IN RE: PETITION FOR SPECIAL HEARING
S/S of Rosewood Lane, 1,010 ft. E
centerline of Bradbury Road
4th Election District
2nd Councilmanic District
(26 St. Thomas Lane)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 05-628-SPH

Amy & Evan H. Marlin, Legal Owners and Torah Institute of Baltimore, Inc., Contract Purchaser Petitioners

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

\*

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Amy and Evan H. Marlin and the contract purchaser, Torah Institute of Baltimore, Inc. The Petitioners are requesting special hearing relief for property located at 26 St. Thomas Lane in Baltimore County. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve part of parcel 379 (1.62 acres) to be transferred by lot line adjustment to Torah Institute of Baltimore, Inc., adjoining property owner, for the purpose of future school development use and to allow the residential density to remain with the original parcel, notwithstanding Section 102.2 of the B.C.Z.R.

The property was posted with Notice of Hearing on July 10, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 12, 2005 to notify any interested persons of the scheduled hearing date.

### Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all

REPORT CAR

zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated June 9, 2005, a copy of which is attached hereto and made a part hereof indicated that the Office opposed the non density transfer requested.

In addition, a letter was written to the Zoning Commissioner's Office on behalf of The Valleys Planning Council, Inc., wherein they support the comments made by the Office of Planning. They also request that this office condition approval so that the Torah Institute agrees to maintain all forested areas.

### Interested Persons

Appearing at the hearing on behalf of the variance requests were Gwenn Crupi and Steve Warfield from the firm of Matis/Warfield, Judy Burch an adjacent property owner, and Bruce Levine for the corporate Petitioner. Benjamin Bronstein, Esquire represented the Petitioners. Cheryl Aaron appeared at the hearing in opposition to the requests. J. Carroll Holzer Esq. represented the protestant at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

### Testimony and Evidence

The Petitioners operate the Orthodox Jewish day school known as the Torah Institute. They would like to purchase approximately 1.6 acres of property from the adjacent property owners, the Marlins. See Petitioner's Exhibits 1 and 2. Exhibit 2 shows the existing school in purple, and the existing 4.8 acre Marlin property in orange. Also shown are Mr. Warfield's

description of the approximate limits of the stream and forest buffer area which would have to be taken into account if the Marlin property were ever to be developed beyond the existing home.

The central issue in the case is the request by the Marlin's that they retain the density of the parcel for the Marlin property even though they sell 1.6 acres to the school. The Marlin property is split between DR 3.5 and DR 1 as shown. Mr. Warfield indicated the location of the stream that transects the Marlin property shown in purple in Exhibit 2. He opined that that any subdivision of the remaining portion of the Marlin property would trigger a need to provide forest buffers shown in green. Consequently, there would be approximately one acre of useable land left if, as and when the Marlin property would be developed. He noted that the existing zoning applied to the entire Marlin property would allow 14 dwelling units and that the density of the parcel to be transferred would be 6 dwelling units. This would leave 8 dwelling units for the Marlin property after transfer if the density also was transferred. As such, he argued that allowing the non-density transfer would not practically affect the development of the Marlin property.

Mr. Holzer indicated that he had reached an agreement with the Petitioner not to oppose the request, provided this transfer, nor any future transfer of property to the Petitioner would not lead to the school's having vehicular access to St. Thomas Lane. He explained that in 1999, his present client and others initially opposed the school coming to the area because of fear of traffic congestion on St. Thomas Lane. However, the school and neighbors eventually settled their issues and entered into an agreement limiting traffic from the school access to St. Thomas Lane. His client is concerned that the sale of the 1.6 acre portion of the Marlin property might lead to a way around the limitation. He asked that as a condition of approval for this special hearing that no access to St. Thomas Lane would result from the sale. In addition, he also requested that any decision by the school to expand using the subject parcel would result in a special hearing being

required. Finally, he requested that if the Marlin property were developed sometime in the future that notice be given to the neighbors. Mr. Bronstein agreed to these conditions.

However, Mr. Holzer also indicated that his client was concerned about any development of the Marlin property and that no development should have access to St. Thomas Lane. Moreover, his client also opposed allowing the Marlins to retain 6 additional dwelling units beyond that which otherwise would be allowed.

### Findings of Fact and Conclusions of Law

As noted at the hearing, the Marlins want to retain the approximately 6 density units, which are associated with the 1.6 acre parcel after the sale. This would mean they would have 14 units available to apply to the remaining 3 acre parcel. As the Planning Office points out, this would amount to a zoning upgrade to 4.67 dwelling units per acre assuming the full density could be used.

