IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE – W/S Academy Lane,

117' N of the c/l Dolfield Boulevard

(809 Academy Lane)

4th Election District 2nd Council District

Seth Pachino, Owner; Heritage Synagogue Center, Lessees * BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 03-608-SPHA

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Seth Pachino, and the Contract Lessees, Heritage Synagogue Center, through their attorney, Deborah C. Dopkin, Esquire. The Petitioners request a special hearing, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination that the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and, a waiver, pursuant to Section 500.6 of the B.C.Z.R., of the requirements of Sections 26-172 and 26-236(1), (10) of the Baltimore County Code, to relieve the requirement of a road widening, which is a Public Works Standard. In the alternative, the Petitioners request variance relief from the RTA requirements of the B.C.Z.R. as follows: From Section 1B01.1.B to permit a Residential Transition Area (RTA) of as little as 0' in lieu of the required 100', an RTA setback from the building of as little as 18' in lieu of the required 75', an RTA setback from the parking lot of as little as 0' in lieu of the required 75', and an RTA buffer of as little as 0 feet in lieu of the required 50'. In addition, variance relief is requested from from Section 1B01.2.C.1.A to permit a front yard of 48' in lieu of the required 50' and a side yard of 18' in lieu of the required 20' for the existing building; and, from Section 409.4.A to permit a two-way drive aisle width of 18' in lieu of the required 20' for a proposed driveway. The subject property

OHDER RECEWED FOR FILING Date 805/13 property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Edward Siv, President of the Heritage Synagogue Center, Contract Purchasers of the subject property; Robert S. Rosenfelt, Professional Engineer who prepared the site plan for this property; and Deborah Dopkin, Esquire. Also appearing in support of the request were Elana Mitnick, Steven Roberts, and Aaron Pearlman. Appearing as interested citizens/Protestants were Karen Zakhnini, and Phyllis and Glen E. Moser, Jr., adjacent property owners, and Winifred G. Lynde, all of who were represented by Lawrence Hammond, Esquire.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the west side of Academy Lane, just north of Dolfield Boulevard in Owings Mills. The property contains a gross area of 0.6834 acres, more or less, zoned D.R.3.5, and is improved with a 1½-story building, 38'2" x 28'2" in dimension, and an accessory shed. As shown on the site plan, the property is deep (400'), yet narrow, with 75' of frontage on Academy Lane. The building, which is located in the front portion of the site, has been used as the residence for a Rabbi of the Heritage Synagogue Center for some time. The Petitioners are desirous of utilizing the building for religious purposes, which is a use permitted by right in the D.R.3.5 zone. There will be no exterior changes to the building or the property and the chapel area will be relatively small with a capacity of 32 seats. In addition, the Petitioners propose installing a parking lot to the rear of the building that will provide parking for up to eight vehicles.

Turning first to the Petition for Special Hearing, relief is requested to approve a waiver of the Public Works Standards, which would require the widening of Academy Lane along the property's frontage. In support of their request, the Petitioners introduced into evidence as Petitioner's Exhibit 2, a letter they received from Edward C. Adams, Jr., Director of Public Works, which indicates their approval of the waiver. I find that the waiver request is in compliance with Section 26-172 of the Baltimore Code and should be granted. As to the requested relief from RTA requirements, I find that the site complies with those requirements to the extent possible. In this

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regard, the RTA is generated by virtue of the proposed use of the property. The fact that there will be no exterior improvements to the building or property in the front portion of the site, I am persuaded to grant the requested waiver.

Turning next to the variance requests, the requested variances from RTA requirements shall be dismissed as moot in view of the waiver granted above. The other variances are necessary to legitimize existing conditions on the property. As shown on the site plan, the existing building provides a side yard setback of 19' towards the Zakhnini Property and a 20-foot setback is required. In addition, a front yard setback of 49' exists and a 50-foot setback is required. It is clear that relief should be granted here in that the house is existing. In addition, the proposed driveway width of 18' in lieu of the required 20' is appropriate in that it will reduce the amount of impervious surface on the site and lessen the amount of storm water runoff onto neighboring properties.

The neighbors who appeared at the hearing were not opposed to the proposed use; however, requested that certain conditions be imposed to buffer the use from adjacent properties. It is also to be noted that the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning made several recommendations, some of which will be incorporated herein as conditions.

In this regard, a fence at the height allowed by the B.C.Z.R. shall be installed along the north side property line adjacent to the Moser property. In addition, the Petitioners shall install swales or berms, or perform other grading as may be necessary to insure that there will be no storm water runoff from the subject property onto adjacent properties. The Petitioners agreed to consult with the Department of Environmental Protection and Resource Management to determine appropriate action to resolve this issue. It was also agreed that the resident of the house shall be limited to the Rabbi for the Heritage Synagogue Center. There will be no lighting other than that of a residential character for this property. There shall be no more than 50 individuals attending religious worship services at any one time. In this regard, there is a school across the street from the site where additional parking might be available during high holidays. There will be no

exterior changes to the existing building. Moreover, I will not require removal of the existing driveway and parking pad. Testimony indicated that the Rabbi has lived on the property for some time and wishes to continue to utilize the existing driveway and parking pad for his vehicle. This driveway and parking pad will be used exclusively by him.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted, subject to the terms and conditions set forth below.

this 200 day of August, 2003 that the Petition for Special Hearing pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination that the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and, a waiver, pursuant to Section 500.6 of the B.C.Z.R., of the requirements of Sections 26-172 and 26-236(1), (10) of the Baltimore County Code, to relieve the requirement of a road widening, which is a Public Works Standard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.A to permit a front yard of 48' in lieu of the required 50' and a side yard of 18' in lieu of the required 20'; and, from Section 409.4.A to permit a two-way drive aisle width of 18' in lieu of the required 20', be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building/use permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Within sixty (60) days of the date hereof, the Petitioners shall submit a revised site plan depicting the proposed privacy fence to be installed along the north property line adjacent to the Moser property. In addition,

the plan shall show the proposed swale, berm or other grading as may be necessary to insure that there will be no storm water runoff onto adjacent properties.

