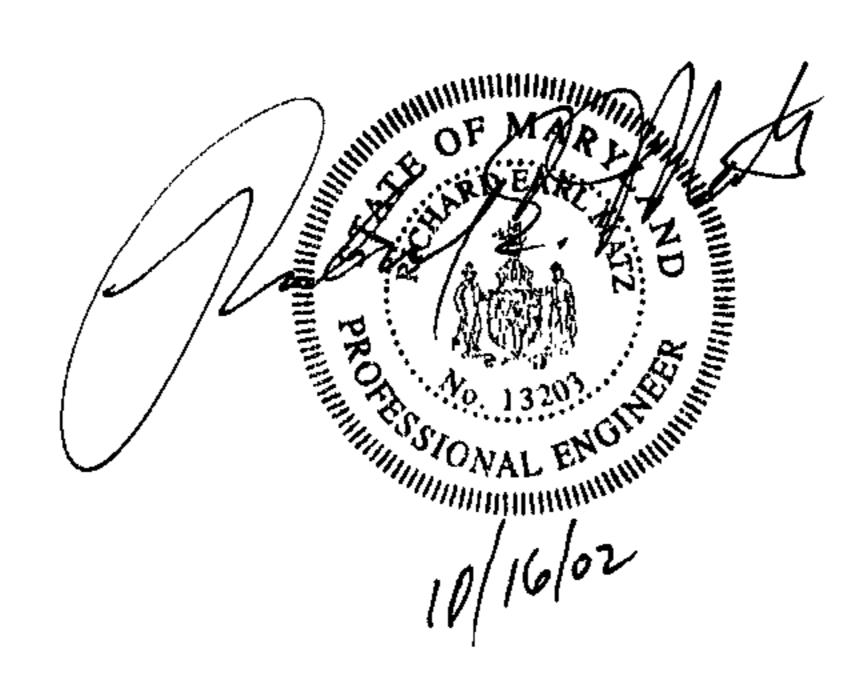


ZONING DESCRIPTION 10712 Marriottsville Road

Beginning at a point on the north side of Marriottsville Road, which is 20 feet wide, at the distance of 900 feet east of the centerline of Powells Run Road, which is of varying width. Thence the following courses and distances:

N 04°38'08" W 181.80 ft.; N 06°38'08" W 248.60 ft.; N 83°32'21" E 283.08 ft.; S 03°35'06" E 305.54 ft.; S 39°22'39" E 96.31 ft.; S 73°47'35" E 175.83 ft.; S 01°10'17" W 116.15 ft.; S 13°50'17" W 45.60 ft.; S 01°10'17" W 149.95 ft.; thence S 86°37'52" W 367.26 ft. to the point of beginning.

As recorded in Deed Liber 16758, folio 307 and containing 227,094 sq. ft. (5.213 acres), more or less. Also known as 10712 Marriottsville Road and Lot 1 of Minor Subdivision 97-116-M, and located in the 2nd Election District.



| DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER | FOR: | RECEIVED FROM: | DATE O ACCOUNT O O O O O O O O O O O O O O O O O O O | BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 187 | |
|--|------|----------------|--|---|--|
| CASHIER'S VALIDATION | | | | | |

NOTICE OF ZONING HEARING

NUTICE UF 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: #f03-187-SPHA

10712 Marriottsville Road

Niside Marriottsville Road

Nowells Run Road

Znd Election District - 3rd Councilmanic District

Legal Owner(s): Brian Caplan, Executive Dir PTACH of Baltimore, inc.

Special Hearing: of the Zoning Regulations of Baltimore county to determine whether or not the Zoning Commissioner should approve an amendment to condition #2 in zoning case # 01-143-SPHA. Variance: for a between-building at back of 46 feet, in lieu of 100 feet required.

Hearing: Tuesday, December 3, 2002 at 2:00 p.m. in Roam 106, Baltimore County Office Building, 111 W.

Chesapeate Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Cortact 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.

on

__ 20<u>C</u>2

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., ,20C once in each of

女 The Jeffersonian

- ☐ Arbutus Times
- Catonsville Times
- Owings Mills Times Towson Times
- ☐ NE Booster/Reporter
- North County News

W. Clus

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
& VARIANCE
10712 Marriottsville Road
900' east of ctrl Powells Run Road
2nd Election District
3rd Councilmanic District
Legal Owner: PTACH of Baltimore, Inc.
Brian Caplan, Executive Dir.