I have no doubt that Mr. Warfield is correct in his assessment that because of the stream and forest buffer area shown on Exhibit 2 there will be very limited development potential on the remaining Marlin tract. Frankly from his testimony, I can not see that the Marlins can utilize the remaining 8 units much less 14. Consequently, denying the non-density transfer will not affect the Marlins. In addition, keeping track of non-density transfers is extremely difficult for the County. Taking all the evidence into account, I will deny the non-density transfer portion of the request.

I have no reason to believe that the transfer of 1.6 acres of property via lot line adjustment as proposed will have any adverse impact on the community as long as the transfer is with density. Because the parties have agreed upon the conditions of approval, which I find most reasonable, I will grant the conditions requested by Mr. Holzer.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted in part and denied in part.

- 1. There shall be no access to St. Thomas Lane for any of the Petitioners resulting from the transfer of the subject parcel beyond that which they presently enjoy; and
- 2. Should the Torah Institute of Baltimore determine to utilize the subject parcel, a special hearing would be required for such use; and
- 3. If, as and when the Marlin property is further subdivided notice shall be given the adjoining property owners according to applicable County regulations.

IT IS FURTHER ORDERED, that the Petitioner's request to allow the residential density to remain with the original parcel, notwithstanding Section 102.2 of the B.C.Z.R., be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

MAN TO SERVICE OF THE PARTY OF

### Zoning Commissioner

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



### Baltimore County

James T. Smith, Jr., County Executive William J. Wiseman III , Zoning Commissioner

July 28, 2005

Benjamin Bronstein, Esquire Suite 205, Susquehanna Building 29 W. Susquehanna Avenue Towson, Maryland 21204

> Re: Petition for Special Hearing Case No. 05-628-SPH Property: 26 St. Thomas Lane

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy

Deputy Zoning Commissioner

John V. murphy

JVM:raj Enclosure

Copies to:

Bruce Levine, 6611 Deancroft Road, Baltimore, MD 21209
Gwenn Crupi & Steve Warfield, Matis/Warfield, In., 10540 York Road, Suite M,
Hunt Valley, MD 21030
Judy Burch, 22 St. Thomas Lane, Owings Mills, MD 21127
J. Carroll Holzer, Esq., 508 Fairmount Avenue, Towson, MD 21286
Cheryl Aaron, 121 St. Thomas Lane, Owings Mills, MD 21117
The Valleys Planning Council, Inc.



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

OR16/WAL



# Pet Hon for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 26 St. Thomas Lane

which is presently zoned DR 1 & DR 3.5

ESTIMATED LENGTH OF HEARING ~~HRS

UNAVAILABLE FOR HEARING \_

Reviewed By \_\_\_\_\_

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

part of parcel 379 (1.62 acres) to be transferred by lot line adjustme	nt to Torah Institute of Baltimore, In	nc., adjoining pro	perty					
owner, for the purpose of school use and to allow the residential des	nsity to remain with the original par	cel. / 101W/#15#0 kS ~3 B ( 2 )	puing					
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! !								
Property is to be posted and advertised as prescribed by the z	oning regulations.							
I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pure	ig, posting, etc. and further agree to	and are to be be	ounded by the					
The state of the s	dent to the coning law to: Daithillott	County.						
	I/We do solemnly declare and affirm, under the penalties of							
•	perjury, that I/we are the legal or is the subject of this Petition.	wher(s) of the pr	operty which					
Contract Purchaser/Lessee:	Legal Owner(s):							
	Feder AMILAL(2).							
Torah Institute of Baltimore, Inc.	Evan H. Marlin							
Name - Type or Print	Name - Type or Print							
BY: UNULL LICELY, TROS. Signature	5/1/1	<del></del>	<del></del>					
or o	Signature Amy R. Marlin							
35 Rosewood Lane 410 654 3500 Telephone No.	Name - Type or Print	<del></del>	<del></del>					
Owings Mills Maryland 21117 City State Zio Code	Am R Man							
City State Zip Code	Signature	<del></del>	<del></del>					
Attorney For Petitioner:	26 St. Thomas Lane							
n. (. (. n	Address		Telephone No.					
Benjamin Bronstein Name - Type or Frint	Owings Mills	Maryland	21117					
$Y_{\alpha} \qquad Y_{\alpha} \qquad Y_{\alpha$	City	State	Zip Code					
Signature of the signature	Representative to be Co.	ntacted:						
	Matis-Warfield, Inc.							
Company	Name	<del></del>	<del></del>					
29 We t Susquehanna Avenue, Suite 205 410-296-0200	10450 York Road Suite M	41	0-683-7004					
Address Telephone No.	Address	<del></del>	Telephone No.					
Towser Maryland 21204 City State Zio Code	Hunt Valley	Maryland	21030					
City Zip Code	City	State	Zip Code					
	OFFICE US	FONLY						
	<u> </u>	<del></del>	o					

