| | | |
|---|---|---|
| IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** | * | BEFORE THE |
| E/Side of Seven Mile Lane, 20′ S of c/line of Marnat Road | * | ZONING COMMISSIONER |
| **(7307 Seven Mile Lane)** | * | OF |
| 3rd Election District<br>2nd Council District | * | BALTIMORE COUNTY |
| | * | **Case No. 07-486-SPHA** |
| Congregation Darchei Tzedek, Inc.<br>Petitioner | * | |

* * * * * * * *

## 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, Congregation Darchei Tzedek, Inc., by and through its attorney, Jonathan E. Greenstein, Esquire. The Petitioner, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requests a special hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 01-219-SPHA, 93-226-SPHA and 86-401-SPH to reflect the proposed improvements and to obtain a determination that the proposed improvements (synagogue and parking lot) have been planned in such a way that they comply to the extent possible with Residential Transition Area (RTA) use requirements of B.C.Z.R. Section 1B01.1.B.1.g(6) and to confirm that the existing building in the County may remain during construction of the new building that straddles the Baltimore County/Baltimore City Line. In addition, the Petitioner requests variance relief as follows: From B.C.Z.R. Section 1B01.2.C.1.a to permit a front setback of 5 feet in lieu of the required 40 feet and to permit a rear setback of 9 feet in lieu of the required 30 feet; from B.C.Z.R. Section 409.6.A.4 to permit 34 parking spaces in lieu of the required 110 for an existing, non-residential principal building; and from Section 409.8.A.4 to permit parking spaces

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to be located 0 feet from a street line in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the redlined site plan, landscape plan and building elevation drawings submitted into evidence and marked as Petitioner's Exhibits 1, 2, 3A and 3B, respectively.

Appearing at the requisite public hearing in support of the request were Jonathan E. Greenstein, Esquire, attorney for the Congregation Darchei Tzedek, Inc. and property owner; Rabbi Yaakov Horowitz; Sheldon Caplan, member of the Congregation's building committee; Avraham Grant, Vice President of the Congregation; and Robert Rosenfelt, Professional Engineer with Colbert-Matz-Rosenfelt, Inc., the consultants who prepared the site plan of this property. Also appearing in support were Dr. Sheldon Avery, Allan and Debbie Kessler, Seth Pachino, Marc Meisler, Jacob Szajowitz, Louis Newmark, Rachel Mitnick, and neighbors and members of the Congregation. A number of individuals appeared as interested citizens or in opposition to the request. Steven and Gloria Davidoff, adjacent property owners, Rabbi Steven Goldstein and Richard and Toby Grayson appeared in opposition. Adele Kass, Paul D. Kadin and Leo and Florine Bretholz appeared as interested persons.

An appreciation of the properties past history and use is relevant and is briefly outlined. A portion of the property (0.39 acres zoned D.R.5.5) has been owned and utilized as a synagogue by Congregation Darchei Tzedek, Inc. since 1986. At that time, the site was improved with two attached commercial buildings, which were rundown. The Petitioner filed a Petition for Special Hearing in Case No. 86-401-SPH and was granted approval by then Zoning Commissioner Arnold Jablon to permit the conversion of the two buildings for use as a synagogue on April 16, 1986. Thereafter, the Petitioner sought special hearing and variance relief in Case No. 93-226-SPHA for proposed improvements to the existing facility and on-site parking, and approval that

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the proposed improvements complied with RTA requirements. Zoning Commissioner Lawrence Schmidt granted the relief requested on March 2, 1993, subject to certain restrictions. The Petitioner next sought special hearing and variance relief in Case No. 01-219-SPHA for improvements, consisting of a second story addition to the existing facility and on-site parking (10 spaces in lieu of the 82 required) and approval that the proposed improvements and parking plan complied with RTA requirements. Then Zoning Commissioner Schmidt, on March 12, 2001, granted the relief requested in part, namely, that the proposed improvements, variances and revised parking complied with RTA requirements and subject to certain restrictions, which essentially permitted improvements within the existing building footprint. In any event, the Congregation did not go forward with these improvements as an opportunity to purchase two adjacent parcels (0.26 acres) of City property presented itself allowing for a new synagogue with additional seating and parking capacity.