Petitioner(s)

* ZONING COMMISSIONER

BEFORE THE

* FOR

* BALTIMORE COUNTY

* 03-187-SPHA

* * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

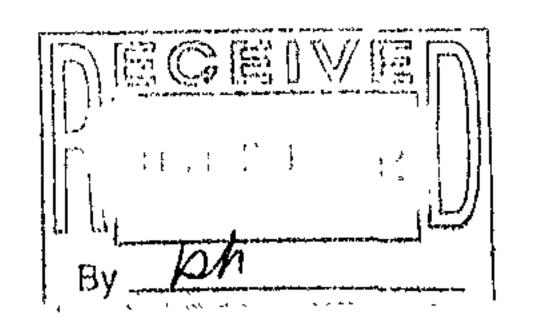
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, P.E., COLBERT, MATZ & ROSENFELT, INC., 2835 Smith Avenue, Suite G, Baltimore, MD 21209; and to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 1000, Towson, MD 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



TO: PATUXENT PUBLISHING COMPANY

Thursday, November 14, 2002 Issue – Jeffersonian

Please forward billing to:

P'TACH of Baltimore 10712 Marriottsville Road Randallstown, MD 21133

410-496-4746

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: 03-187 - SPHA

10712 Marriottsville Road

N/side Marriottsville Road 900 feet east of centeline Powells Run Road

2nd Election District – 3rd Councilmanic District

Legal Owner: Brian Caplan, Executive Dir. P'TACH of Baltimore, Inc.

Special Hearing of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to condition # 2 in zoning case # 01-143-SPHA. Variance for a between-building at back of 46 feet, in lieu of 100 feet required.

HEARING: Tuesday, December 3, 2002 at 2:00 p.m. in Room 106, Baltimore County Office

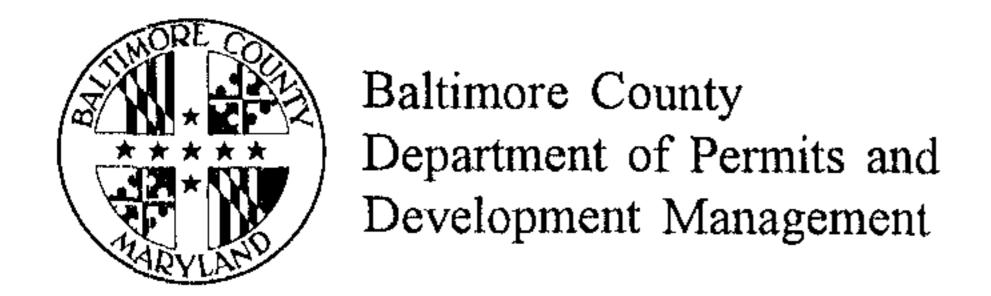
Bldg., 111 W. Chesapeake Avenue

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.



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

Fax: 410-887-5708 October 29, 2002

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: 03-187 - SPHA

10712 Marriottsville Road

N/side Marriottsville Road 900 feet east of centeline Powells Run Road

2nd Election District – 3rd Councilmanic District

Legal Owner: Brian Caplan, Executive Dir. P'TACH of Baltimore, Inc.

Special Hearing of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve an amendment to condition # 2 in zoning case # 01-143-SPHA. <u>Variance</u> for a between-building at back of 46 feet, in lieu of 100 feet required.

HEARING: Tuesday, December 3, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Bldg., 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rih

C: Deborah Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204
Brian Caplan, Executive Director of P'TACH of Baltimore, Inc., 10712
MarriottsvilleRoad, Randallstown 21133
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 18, 2002.

- (Ž) 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

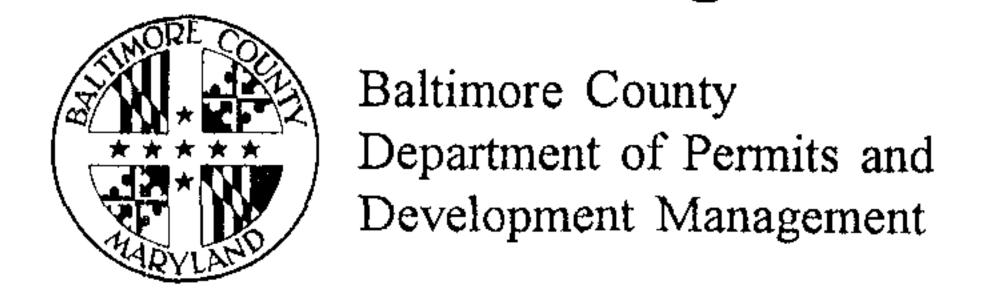
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