05 628 SPH

# Matis Warfield

consulting engineers



### ZONING DESCRIPTION to Accompany Petition For Special Hearing

Beginning at a point on the southeast side of Rosewood Lane, which is 60-feet wide at the distance of 1010(+/-)-feet east of the centerline of the nearest improved intersecting street, Bradbury Road, which is 50-feet wide. Thence the following courses and distances:

```
N 41° 55' 40" E 71.00';
$ 48° 07' 40" E 108.63';
N 41° 52′ 20″ E 15.00′;
$ 48° 07' 40" E 408.76';
N 41° 52' 20" E 46.00';
S 75° 45' 07" E 10.00';
S 75° 45' 07" E 764.20';
S 75° 45' 07" E 382.86';
S 74° 30' 07" E 171.06';
S 56° 14′ 53" W 214.50';
$ 50° 23' 08" W 245.09';
N 40° 15' 07" W 22.37';
R=1380.00', L=81.86', CHD=S 41° 02'34" W 81.84';
R=670.00', L=170.94', CHD=S 46° 41'27" W 170.48';
N 49° 14' 55" W 289.99';
S 50° 28' 02" W 225.09';
N 48° 21' 20" W 730.02';
N 41° 52′ 20″ E 185.46′;
N 48° 07' 40" W 517.46';
to the place of beginning,
```



Containing 14.2773-acres±, and being comprised of the Marlin Property and Lot 2 of the subdivision known as the Torah Institute of Baltimore as recorded in Baltimore County Plat Book #73, Folio #31. Also known as 26 St. Thomas Lane and 35 Rosewood Lane, and located in the 4th Election District.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

DATE HODGET & FINANCE

ACCOUNT OU - 00 - 6 50

AMOUNT \$ 32500

AMOUNT \$ 32500

FROM: DOP OFF PETITION - SPECIAL

TRIBUTION ITE - CASHIER PINK - AGENCY YELLOW - C:/STOMER

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, Marviand on the property identified herein as follows:

Case: #08-628-SPH

26 St. Thomas Lane

Regulation of Basswood

Beginning at a point on the south side of Rosewood Lane, 1,010 feet east of Bradbury Road 4th Election District - 2nd Councilmanic District Legal Owner(s): Evan H. & Amy R. Martin Contract Purchase; Torah Institute of Baltimore, Inc. Special Hearing: to allow part of parcel 379 (1.62 acres) to be transferred by lot line adjustment to Torah Institute of Baltimore, Inc. adjoining property owner, for the purpose of future school development used and to allow the residential density to remain with the original parcel. Hearing: Wednesday, July 27, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III\_

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/7/634 July 12

### CERTIFICATE OF PUBLICATION

7/13,2005
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 $7/12$ ,2005.
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times  Owings Mills Times  NE Booster/Reporter  North County News

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

RE: Case No.: 05-628-SPH Petitioner/Developer: EVAN H. 4 AMY R. MARLIN Date of Hearing/Closing: JUCY 27, 2005 Sincerely, (Date) (Signature of Sign Poster) **SSG Robert Black** (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code)