- 3) The residential use of the building shall be limited to the Rabbi for the Heritage Synagogue Center. Moreover, the existing driveway and parking pad on the south side of the property will be used exclusively by the Rabbi.
- 4) There will be no signs on the subject property. Moreover, there will be no lighting of the property other than that of a residential character and nature.
- 5) There shall be no more than 50 individuals attending any one service.
- 6) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

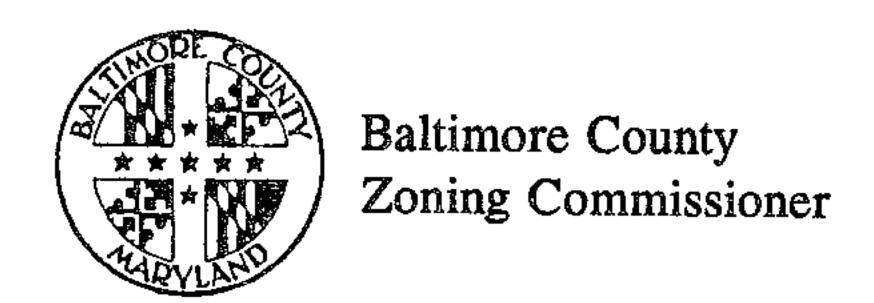
IT IS FURTHER ORDERED that the alternative variance relief sought within the Petition for Variance, seeking relief from Section 1B01.1.B to permit a Residential Transition Area (RTA) of as little as 0' in lieu of the required 100', an RTA setback from the building of as little as 18' in lieu of the required 75', an RTA setback from the parking lot of as little as 0' in lieu of the required 75', and an RTA buffer of as little as 0 feet in lieu of the required 50', be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs



August 25, 2003

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

Fax: 410-887-3468

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

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
W/S Academy Lane, 117' N of the c/l Dolfield Boulevard
(809 Academy Lane)
4th Election District – 2nd Council District
Seth Pachino, Owner; Heritage Synagogue Center, Lessees - Petitioners
Case No. 03-608-SPHA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, 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. Seth Pachino, 3702 Thoroughbred Lane, Owings Mills, Md. 21117

Mr. Edward A. Ziv, President, Heritage Synagogue Center

12101 Long Lake Drive, Owings Mills, Md. 21117

Mr. Robert Rosenfelt, Colbert Matz Rosenfelt

2835-G Smith Avenue, Baltimore, Md. 21209

Ms. Karen Zakhnini, 811 Academy Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Glen E. Moser, Jr., 807 Academy Avenue, Owings Mills, Md. 21117

Ms. Winifred G. Lynde, 11 Beth Court, Owings Mills, Md. 21117

Lawrence Hammond, Esquire, 465 Main Street, Reisterstown, Md. 21136

Office of Planning; DEPRM; People's Counsel; Case File



ORDER H

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 809 Academy Lane which is presently zonedDR_3.5

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

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

SEE ATTACHED

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

zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. t/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: Legal Owner(s): Heritage Synagogue Center Seth Pachinon Name - Type of Print Name - Type or Print Bv: Signature Signature Ziv, President Edward A. 410-902-9421 Address Name - Type or Print Telephone No. wings ,≱ip Code City State Signature 410-581-7349 3702 Thoroughbred Lane Attorney For Petitioner: Address Telephone No. Owings Mills, Maryland 21117 Deborah C. Donkin, Esquire Name - Type or Print Zip Code State City PHONE OF Representative to be Contacted: Signature Deborah C. Dopkin, Esquire Deborah C. Dopkin, P.A. Company Name 409 Washington Avenue, Suite 1000 409 Washington Avenue, Suite 1000 (410-821-0200) Telephone No. Address Telephone No. Address 410-821-0200 Z Towson 21204 Towson, Maryland 21204 Maryland Zip Code State City Zip Code State OFFICE USE ONLY 608-, Sp, ESTIMATED LENGTH OF HEARING ase No. UNAVAILABLE FOR HEARING Reviewed By Date

To determine pursuant to Section 1B01.1.B.1.g(6) that the proposed synagogue is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises.

Waiver pursuant to Section 500.6, BCZR; 26-172 and 26-236 (1), (10), B.C.C., to relieve the requirement of a road widening, which is a Public Works Standard.



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Pétition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 809 Academy Lane

which is presently zoned DR 3.5

I/We do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that liwe are the legal owner(s) of the property which

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 Variance from Section(s)

SEE ATTACHED

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

Property is 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 bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s): Contract Purchaser/Lessee: Seth Pachino Heritage Synagogue Center Name - Type or Print Name - Type or Print Presu By: Signature Signature Edward A. Ziv, President Long Lake Dr. 410-902-9421 12101 Name - Type or Print Telephone No. Address 21117 <u>Dwings Mills</u> MD Zip Code Signature State 410-581-7349 3702 Thoroughbred Lane Attorney For Petitioner: Telephone No. Address 21117 Owings Mills, MD Deborah C. Dopkin, Esquire Zip Code State City Name - Type or Print Representative to be Contacted: Signature Deborah C. Dopkin, Esquire Debbrah C. Dopkin. P.A Deborah C. Dopkin, P.A. Name 410-821-0200 Сопрафу 410-821-0200 409 Washington Avenue, Suite 1000 409 Washington Avenue, Suite 1000 Telephone No. Address Telephone No. Addres\$ 21204 Towson, MD -21204 Zip Code Towson. Maryland Zip Code State City IT CLOS State BC. OFFICE USE ONLY IHR ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING Date Reviewed By #20 9115198

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From Section 1B01.1.B. To permit a residential transition area (RTA) setback of as little as zero (0') in lieu of the required one hundred feet (100'); a RTA setback from the building of 18 ' in lieu of the required 75'; a RTA setback from the parking lot of as little as 0' in lieu of the required 75; and a RTA buffer of as little as 0' in lieu of the required 50';

From Section 1B01.2.C.1.A, to permit a front yard of forty-eight feet (48') in lieu of the required fifty feet (50');