| For Newspaper Advertising: |
|---|
| Item Number or Case Number:03-187-SPHA |
| Petitioner: P'TACH OF BAUTIMORE |
| Address or Location: 10712 MARRIOTTS VILLE ROAR |
| |
| PLEASE FORWARD ADVERTISING BILL TO: |
| Name: P'TACH OF BAUTIMORE ATTN! BRIAN A. CAPLAN |
| Address: 10712 MARRIOTTSVILLE ROAD |
| RANDAUSTOWN, MD 21133. |
| Telephone Number: 410-496-4746 |
| -, |

Revised 2/20/98 - SCJ



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

November 27, 2002

Deborah C. Dopkin 409 Washington Avenue, Suite 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 03-187-SPHA, 10712 Marriottsville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 17, 2002.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel
Brian Caplan, Executive Dir., P'TACH of Baltimore, Inc., 10712 Marriottsville Road,
Randallstown 21133
Richard E. Matz, Colbert Matz Rosenfelt, 2835 Smith Avenue, Suite G, Baltimore 21209



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 4, 2002 Item Nos. 182, 183, 184, 187, 188, 190, 191, and 192

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

 δ

DATE: November 21, 2002

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

| TO: | Arnold Jablon | | | | | | | | | | |
|-------------|------------------------------|--|----------------------|-----------|--|--|--|--|--|--|--|
| FROM: | R. Bruce Seeley PB5/TGT | | | | | | | | | | |
| DATE: | November 29, 2002 | | | | | | | | | | |
| SUBJECT: | Zoning Item 187 Address 1071 | 2 Marriottsville Road | • | | | | | | | | |
| Zoning | Advisory Committe | ee Meeting of <u>10/28/02</u> | | | | | | | | | |
| | | mental Protection and Receptor | esource Managemei | nt has no | | | | | | | |
| an exte | nsion for the review | mental Protection and Roof the above-referenced at a regulations apply to the second s | zoning item to deter | _ | | | | | | | |
| | - | mental Protection and Rethe above-referenced zo | _ | nt offers | | | | | | | |
| <u>X</u> | Protection of Water | property must comply w Quality, Streams, Wetlan 350 of the Baltimore Cou | nds and Floodplains | | | | | | | | |
| <u>X</u> | | s property must comply vations (Section 14-401 the Code). | | e | | | | | | | |
| | Critical Area Regul | s property must comply vations (Sections 26-436 to timore County Code). | | • | | | | | | | |
| | Additional Comme | nts: | | | | | | | | | |
| Reviev | ver: Mike Kulis | | Date: 11/29/02 | | | | | | | | |

Jen 3

DATE: November 12, 2002

14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arr

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

10712 Marriotsville Road

INFORMATION:

Item Number:

03~187

Petitioner:

Brian Caplan

Zoning:

RC 5

Requested Action:

Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a 46-foot building separation is lieu of the minimum required 100 feet, and to permit the use of two (2) existing buildings on the site for principal permitted uses. However this office **does not** support the petitioner's request to amend condition #2 of the zoning order referencing specific architectural drawings.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 10.28.02

Item No.

RE:

Baltimore County

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109

Towson, Maryland 21204

Dear. Mr. Zahner:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. L. McDonald Jr., Chief Engineering Access Permits Division



Parris N. Glendening Governor Kathleen Kennedy Townsend L.t. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

October 29, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, November 4, 2002

Re: case numbers 03-182-A, 03-183-A, 03-184-A, 03-185-SPH, 03-186-A, 03-187-

SPHA, 03-188-SPHXA, 03-190-A, 03-191-XA, 03-192-SPH

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/29/02. The information has been submitted to Mr, Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

Department of Permits and Development Management

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



Baltimore County

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

February 22, 2005

Deborah C. Dopkin Deborah C. Dopkin, P.A. 409 Washington Avenue, Suite 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Spirit and Intent, Case # 03-187-SPHA, Weinberg Academy fka P'Tach of Baltimore, Inc., 10712 Marriottsville Road, 2nd Election District