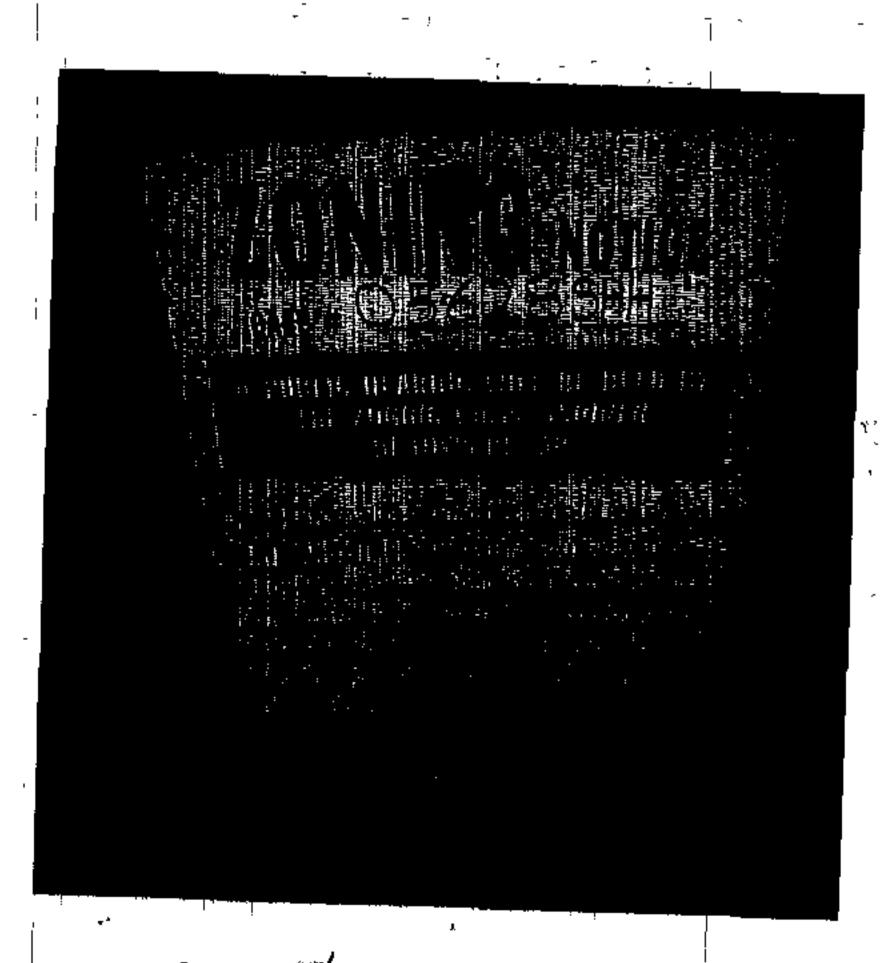
(410) 282-7940

(Telephone Number)

**Baltimore County Department of** Permits and Development Management County Office Building, Room 111
111 West Chesapeake Avenue Towson, Maryland 21204 **ATTN: Kristen Matthews {(410) 887-3394}** 

Ladies and Gentlemen:

This letter is to certify uno posted conspicuously on the				at the necessary	sign(s) requi	red by law were
	26	<u>\$7.</u>	Thomas	LANe	<u></u>	, <del> </del>
The sign(s) were posted on	<u> </u>	<del></del>	2-	10-05	+	
		'	(Mont	h, Day, Year)		



26 ST. Thomas LANG

RE: PETITION FOR SPECIAL HEARING

26 St. Thomas Lane; S/side Rosewood Lane,

1,010' E Bradbury Road

4<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts

Legal Owner(s): Evan H & Amy Marlin

Contract Purchaser: Torah Institute of Baltimore

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

05-628-SPH

### 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

JUN - 2 200

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 2<sup>nd</sup> day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to Matis-Warfield, Inc, 10450 York Road, Suite M, Hunt Valley, MD 21030 and to Benjamin Bronstein, 29 W Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PATUXENT PUBLISHING COMPANY TO:

Tuesday, July 12, 2005 Issue - Jeffersonian

Please forward billing to:

Ben Bronstein

410-296-0200

29 West Susquehanna Avenue, Ste. 205

Towson, MD 21204

### 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: 05-628-SPH

26 St. Thomas Lane

Beginning at a point on the south side of Rosewood Lane, 1,010 feet east of Bradbury Road 4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Evan H. & Amy R. Marlin

Contract Purchaser: Torah Institute of Baltimore, Inc.

Special Hearing to allow part of parcel 379 (1.62 acres) to be transferred by lot line adjustment to Torah Institute of Baltimore, Inc., adjoining property owner, for the purpose of future school development used and to allow the residential density to remain with the original parcel.

Hearing: Wednesday, July 27, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

VILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL NOTES: (1) ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

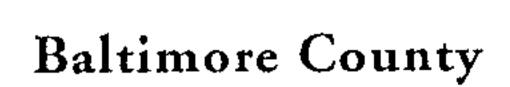
OFFICE AT 410-887-4386.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

# Department of Permits a Development Management

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





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

June 2, 2005

### **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: 05-628-SPH

26 St. Thomas Lane

Beginning at a point on the south side of Rosewood Lane, 1,010 feet east of Bradbury Road

4<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Evan H. & Amy R. Marlin

Contract Purchaser: Torah Institute of Baltimore, Inc.