From Section 1B01.2.C.1.A, to permit a side yard of eighteen feet (18') in lieu of the required twenty (20');

From Section 409.4.A, to permit a two way drive aisle of eighteen feet (18') in lieu of the required twenty feet (20');

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

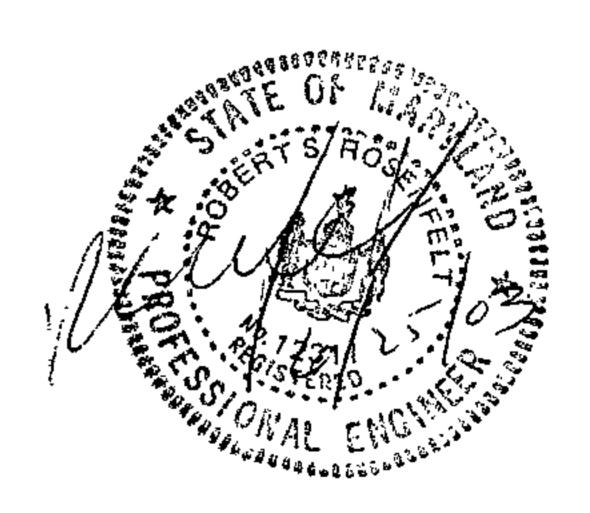


ZONING DESCRIPTION 809 ACADEMY LANE

Beginning at a point on the west side of Academy Lane, which is of variable width, at a distance of 117 feet north of the centerline of Dolfield Boulevard, which is 75 feet wide, thence the following courses and distances:

S 55°54'56" W 400.00 ft.; N 26°58'04" W 75.00 ft.; N 55°54'56" E 400.00 ft., and thence S 26°58'04" E 75.00 ft. to the Point of Beginning.

Being Lot 17 in the subdivision of "Property of C.D. Moser", as recorded in Baltimore County Plat Book #7, folio #155, containing 0.6834 acres. Also known as 809 Academy Lane and located in the 4th Election District.



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4200.00 REVISION BALTIMORE COUNTY, MARYLAND 608 No. 25056 OFFICE OF BUDGET & FINANCE Whi

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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 <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows: Case: #03-608-SPHA

809 Academy Lane

W/side Academy Lane, 117 feet north of Dolfield Blvd. 4th Election District – 2nd Councilmanic District

Legal Owner(s): Seth Pachino

Special Hearing: to determine that the proposed synagogue is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. Warver to relieve the requirement of a road widening, which is a Public Works standard Variance: to permit a residential transition area (RTA) of as little as zero (0 feet) in lieu of the required one hundred feet (100'); a RTA setback from the building of as little as 18 feet in lieu of the required 75 feet; a RTA setback from the parking lot of as little as 0 feet in lieu of the required 75 feet, and a RTA buffer of as little as 0 feet in lieu of the reguired 50 feet. To permit a front yard of 48 feet (48) in lieu of the required 50 feet, to permit a side yard of 18 feet in lieu of the required 20 feet; to permit a two-way drive aisle of 18 feet in lieu of the required 20 feet.

Hearing(s): Wednesday, August 13, 2003 at 2:00 p.m. in Room 467, County Courts Building, 401 Bosley Avenue.

LAWRENCE E SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

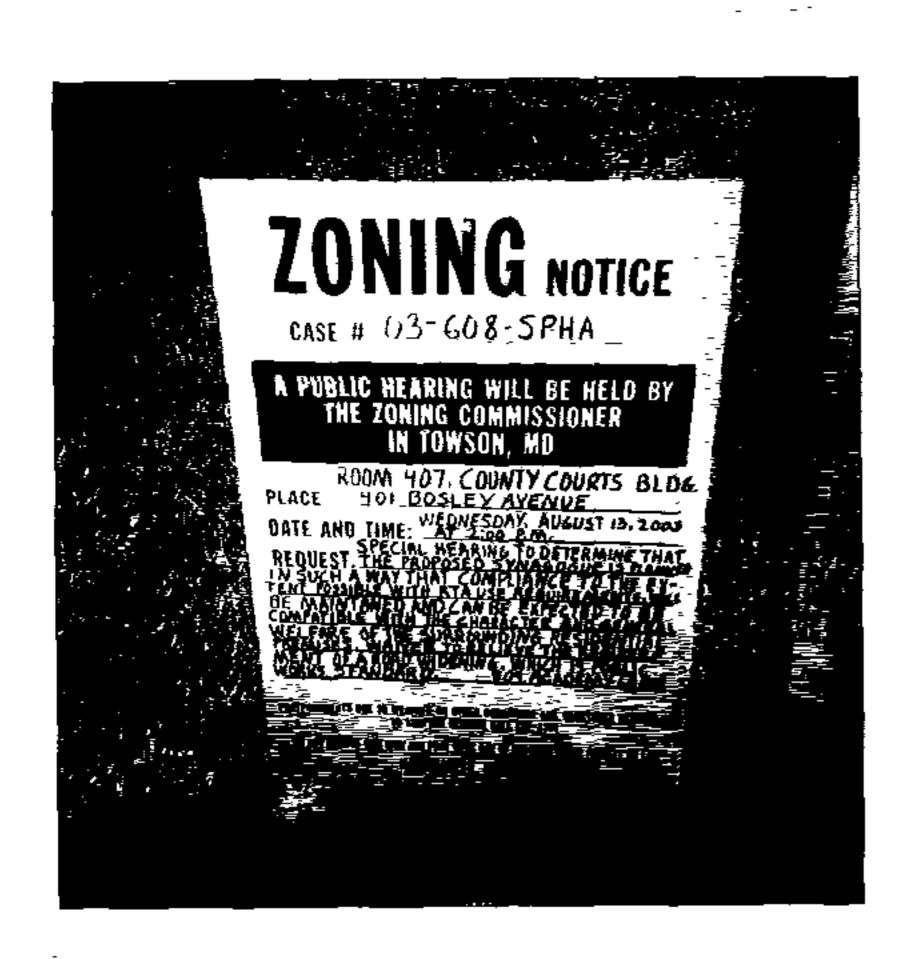
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. <u>C61</u>7722 JT 7/801 July 29