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

- 1. The proposed additional uses of the above referenced property as relates to Zoning Case # 03-187-SPHA, specifically the fundraising activities associated with the Automobile Wholesale Dealer's License, is approved as being in the spirit and intent of the Baltimore County Zoning Regulations (BCZR), subject to any restrictions contained in the Zoning Commissioner's order and the prior orders in Case # 01-143-SPHA, 99-182-A and 92-161-A and subject to any restrictions listed in the affidavit contained within the attached Automobile Wholesale Dealer's License Zoning Use Permit application including, but not limited to the following:
 - The above referenced property will be used as an office only.
 - There will be no inventory, equipment, stock, or commodity delivered or stored on the property except what is needed expressly for the office use.
 - Dealer's, client's, or vendor's motor vehicles of any type will not be delivered or stored on the premises, unless the location is an existing licensed, zoning approved used motor vehicle sales dealer.
 - Proper application for and subsequent approval of a change of occupancy and/or building permit for the above referenced office.
 - 2. Please be aware that non-compliance with any of the above stated restrictions (as listed in the affidavit contained in the attached use permit application) would cause an immediate rescinding of this spirit and intent approval and rescinding of any approvals related to the Automobile Wholesale Dealer's License Zoning Use Permit.
 - 3. A verbatim copy of this response must be attached to your Zoning Use Permit application along with a \$50.00 check made payable to Baltimore County, Maryland.
 - 4. A copy of this response and the approved Zoning Use Permit will be recorded and made a permanent part of the zoning case file.



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

5. This approval is for zoning only, and you will be required to comply with all other County and State regulations relative to this property.

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

Sincerely,

Sincerery, Lettrey M. Perlow Jeffrey N. Perlow

Planner II

Zoning Review

JNP

Attachment-Application for Automobile Wholesale Dealer's License Zoning Use Permit

c: Zoning Hearing File 03-187-SPHA File-Spirit & Intent Letters

AUTOMOTIVE WHOLESALE DEASER'S LICENSE ZONING USE PERMIT (NON-RESIDENTIAL LOCATION)

| Location: | - , · • | | Election Dis | strict | | | | | | | | |
|--------------|--|---|-----------------------|--|--|--|--|--|--|--|--|--|
| | (str | eet address) | | | | | | | | | | |
| | | Zoning | | | | | | | | | | |
| | (cit | y, state, zip code) | | | | | | | | | | |
| Description: | N, E, S, W. | , corner, side of | | Description must | | | | | | | | |
| | (circle ap | ppropriate) | (street or road name) | be filled in by applicant prior to | | | | | | | | |
| | ft. N, | E, S, W, and of | · | applicant prior to approval. | | | | | | | | |
| | (distance) | (circle) | (street or road name) | | | | | | | | | |
| AFFIDAVIT: | I, the undersigned, request approval of the above referenced ZONING USE PERMIT for a wholesale dealer's office, and I hereby agree to the following conditions of approval: 1. The above location will be used as an office only. | | | | | | | | | | | |
| | 2. There will be no inventory, equipment, stock, or commodity delivered or stored on the property except what is needed expressly for the office use. | | | | | | | | | | | |
| | 3. <u>Dealer's, client's, or vendor's motor vehicles of any type will not be delivered or stored on the premises</u> , unless the location is an existing licensed, zoning approved used motor vehicle sales dealer. | | | | | | | | | | | |
| | 4. Proper application for and subsequent approval of a change of occupancy and/or building permit for the above referenced office. | | | | | | | | | | | |
| | 5. Other | | | | | | | | | | | |
| | | | SIGNATURE: | | | | | | | | | |
| | | | PRINT NAME: | ······································ | | | | | | | | |
| APPROVAL: | | - · · · · · · · · · · · · · · · · · · · | ADDRESS: | | | | | | | | | |
| | Director of Permits Management (PDN | s and Development | | | | | | | | | | |
| | BY: | | PHONE: | ······································ | | | | | | | | |
| | DATE: | | DATE: | | | | | | | | | |

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C, DOPKIN

October 14, 2002

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SO I CAN

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OCT 16 2002

DEPT. OF 1 PPOUR AND

DEVELOPMEN. PA TEMENT

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

> RE: P'TACH of Baltimore, Inc. 10721 Marriottsville Road

> > Building Permit Application No. B499922

Dear Mr. Jablon:

The purpose of this letter is to request that you conditionally authorize the Baltimore County Buildings Engineer to process and release a building permit application (copy enclosed) submitted on behalf of P'TACH of Baltimore, Inc., notwithstanding the pendency of Petitions for Special Hearing and Variances that are in process with your office. The petitions address changes to the use of a building and distance between buildings by amending the plan previously approved in Case No. 01-143-SPHA.