Special Hearing to allow part of parcel 379 (1.62 acres) to be transferred by lot line adjustment to Torah Institute of Baltimore, Inc., adjoining property owner, for the purpose of future school development used and to allow the residential density to remain with the original parcel.

Hearing: Wednesday, July 27, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Ave., Ste. 205, Towson 21204
Hillel Tendler, Torah Institute of Baltimore, Inc., 35 Rosewood Ln., Owings Mills 21117
Evan & Amy Marlin, 26 St. Thomas Lane, Owings Mills 21117
Matis Warfield, 10450 York Road, Ste. M, Hunt Valley 21030
Matthew Carter, 2 Hopkins Plaza, Ste. 1100, Baltimore 21201

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 12, 2005.
  - (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.



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

# 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.

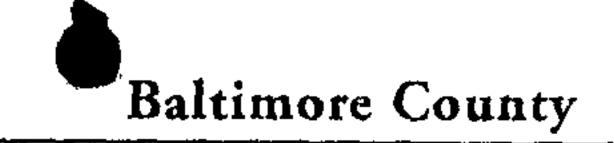
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 05 628 SPH
Petitioner: MARLIN
Address or Location: 26 ST. THOMAS LA.
PLEASE FORWARD ADVERTISING BILL TO:
Name: BEN BROWSTEIN
Address: 29 WEST SUSQUEHANNA AVE, SUITE 205
Towson MD. 21204
Telephone Number: 410 296 0200

# Department of Permits and Development Management

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





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

July 18, 2005

Benjamin Bronstein 29 W. Susquehanna Avenue, Ste. 205 Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Case Number: 05-628-SPH, 26 St. Thomas Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on Nat 25, 2005.

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.

U. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Evan H. and Amy R. Marlin 26 St. Thomas Lane Owings Mills 21117
Torah Institute of Baltimore 35 Rosewood Lane Owings Mills 21117
Matis-Warfield 10450 York Road Ste. M. Hunt Valley 21030
Matthew Carter 2 Hopkins Plaza, Ste. 1100 Baltimore 21201



(2) 27

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** June 9, 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

JUN 1 0 2005

ZONING COMMISSIONER

SUBJECT:

26 St. Thomas Lane

**INFORMATION:** 

05,629

Item Number:

05-628

Petitioner:

Evan & Amy Marlin/ Torah Institute

Zoning:

DR 3.5, DR 2 and DR 1

Requested Action:

Special Hearing

### SUMMARY OF PETITION:

The petition requests the conveyance of 1.62 acres to be transferred to the Torah Institute for future school expansion. They request the residential density to remain with the existing parcel 379 notwithstanding Section 102.2 which states "No yard space or minimum area required for a building or use shall be considered as part of the yard space or minimum area for another building or use." It should also be noted that the remainder of the Marlin parcel is within the Greenspring Valley National Register District.

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and does not oppose the lot line adjustment and transfer of 1.62 acres to the Torah Institute. However, the transfer must comply with Section 102.2, i.e. with the density intact. If the density was "stripped" from the 1.62 acre parcel and transferred to the remaining parcel, it is tantamount to an up zoning of the remaining Marlin parcel.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief;

AFK/LL:CM

W:\DEVREV\ZAC\05-628b.doc

### Fire Department

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



## Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: June 6, 2005

Item No.: 595, 60

Pursuant to your request, the referenced plan(s) have been removed; this Bureau and the comments below are applicable and required to :-corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant J.D.Mezick Fire Marshal's Office (0)410-887-4881 (C)443-829-2967 MS-1102F

cc: File



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 13, 2005

Item No. 607, 610, 614, 615, 616, 618, 620, 621, 623, 625, 628, 630, 631, 632

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

DAK:CEN;clw cc: File ZAC-NO COMMENTS-06062005.doc

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr.

DATE:

June 28, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 6, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-611

05-613

05-615

05-617

05-618

05-619

05-620

05-621

05-622

05-624

05-628

05-629

05-631

Reviewers:

Sue Farinetti, Dave Lykens

S \Devcoord\ZAC SHELL 11-20-03.doc



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

### Maryland Department of Transportation

6.3.05 Date:

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore Count

Item No.