CERTIFICATE OF PUBLICATION

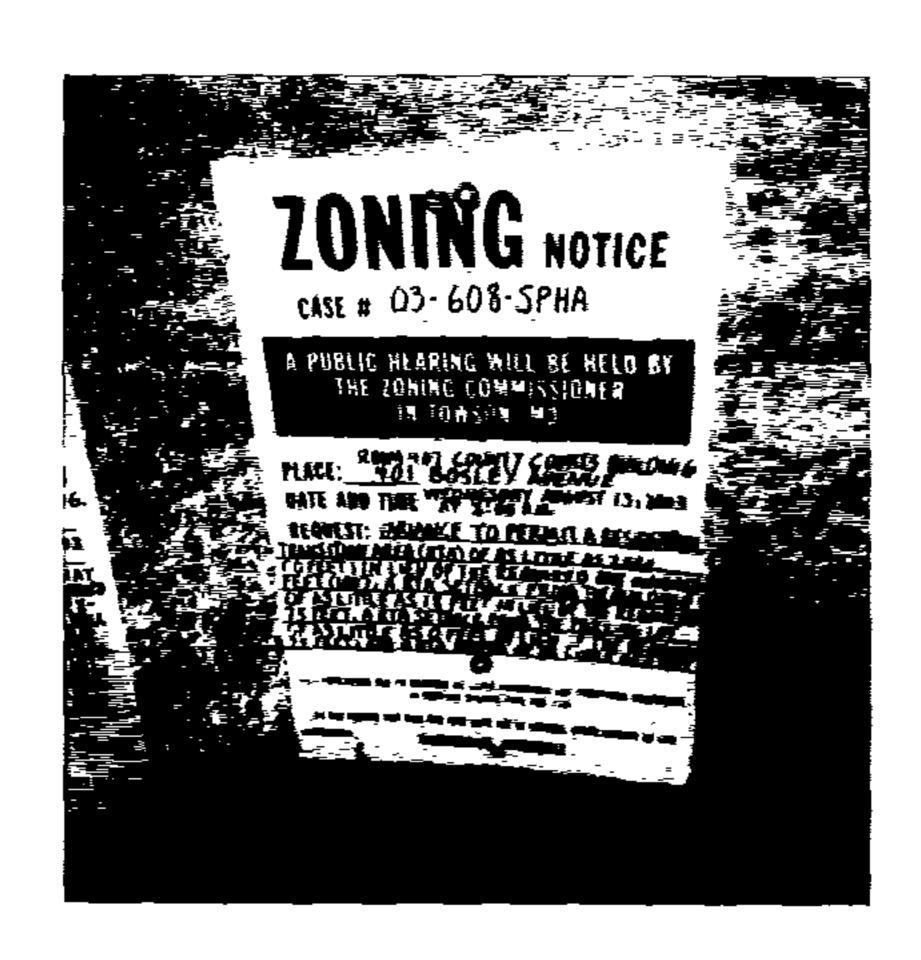
731,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $7 29 $,2003.
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
S. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

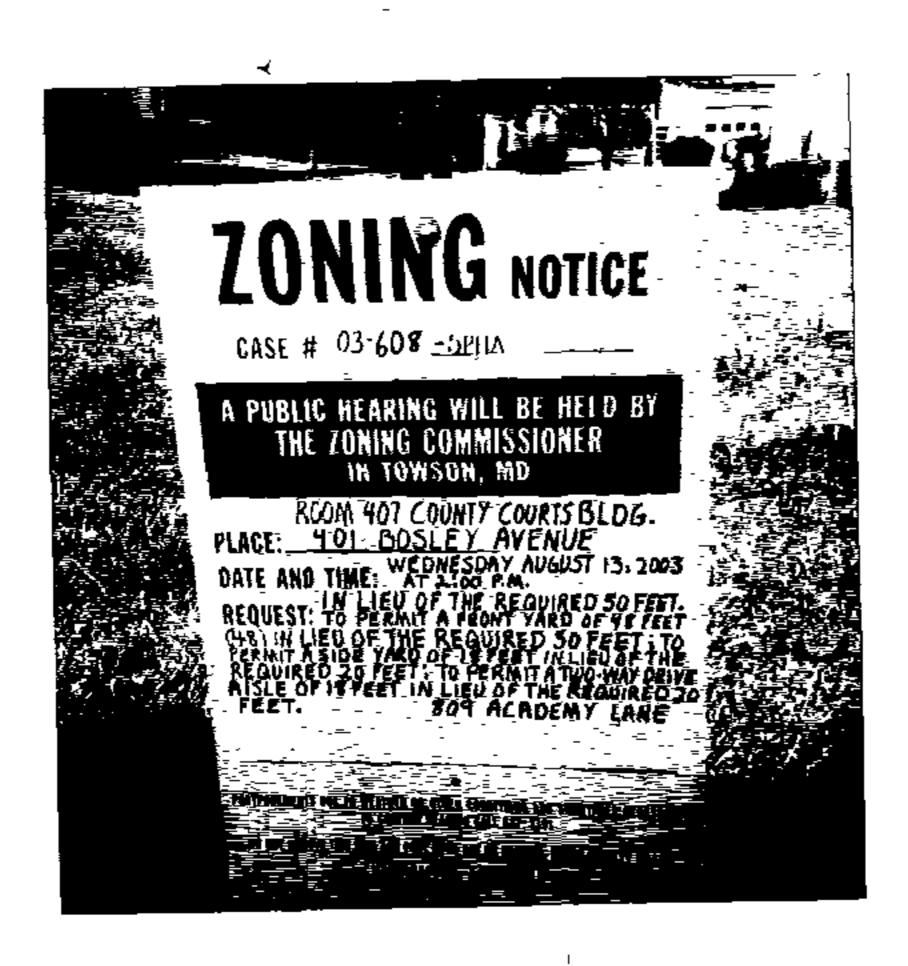
		Date: July 30, 2003
RE:	Case Number	PACHINID/COLBERT MATZ + ROSENFELT ETAL
were	This is to certify under the per posted conspicuously on the pr	nalties of perjury that the necessary sign(s) required by law operty located at 809 ACADEMY KANE 3) SIGNS ON SITE
	The sign(s) were posted on	July 29, 2003 (Month, Day, Year)
	Sel Attached Photograph of Sign Posted on Property Here	Signature of Sign Poster) LINDA O'KEFFE (Printed Name of Sign Poster) 523 PENNY LANE (Street Address of Sign Poster) HUNT VALLEY MD 21030 (City, State, Zip Code of Sign Poster)
		410-666-5366 (Telephone Number of Sign Poster)