My client, P'TACH of Baltimore, Inc. is a private religious school devoted to the education of students with learning and behavioral disabilities. The school has recently acquired the property at 10712 Marriottsville Road from the former owner, Kingsway Academy, Inc., a school with a similar educational mission. Though P'TACH does not intend to build any new structures, it wishes to change the use of the existing residence on the property to administrative offices and to utilize the second floor an existing two-story (former) garage for classroom and other student space.

In order to utilize the second floor of the garage, the fire department is requiring that this building have sprinklers installed per NFPA 13 and exterior exist from the second floor. P'TACH is anxious to comply with the requisite fire and safety regulations and would like to pursue these improvements while the zoning case is being decided.

P'TACH has every reason to believe that its petitions will be granted. The property has been used as a school for the past five years

Arnold Jablon, Esquire, Director October 14, 2002 Page 2

and enjoys good relationships with the adjoining property owners. Furthermore, the alterations under this permit affect only the existing garage and would not involve new building construction or an enlarged building envelope that might affect any neighboring properties. The school would like to be able to utilize this space to meet the needs of its students who are now cramped in inadequate space for the programs being offered. Because of the pressing needs of its student population and to avoid delaying completion of these needed improvements, P'TACH does not feel that it can afford to await the completion of the proceedings on its petitions before its building permits are released.

Accordingly, we respectfully request on behalf of P'TACH of Baltimore, Inc. that you conditionally approve processing and release of the building permit for the improvements to the garage. The school is, of course, willing to proceed with construction activities at its own risk, with assurances to the County that if its petitions are not ultimately granted, it will not be permitted to utilize the space for classrooms.

In addition to asking that you conditionally authorize the processing and release of the building permit, we would appreciate anything you can do to expedite the hearing for the petitions for special hearing and variance. If I can answer any questions or if you need additional information, please contact me at your convenience.

Thanking you for your attention to this matter, I am

Very truly yours,

DCD/kmc

cc: P'TACH of Baltimore, Inc.

C:\docs\KMC\DCD\LETTERS 2002\Jablon Arnold-ptach wpd

NO DRC FOR Addition of STEPS. 7.26.02 Dele T. Known

Don Rascoe Romizz Dire?

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200 FACSIMILE 410-823-8509 e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

February 8, 2005

Du 2 2/234

Via Hand Delivery

Timothy M. Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Weinberg Academy
Formerly known as P'Tach of Baltimore, Inc.
10712 Marriottsville Road

2nd Election District, 3rd Councilmanic District

Dear Mr. Kotroco:

This office represents Weinberg Academy (formerly 'P'Tach of Baltimore, Inc.) in connection with the use of the above property (the "Property") as a school for children with learning disabilities. The Property is $6.0\pm$ acre tract zoned R.C. 5 and has been used as a school since 1999.

Zoning relief was granted to the prior owner, Kingsway Academy in January of 1999 by Case No. 99-182-A. That case was amended for additions and modifications by Case No. 01-143-SPH. In 2002, further relief was granted to P'Tach to permit modifications to existing buildings in Case No. 03-187-A.

Originally, the property was owned by Kingsway Academy, a private school serving disabled children. In 2002, Kingsway sold the property to P'Tach of Baltimore, Inc. (now, the Weinberg Academy). P'Tach provides educational instruction and services to learning disabled children. It is a non-profit organization that enjoys 501 c(3) status under the Internal Revenue Code.

Timothy Kotroco, Esquire
Director, Department of Permits and
Development Management
February 8, 2005
Page 2

As a private school, dependent on donations, fundraising activities are conducted from the property. Like many charities, the school accepts donations of used automobiles, which it then sells and uses the proceeds to support its educational programs. The State of Maryland requires the school to maintain a wholesale dealer's license to accept donations of cars. This license is currently being renewed and the school would like to transfer the license address to the current campus, so it may consolidate its fundraising activities and record-keeping at one location.

This letter is to request your concurrence that the Weinberg Academy may use the property address on Marriottsville Road in connection with its fundraising activities and its wholesale dealer's license. There is no physical evidence of such activity at the property as it relates to the donation of used automobiles. When vehicles are donated, they are sent directly to an auction house and are neither brought to nor stored at the school property. No building additions or improvements will occur in connection with the license, nor would additional employees or personnel be on the site. In fact, the only activities on site relating to accepting donations of automobiles are related to office and clerical tasks and record keeping. Like any other fundraising, this use is entirely subordinate and accessory to the principal use as a school:

We submit that the relocation of the wholesale dealer's license to this address is a permitted accessory use pursuant to the various prior approvals and the principal use as a school, and as such, is in keeping with the spirit and intent of the Baltimore County Zoning Regulations.