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

Engineering Access Permits Division



207 Courtland Avenue, Towson, Maryland 21204 Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402

Phone: 410 337-6877, Fax: 410 296-5409

RECEIVED

JUL 2 7 2005 ZONING COMMISSIONER

July 20, 2005

Mr. William J. Wiseman, III Zoning Commissioner 401 Bosley Avenue Towson MD 21204

Re: Case # 05-628sph (26 St. Thomas Lane – Torah Institute)

Dear Commissioner Wiseman:

I am writing on behalf of the Valleys Planning Council (VPC) regarding the request to sell 1.62 acres, without a transfer of density, to the Torah Institute on St. Thomas Lane. The VPC supports the comment made by the Office of Planning, which does not object to the lot line adjustment request but recommends that the density be transferred with the property. To allow the density to remain with the Marlin property would be equivalent to an upzoning of that property, which would not be appropriate.

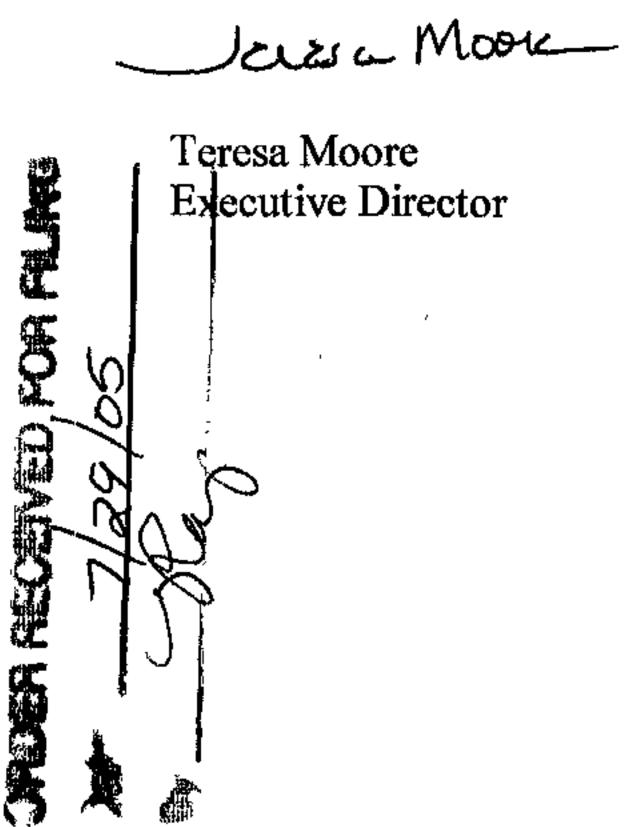
We would also ask that the approval be conditional upon the Institute agreeing to maintain all forested areas. This requirement would be consistent with other institutional property agreements in the area (Irvine and Ruxton Country School) and would help limit community and environmental impacts.

Thank you for this opportunity to comment.

Sincerely,

Teresa Moore

**Executive Director** 



From:

Claudia Fischer

To:

Dept Heads (03)

Date:

7/27/2005 10:40:44 AM

Subject:

CHANGE OF CALENDAR

DUE TO ROSH HASHANAH PLEASE MAKE THE FOLLOWING CHANGES TO THE FULL DEPARTMENT HEAD MEETING SCHEDULE:

CANCEL October 4, 2005

NEW DATE: October 3, 2005 10:30 - 12:00

CC: assistants; Beegle, Ann; Ehman, Susan; Gay, George; Gillis, Jim; Mohler, Don; Morrison, Donna; O'Connor, Erin; O'Doherty, Damian; Paul, Sharon; Principe, Frank; Smith, Malina; Thompson, Maureen

Mail and to.

Matthew Carter Siskinals Grady Rosent tisover

2 Hopkins Para Stello

Bath 21201

TO ARING PRINSTEIN COUNCIL OF BAT

\$120/05 Lot Line Adjustmens Bill

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2005, Legislative Day No. 8

Bill No. <u>54-05</u>

Councilmembers Kamenetz, Moxley, Oliver, McIntire & Olszewski

By the County Council, April 18, 2005

### A BILL ENTITLED

AN ACT concerning

Development Review and Approval Exemptions

FOR the purpose of clarifying a certain limited exemption from the development review and approval process in accordance with an opinion of the County Board of Appeals; and generally relating to exemptions from the development review and approval process.