#13-608-5PHA 809-ACADEMY LANE



#03-608-SPHA 809 ACADEMY LANE



#103-608-SPHA 809 ACADEMY LANE

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

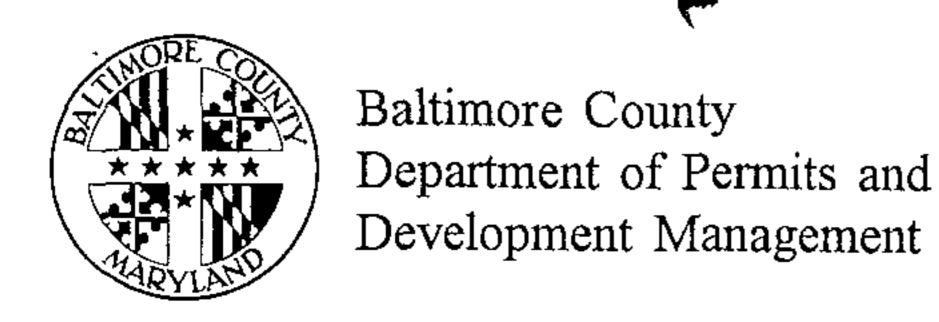
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 03 608 SPHA
Petitioner: Pachino
Address or Location: 809 Aarademy Lave
PLEASE FORWARD ADVERTISING BILL TO
Name: Seth Pachino
Address 3702 Thorough breal Lane
Ourge Mills, MD 21117
Telephone Number: 410-581-7349



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

Fax: 410-887-5708

July 28, 2003

CORRECTED 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: 03-608-SPHA

809 Academy Lane

W/side Academy Lane, 117 feet north of Dolfield Blvd.

4th Election District – 2nd Councilmanic District

Legal Owner: Seth Pachino

Special Hearing to determine that the proposed synagogue is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential number of th premises. Waiver to relieve the requirement of a road widening, which is Public Works Standard. Variance to permit a residential transition area (RTA) of as little as zero (0 feet) in lieu of the required one hundred feet (100'); a RTA setback from the building of as little as 18 feet in lieu of the required 75 feet; a RTA setback from the parking lot of as little as 0 feet in lieu of the required 75 feet; and a RTA buffer of as little as 0 feet in lieu of the required 50 feet. To permit a front yard of 48 feet (48) in lieu of the required 50 feet; to permit a side yard of 18 feet in lieu of the required 20 feet; to permit a two-way drive aisle of 18 feet in lieu of the required 20 feet.

Hearings:

Wednesday, August 13, 2003 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

buthy Kotroco Timothy Kotroco

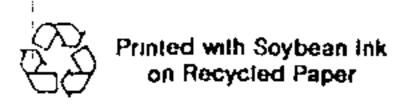
Director

TK:klm

C: Seth Pachino, 3702 Thoroughbred Lane, Owings Mills 21117 Deborah Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204 Heritage Synagogue Center, Edward Ziv, President, 12101 Longlake Drive, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 29,2003.

- (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.



TO:

PATUXENT PUBLISHING COMPANY

Tuesday, July 29, 2003, Issue - Jeffersonian

Please forward billing to:

Seth Pachino

3702 Thoroughbred Lane Owings Mills, MD 21117

410-581-7349

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Wednesday, August 13, 2003 at 2:00 p.m. in Room 407, County Courts Building,

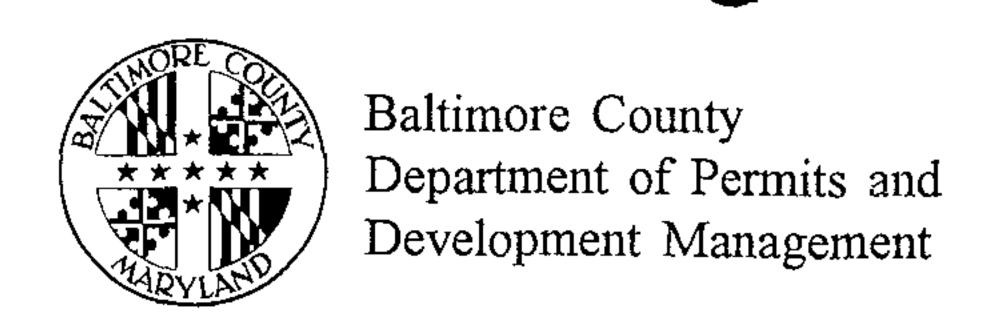
401 Bosley Avenue

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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

July 8, 2003

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:

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809 Academy Lane
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Hearings:

Wednesday, August 13, 2003 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco Director

TK:rlh

C: Seth Pachino, 3702 Thoroughbred Lane, Owings Mills 21117

Deborah Dopkin, 409 Washington Avenue, Suite 1000, Towson 21204

Heritage Synagogue Center, Edward Ziv, President, 12101 Longlake Drive, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 29,2003.

- (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.

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, July 29, 2003, Issue - Jeffersonian

Please forward billing to:

Seth Pachino 3702 Thoroughbred Lane Owings Mills, MD 21117

410-581-7349

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: 03-608-SPHA

809 Academy Lane

W/side Academy Lane, 117 feet north of Dolfield Blvd.