If you concur with our contention that the use is a permitted accessory use, in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the prior zoning cases, I would appreciate your so indicating by return correspondence at your earliest convenience. I have enclosed my

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Timothy Kotroco, Esquire
Director, Department of Permits and
Development Management
February 8, 2005
Page 3

check in the amount of \$75 to cover the fee required in this matter.

Thanking you in advance for your response, I am

Very truly yours,

Deborah C./Dopkin

DCD/kmc

Enclosure

cc: Weinberg Academy

F-\KMC\DCD\LETTERS 2005\kotroco timothy_ptach.wpd

PLEASE PRINT CLEARLY

CASE NAME P'TACH OF B4170 CASE NUMBER 03 -187 SPHA DATE 12-03-02

PETITIONER'S SIGN-IN SHEET

| E- MAIL | DUDRIN @ Wohmlaw.a | | | | | | | | | | | |
|------------------|--------------------|------------------------|--|--|--|--|--|--|--|--|--|--|
| CITY, STATE, ZIP | | 24208-21208 | | | | | | | | | | |
| ADDRESS | -7 | 2035 SMITH AVE, SUITED | | | | | | | | | | |
| NAME | LOPKIN | E. MARZ | | | | | | | | | | |

TIME: DATE: 08:58:11 10/18/2002 AUTOMATED GENERAL PERMIT PERMIT APPLICATION TRACKING METSYS DATA LAST

PLX UPDATE 09

RECEIPT PERMIT A460904 B499922 PROPERTY ADDRESS

10712 MARRIOTTSVILLE

CONTROL COC SUBDIV: 2350FT 口 OF

XREF

• •

B499922 TAX ACCOUNT # •• 2300003589 HERNWOOD DISTRICT/PRECINCT RD

OWNERS INFORMATION (LAST, FIRST)

327.00 327.00 NAME: P'TACH OF BALTIMORE INC

ADDR: 4445 OLD COURT RD BALTIMORE M 21208-2736

ID **BY:** APP

PAID:

[1]

DATES APPLICANT INFORMATION

APPLIED: 09/26/2002 NAME: SHELLIE CURRY

ISSUED: COMPANY • • FISHMAN CURRY ARCHITECTS

OCCPNCY: ADDR1 99 PAINTERS RD STE

ADDR2 OWINGS MILLS MD 21117

INSPECTOR: 02C PHONE # 410-581-5800 LICENSE

••

NOTES: VLC/EDW

PASSWORD • •

APPROVALS PERMIT DETAIL

> PF3 INSPE CTIONS PF7

PF4

ISSUE

PERMIT

PF8

NEXT DELETE PERMIT **PF10** PF9 SAVE INQRY

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TIME: DATE: 08:58:34 10/18/2002 AUTOMATED BUILDING PERMIT TRACKING SYSTEM LAST UPDATE

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BUILDING

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ADA

FIRE

INT

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1 - 18'X4' = 72SF. SEPARATE PERMIT REQUIRED & FOR

ADDITIONAL WORK.

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RESIDENTIAL 井田守田: #1BED: CAT: #2BED:

FAMILY

BEDROOMS:

#3BED: TOT BED:

LOL

APTS:

PASSWORD:

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PANEL BP1005M

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4 72 SIZE: \mathcal{O}_1

WIDTH: FLOOR: FRONT STREET:

DISP: HEIGHT: DEPTH: FRONT SIDE SETB: STREET:

GARBAGE

POWDER THROOMS ROOMS: • • STORIES: SIDE SIDE STR SETB: SETB: NC

KITCHENS: LOT NOS . . REAR SETB: 20

CORNER TOT • •

DISTRICT: ZONING DATE: PETITION: INFORMATION BLOCK: LIBER: SECTION: 000 TOTAL ASSESSMENTS LAND: IMPROVEMENTS ASS.: . 0091050.00

PLANNING INFORMATION CLASS: \circ 4

FOLIO:

000

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PANEL

80 10/18/2002 :58:55 AUTOMATED APPROVALS PERMIT DETAIL TRACKING SCREEN METSYS LAST PSN UPDATE 10 10 BP1018M)/17/2002

PERMIT # • • B499922 CONTROL #= • •

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