BY repealing and re-enacting, with amendments

Section 32-4-106(a)(1)(viii)
Article 32 - Planning, Zoning, and Subdivision Control
Title 4 - Development
Baltimore County Code 2003

WHEREAS, the Baltimore County Board of Appeals has recently stated in one of its opinions that there is no guidance in the Baltimore County Code with respect to the circumstances in which limited exemptions for lot line adjustments under Section 32-4-106(a)(1)(viii) are to be approved. Despite the perceived lack of guidance, the Board of Appeals properly applied the law as written and held that, as long as a lot line adjustment occurs in a residential zone and is not part of an approved development plan or zoning plan, it qualifies for

**EXPLANATION:** 

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill.

Underlining indicates amendments to bill.

a limited exemption. To remedy the perceived lack of guidance, the Council now seeks to provide such guidance consistent with the Board's holding; now, therefore,

l	SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2,	COUNTY, MARYLAND, that Section 32-4-106(a)(1)(viii) of Article 32 - Planning, Zoning, and
3	Subdivision Control, Title 4 - Development, of the Baltimore County Code 2003 be and is
ţ	hereby repealed and re-enacted, with amendments, to read as follows:
3	§32-4-106. Limited Exemptions.
5	(a) Exemption from development review and approval process.
7	(1) The following proposed development is exempt from compliance with Subtitle
}	2 of this title:
)	(viii) Lot line adjustments in residential zones FOR LOTS that are not part
)	of an approved Development Plan UNDER THIS TITLE or [zoning plan] AN APPROVED
	DEVELOPMENT PLAN UNDER ARTICLE 1B OF THE BALTIMORE COUNTY ZONING
2	REGULATIONS. FOR PURPOSES OF THIS SUBSECTION, "LOT LINE ADJUSTMENT"
3	MEANS ONE OR MORE ALTERATIONS OF A DIVISIONAL PROPERTY LINE OR LINES
1	BETWEEN TWO OR MORE LOTS IN COMMON OWNERSHIP OR BY AGREEMENT OF
5	THE OWNERS, PROVIDED THAT THE ALTERATION DOES NOT RESULT IN AN
5	INCREASE OR DECREASE IN THE NUMBER OF LOTS AND THERE IS NO INCREASE
7	IN TOTAL RESIDENTIAL DENSITY AVAILABLE TO THE LOTS CONSIDERED AS A
3	WHOLE;
)	SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
)	after its enactment and shall apply retroactively to February 16, 2005.

b05405.wpd

, :

PLEASE PRINT CLEARLY

CASE NUMBER 05-628-SP4 DATE 1/27/05

# SITIZEN'S SIGN-IN SHEET


E-MAIL Eque	7/11/2				
CITY, STATE, ZIP Town MED 21286 8 (2/51, Howard	augh Mun-				
SOS Fairmy Me	121 ST. Hambo de				
J. Carull Horal	Child Child				

PLEASE PRINT CLEARLY

CASE NUMBER 05- 62

PETITIONER'S SIGN-IN SHEET

E- MAIL	nale	Steve or matiswarticld. con										
CITY, STATE, ZIP	James House	> 210	Ouring Mill md. 2170									
ADDRESS	290 Surguelanna Avr	1 10540 York Pd, STE. M	ded St. Thomas de.									
NAME	In Turster .	Gwenn (rupi of Steve Wartich	Jours 11 Bunch	>								