4th Election District – 2nd Councilmanic District

Legal Owner: Seth Pachino

Special Hearing to determine that the proposed synagogue is planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. Variance to permit a residential transition area (RTA) of as little as zero (0 feet) in lieu of the required one hundred feet (100'); a RTA setback from the building of as little as 18 feet in lieu of the required 75 feet; a RTA setback from the parking lot of as little as 0 feet in lieu of the required 75 feet; and a RTA buffer of as little as 0 feet in lieu of the required 50 feet. To permit a front yard of 48 feet (48) in lieu of the required 50 feet; to permit a side yard of 18 feet in lieu of the required 20 feet; to permit a two-way drive aisle of 18 feet in lieu of the required 20 feet.

Hearings:

Wednesday, August 13, 2003 at 2:00 p.m. in Room 407, County Courts Building,

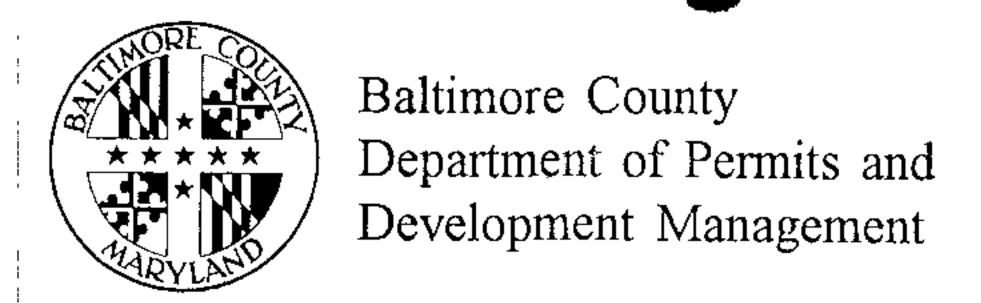
401 Bosley Avenue

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.



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

August 8, 2003

Deborah Dopkin 409 Washington Avenue, Ste. 1000 Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 03-608-SPHA, 809 Academy Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 30, 2003.

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. Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel
 Seth Pachino, 3702 Thoroughbred Lane, Owings Mills 21117
 Heritage Synagogue Center, 12101 Long Lake Dr., Owings Mills 21117

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

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor
Administration

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

MARYLING DEPARTMENT OF TRANSPORTATION

Date: 7.7.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE:

Baltimore County

Item No. 608

3 L

Dear. Ms. Hart:

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,

1. J. Andl.

1-

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 21, 2003

RECEIVED

JUL 2 1 2003
ZONING COMMISSIONER

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

809 Academy Lane

INFORMATION:

Item Number:

03-608

Petitioner:

Heritage Synagogue

Zoning:

DR 3.5

Requested Action: Variance/Special Hearing

COMMENTS:

The subject property is located within a Community Conservation area and is within an area designated as single family detached housing on the Proposed Land Use Map in Master Plan 2010. The petitioner requests 7 variances for building setback, driveway aisle width and for Residential Transition Area (RTA) setbacks and buffers in order to convert a single family dwelling to a synagogue with a seating capacity of 32 seats.

The property is of adequate depth but is only 75 feet wide. The variances of greatest concern are the 0-foot setback in lieu of the minimum required 100 feet, 0-foot setback of the parking lot in lieu of the minimum required 75 feet, and a RTA buffer of 0-feet in lieu of 50 feet. It should be noted that the adjacent properties are improved with residential uses.

The Office of Planning is concerned about the ability of the congregation to meet its growth needs in the future without creating an adverse impact on the surrounding properties and the neighborhood given the constraints of this property. In addition, this office is concerned with the lack of adequate buffer between the parking lot and the adjacent residential properties owned by Glen and Phyllis Moser and Abdellatif Zakhnini.

SUMMARY OF RECOMMENDATIONS:

Should the petitioner's request be granted, the following conditions should apply:

- 1. Redesign the parking to provide a larger landscaped area along the adjacent proprty line (removal of the shed in the rear yard may be necessary). The landscape plan should be submitted to the Office of Planning and Avery Harden, County Landscape Architect for review and comment.
- 2. The petitioner should negotiate with the adjacent property owner (Moser) to provide planting off-site.
- 3. Seating capacity should not exceed 32 seats.
- 4. Remove paving and drive adjacent to the Zakhnini property.
- 5. Provide elevations of any proposed sign.
- 6. Submit a lighting plan in conjunction with the Final Landscape Plan to Avery Harden.
- 7. The existing house should serve as the synagogue structure without enlargement or significant modification.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 8, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 14, 2003

Item Nos 602, 603, 604, 605, 606,

607, 608/609, and 610

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
809 Academy Lane; W/side Academy Lane, * ZONING COMMISSIONER
117' N of Dolfield Blvd
4th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Seth Pachino
Contract Purchaser(s): Heritage Synagogue * BALTIMORE COUNTY
Center, Edward A. Ziv, President
Petitioner(s) * 03-608-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

RECEIVED

JUL 0 3 2003

Per.....

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 3rd day of Ju;y, 2003, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



mailing address

Box 117

Reisterstown, MD 21136

e-mail ROGCouncil@aol.com

> fax 410-526-9032

Established in 1973

The non-partisan, non-profit organization that serves as a clearinghouse and coordinating agency for the promotion and advancement of civic, economic, educational, cultural, religious, business and social interests of the ROG communities

President Bob Walker

1st Vice-President Vicki Almond

2nd Vice President Larry Dobres

> *Secretary* Sue Kessier

Treasurer Mike Finifter August 13, 2003

Re: Case 03-608-SPHA 809 Academy Lane

RBW_PUBLISHING

Dear Zoning Commissioner:

Representatives of the Heritage Synagogue Center presented their plans for the development of the Academy Lane property at the ROG meeting on August 4, 2003. We appreciated their efforts, since some of our members were very concerned about the number of variances requested for this property, especially the 0-foot setback.

In regard to the variances, the ROG members present at the meeting voted to oppose them. Later, the executive committee tempered that decision so that ROG will not oppose the variances if the following criteria are met:

- 1. The neighbors do not oppose the requests.
- 2. The synagogue commits to pay for the widening of Academy Avenue if and when the rest of that side of the street is widened. We are not in favor of widening the street only along the front of the property at this time. We feel this "gap-tooth" type of street widening causes more problems than it solves, until the remainder of the street is widened.

We appreciate the intention of the synagogue to build the sidewalk at this time, and hope that it will be required if the variances are given.

Sincerely,

Bob Walker

President

Reisterstown-Owings Mills-Glyndon Coordinating Council

Reisterstown Owings Mils Glyndon Coordinating Council

mailing address
Box 117
Reisterstown, MD 21136

e-mail ROGCouncil@aol.com

> *fax* 410-526-9032

-to: Zoning Commissioner 410-887-3468

Re: 2 PM Hearing 8/13/2003 03-608-5PHA

1 Page Follows

Established in 1973

The non-partisan, non-profit organization that serves as a clearinghouse and coordinating agency for the promotion and advancement of civic, economic, educational, cultural, religious, business and social interests of the ROG communities

President Bob Walker

1st Vice-President Vicki Almond

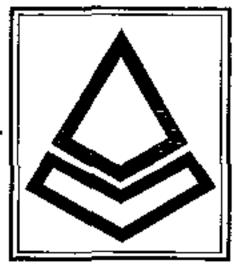
2nd Vice President Larry Dobres

> Secretary Sue Kessler

Treasurer Mike Finifter

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



July 16, 2003

Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, Md. 21204

Re: Case No. 03-608-SPHA

To Whom It May Concern:

The undersigned agrees to be responsible for the prompt return of the original Special Hearing Petitions to the Zoning Office file of the above-referenced zoning case.

Judith M. Floam

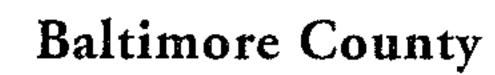
COLBERT MATZ ROSENFELT, INC.

Juste M. Aloan

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468





James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

November 12, 2003

Lawrence Hammond, Esquire 465 Main Street Reisterstown, Maryland 21136

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
W/S Academy Lane, 117' N of the c/l Dolfield Boulevard
(809 Academy Lane)
4th Election District – 2nd Council District
Seth Pachino, Owner; Heritage Synagogue Center, Lessees - Petitioners
Case No. 03-608-SPHA

Dear Mr. Hammond:

Enclosed is a copy of a letter I recently received from Robert S. Rosenfelt, the engineer for the property owners in the above-captioned matter, to which he attached a copy of the revised site plan depicting the proposed the privacy fence along the Moser property. His letter does not indicate that a copy of the revised plan was forwarded to you or your clients. Please be advised that the revised plan will be forwarded to the Department of Permits and Development Management for inclusion in the case file should you or your clients wish to review same.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Glen E. Moser, Jr., 807 Academy Avenue, Owings Mills, Md. 21117

Mr. Robert S. Rosenfelt, Colbert Matz Rosenfelt, Inc.

2835 Smith Avenue, Suite G, Baltimore, Md. 21209

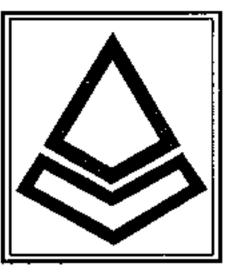
Case File



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

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



October 22, 2003

Commissioner Lawrence Schmidt County Courts Building, Rm. 405 401 Bosley Avenue Towson, Maryland 21204

Re:

Case No. 03-608-SPHA Heritage Synagogue Center

809 Academy Lane

RECEIVED

OCT 2 3 2003

ZONING COMMISSIONER

Dear Commissioner Schmidt,

We are submitting the enclosed plan in fulfillment of the conditions of the Order in the above-referenced case. The plan shows the privacy fence along the Moser property.

We have analyzed the existing grades of the property, and have determined that the natural grade of the property will direct stormwater runoff will sheet flow across the property to an existing natural swale system, with no areas of trapped or ponded water.

We have provided proposed spot grades along the perimeter of the proposed parking lot that will provide proper site drainage without impacting the adjacent properties.

Thank you for your attention to this matter.

Yours touly

Robert S Rosenfelt, P.E.

Vice-President

CC:

Deborah Dopkin, Esq.