# SITE DATA DENSITY & AREA CALCULATIONS CASE NO. IV-510 & 99-309-A MARLIN PROPERTY PROPERTY ADDRESS: 26 SAINT THOMAS LANE, OWINGS MILLS, MARYLAND 21117 DWELLING UNITS PERMITTED TAX MAP 58, PARCEL 379 TAX ACCOUNT NUMBER: 04-0402067430, 04-2300007244 PROPOSED ACREAGE Baltimore County this \_\_\_\_\_ flay of April, 1999 that the development plan for the Torah X-8481 ELEV. - 526.673 N 637324.170 E 1377514.471 DESCRIPTION: R.R., SPIKE IN MAC. S OF N ED. ST. THOMAS LANE MARLIN PROPERTY 3.7807 AC. D.R.3.5 2.2489 AC. D.R.3.5 Institute, identified herein as Developer's Exhibit I, be and is hereby APPROVED; and: 0.9570 AC. D.R.1 IT IS FURTHER ORDERED that the Petition for Variance seeking relief from 0.0143 AC. D.R.2 (3.2202 AC. TOTAL) Sections 1B01.2.C:1.d and 303.f\of the Baltimore County Zoning Regulations (B.C.Z.R.) to COORDINATES, BEARINGS, AND ELEVATIONS SHOWN ON VICINITY MAP ARE BASED ON STATE OF MARYLAND COORDINATES ZONING MAP \*s N.W.11-H AND N.W.12-H ZONING UNDER EXISTING CONDITIONS - 3.7807 AC.+/- D.R.3.5, 1.0436 AC.+/- D.R.1, & 0.0143 AC.+/- D.R.2 ZONING AFTER LOT LINE ADJUSTMENT - 2.2489 AC.+/- D.R.3.5, 0.9570 AC.+/- D.R.1, & USE: SINCLE FAMILY DIVERSITY OF TAXILLY CONTROLLY CONTROLL **TORAH INSTITUTE LOT 2** 9.6626 x 3.5 11.1944 AC. D.R.3.5 permit a building front to right-of-way setback of 19 feet in lieu of the required 25 feet, and a + 0.0028 x 2 0.0866 AC. D.R.1 front average centerline setback from a variable right-of-way of 54 feet in lieu of the required 68 0.0028 AC. D.R.2 EXISTING USE: SINGLE FAMILY DWELLING PROPOSED USE: SINGLE FAMILY DWELLING PREVIOUS COMMERCIAL PERMITS: BUILDING PERMITS FOR EXISTING HOUSE DEVELOPMENT APPROVAL: N/A THE MARLIN PROPERTY HAS NOT BEEN SUBDIVIDED OR USED FOR DENSITY SINCE PRIOR DEVOLUTION HISTORY: feet, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the (11.2838 AC. TOTAL) => 47 UNITS TOTAL PERMITTED **UNDER EXISTING CONDITIONS** 1. ON DECEMBER 19, 1958, THE PROPERTY WAS TRANSFERRED IN TOTAL FROM MARY EBERSTADT HARPER, FERDINAND EBERSTADT, AND THE HANOVER BANK TO ERNEST C. BROWN, JR. AND JEAN TODD BROWN (DEED WJR 3467/081). 2. ON APRIL 26, 1984, AFTER THE DEATHS OF ERNEST C. BROWN, JR. AND JEAN TODD BROWN, THE SAME PROPERTY WAS TRANSFERRED FROM ANDRE W. BREWSTER, PERSONAL (DEED EHK Jr 6708/314) same upon receipt of this Order, however, they are hereby made aware that proceeding at this time is at their own risk until the 50-day appeal period from the \*THE EXISTING RESIDENTIAL DENSITY SHALL REMAIN WITH THE ORIGINAL PARCELS. date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded. 2) Any additions to the proposed school building, or other site improvements, including the installation of trailers to provide additional class space, will **ZONING PETITION** 3) The Owners/Developers shall comply with the terms and conditions set forth in VICINITY MAP the agreements reached between themselves and the Kniffins, the Aarons, and the St. Thomas' Church, Valleys' Planning Council, Inc., Mary Easto, and SCALE: 1"=1000' as Zoning Commissioner's Exhibits 3, 4 and 5, respectively. Those agreements have been incorporated berein and made enforceable as a part of this Order. TOTAL AREA SUBJECT TO SPECIAL HEARING: 14.2773 ACRES+/-4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code. LEGEND TORAH INSTITUTE PROPERTY (LOT 2) \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* PROPERTY ADDRESS: 35 ROSEWOOD LANE, OWINGS MILLS, MARYLAND 21117 TAX ACCOUNT NUMBER (TORAH INSTITUTE LOT 2): 04-2300010725 PLAT REFERENCE - 73/31 (LOT 2) EXISTING BUILDING ZONING MAP \*s N.W.11-H AND N.W.12-H ZONING UNDER EXISTING CONDITIONS - 9.6626 AC.+/- D.R.3.5 & 0.0028 AC.+/- D.R.2 ZONING AFTER LOT LINE ADJUSTMENT - 11.1944 AC.+/- D.R.3.5, 0.0866 AC.+/- D.R.1, & ING USE: PRIVATE SCHOOL FLOODPLAIN SCHOOL - ISPACE/EMPLOYEE + VISITOR SPACES 50 FACULTY, ADMINISTRASTION - 50 SPACES TOTAL PARKING REQUIRED - 50 SPACES 75 SPACES STANDARD HANDICAP SPACES @ 21'X 18' TOTAL (TWO SIDE BY SIDE) VAN ACCESSIBLE HANDICAP SPACES @ 24'X 18' TOTAL (2 SIDE BY SIDE) STANDARD PARKING SPACES @ 9'X 18' E-44,443.24 N 44,508.08