Steve Roberts

Post-it® Fax Note 7671 Date 180 03 pages 1

To Donna From Kristen

Co./Dept. Roxenfeltsoffic Co. Zening Reviews

Phone # Phone # 410 -857-3391

Fax # 410 -833-4791 Fax #

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CASE NUMBER	
DATE	

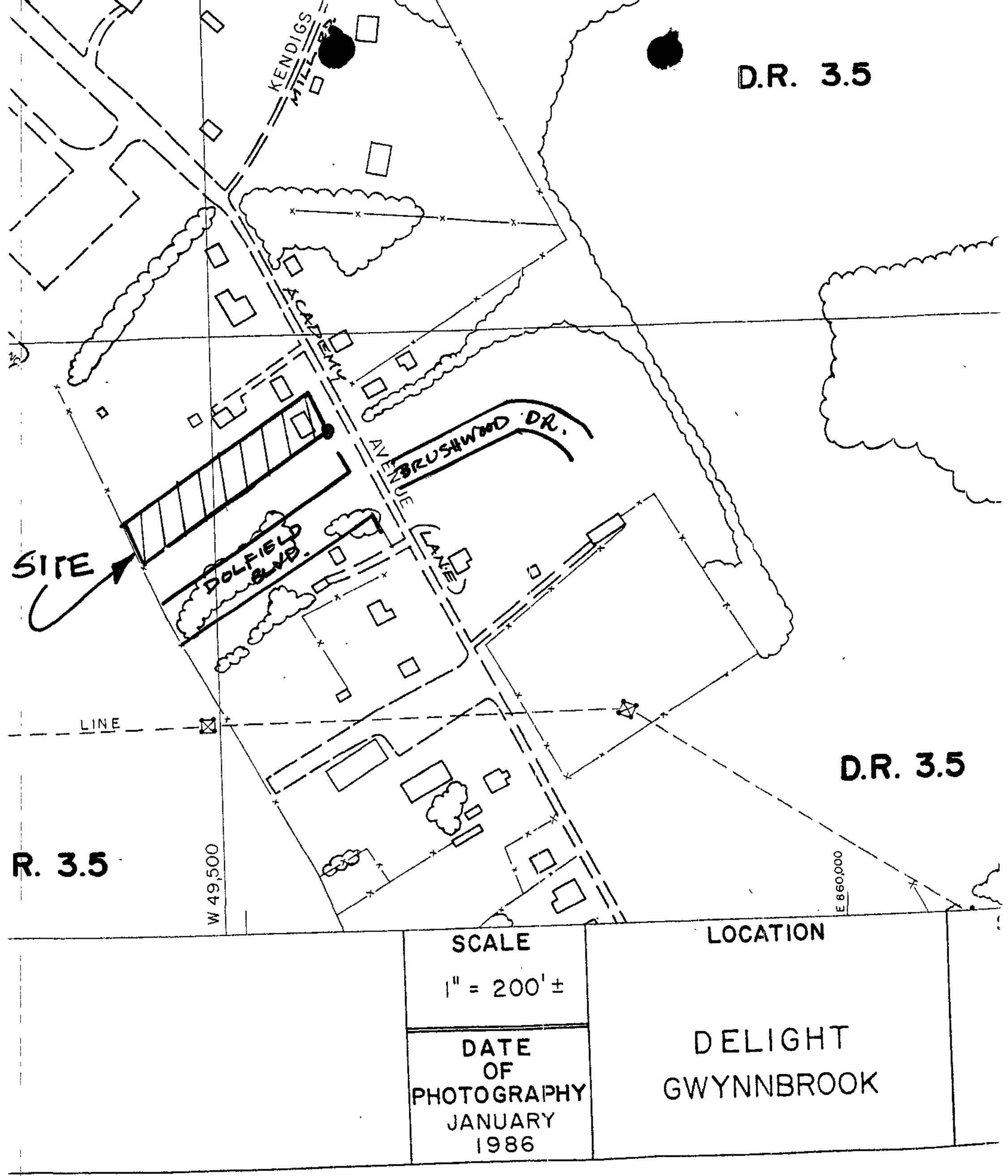
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
EDWARD ZIV	12101 Love LAKE DRIVE	Omas Mus Mis 211	7 EDWARDEIN @ COMEAST NET
Deporary Dopkin	409 WASHINGTON AVE	21209	DDopkin a dopkinlaw. Con
Kokert Losevillet	2835G Smith ave 21209	Balt MT 21209	brosenfelt@cmrengineers.com
Elana Mitnick	6019 Baywood Ave. 20000	Baltimore, MD 21209	<u></u>
STEP EN FOBERTS	6 WATCH COZIRT	REISTERSTO WN, MO 21136	STR0918@CS.COM
Aaron Pearlman	610 Academy Hue	Owings Molls MD ZINT	coronsells homes @ comcastivet
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CASE NAME	
CASE NUMBER	
DATE	

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Karen Zakhnini	811 Academy Ave	Owings Mills, MD 21117	Kaycee 5/00 hotmail.com
Wintred G. Lynde	11 Beth Ct	Owings Mills MD. 21117	
PHYLLIS / JOSEP	807 ACADEMY AVE,	Owings MILLS M. 21112	
GENE, MOSER-IR	807 ACA GIERLY AVE	QUING 5 MILS 1 1 2 211	
Laurence Hammer	465 min 5T	Restriction mo 21136	
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N.W. 14-I



Baltimore County Department of Public Works

Office of the Director 111 W. Chesapeake Avenue Towson, Maryland 21204 410-887-3300

Fax: 410-887-3406

August 1, 2003

Mr. Robert S. Rosenfelt, P.E. Vice President Colbert, Marz, Rosenfelt, Inc. 2835 Smith Avenue Suite G Baltimore, MI) 21209

Reference:

Heritage Synagogue Center

Dear Mr. Rosenfelt:

Thank you for the correspondence concerning the development of 809 Academy Avenue as the proposed Heritage Synagogue Center. Several members of my staff and I reviewed your request for a waiver to the required improvements to Academy Avenue.

The improvements we had required were curb, gutter, sidewalk, and pavement widening along the entire road frontage of the property. The development, as shown on the site plan, is very minor in nature. With these factors considered, we are recommending a waiver.

We are requiring that the developer grant us the ultimate right-of-way and any necessary slope casements, along the frontage of the property, so the county will be able to construct these improvements in the future. The requirements of installing sidewalk will be left up to the developer

If you should have any comments or questions, please contact Robert Bowling, in the Bureau of Development Plans Review, at 410-887-3751.

Very truly yours,

Edward C. Adams, Jr.

Director

ECA:RWB:jrb

cc: File

ECA-RWB-RONUNITEL/-HERITAGE SYNAGOGUE-07312003



Come visit the County's Website at www.baltimorecountyonline.info

במ״ד

Heritage Synagogue Center of Owings Mills

August 12, 2003

Heritage Synagogue Center

809 Academy Ave. Owings Mills, M.O 21117 410-654-1004 www.HeritageSynagogue.Or

<u>Rabbi</u> Raphael Schochet

Board
Laurence Katz
Seth Pachino
Debra Pearlman
Steven Roberts
Edward Ziv

Shabbat Morning Services 9:00am

Shabbat Community Kiddush 11:45am Ms. Kim Bunch, Principal Timber Grove Elementary School 701 Academy Ave Owings Mills, MD 21117

Dear Ms. Bunch:

This letter serves as a confirmation that Heritage Synagogue Center has arranged with Timber Grove Elementary School for the limited use of the School's parking lot for overflow parking on Saturdays on an as-needed basis, with the understanding that school functions and department of recreation scheduled activities will automatically take precedence.

We appreciate and value your help. Your support will enable us to continue to serve the needs of our neighbors and community here in Owings Mills. We wish you, your staff, and students much happiness and success.

Sincerely,

Edward Ziv, President

laws Partner Haron Pearlman, on behalf of Edward Ziv

8-12-03

2) IN Busch
On behalf of Timber Grove Elementary

Data