The Petitioner now comes with a new approach to resolve their need to accommodate attendees at their services and also address parking issues. In addition to the 0.39 acres of County land described above located at the southeast corner of Seven Mile Lane and Marnat Road as described above, the Congregation has purchased two adjacent parcels (an additional 0.26 acres) in Baltimore City, at the corner of Seven Mile Lane and Shelburne Road. The subject properties now combined consists of a gross area of 0.64 acres, more or less, in Pikesville. They propose to build a new combination sanctuary and social hall on the City properties (with some overlap into the County), and when that construction is completed they will then raze the existing County building and provide 34 onsite parking spaces in its place. Testimony was taken from Rabbi Horowitz, Mr. Caplan and Mr. Grant regarding the use of the existing building and the Congregation, as well as the planned new building. (*See* Petitioner's

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Exhibits 3A & 3B - Building Elevations). This proposal will require multi-jurisdictional reviews and approvals. The County case, the first to proceed, will also be studied by the City's Board of Municipal and Zoning Appeals.

Testimony and evidence presented discloses that the proposed new building would have a larger capacity sanctuary than in the current building. The architect assigned a maximum usage of 440 seats, based on the area of the sanctuary, but Rabbi Horowitz estimated that actual seating would more likely be 280. He further testified that the primary reason for the greater seating capacity was not for any anticipated growth in membership (although some growth is likely), but rather to better accommodate the existing membership. A large proportion of the members are young families, and as their children get older, they need to have seats available for them to attend services with their parents. Similarly, the plan for the new building includes a social hall with an indicated maximum seating of 220, but that is intended to provide adequate usage by members in conjunction with services, especially on their Sabbath, rather than for purposes of attracting rentals from outside the Congregation. The portion of the existing building used as a "social hall" is too small and ill-equipped to serve the current membership.

New churches and synagogues are permitted as of right in residential zones. Although the RTA applies to these new structures, two provisions are available for synagogues to obtain waivers or variances. Section 1B01.1B.1.c of the B.C.Z.R. provides that variance relief can be granted, based on recommendations from County agencies, provided that the hearing officer "specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed." In the alternative, Section 1B01.1B.1g(6) provides that following a public hearing, the hearing officer may determine that the RTA is not applicable upon a finding that "the proposed improvements

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are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The standards differ between Section 1B01.1B.1g(6) and Section 1B01.1B.1.c. The former requires a finding that the proposed improvements are planned so that compliance with RTA is "to the extent possible....". Section 1B01.1B.1.c allows variance relief to be granted, provided that there is no adverse impact by virtue of the variance to the adjoining property or residential community.

The Office of Planning, within its Zoning Advisory Committee (ZAC) comments, requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontage and a replacement vinyl fence and planting area along the residential property to the east owned by the Davidoffs. In this regard, the Petitioner presented testimony regarding the parking variance and the circumstances unique to this site. As noted above, this congregation is of the Orthodox Jewish faith and therefore abides by the strict tenets of that religion. In particular, members of the Orthodox Jewish faith are prohibited from operating motor vehicles on the Sabbath and holidays. There are now 119 member families who make up the membership of the Congregation. A list of the members was submitted into evidence as part of Petitioner's Exhibit 6. As noted above, the Petitioner seeks a substantial parking variance as to the number of spaces. Under the parking requirements of the B.C.Z.R., if the proposed building with a stated seating capacity of 440 were to be constructed entirely within the County, a minimum of 110 spaces would be required[1]. The Petitioner's testimony emphasized that members of the Congregation cannot drive to the site on the Sabbath and during

[1] *In response* to community concerns, the site plan (Petitioner's Exhibit 1) was amended by adding a redlined note stating: "There will be no more than 220 members as a condition of approval".

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By EE

holidays, which is when the greatest attendance could be anticipated. Rabbi Horowitz also testified that 57% of the Congregation members live within ¼ mile of the site, and another 27% within the next ¼ mile, totaling 84% of the members living within ½ mile of the site. Thus, a large percentage of the membership walks to services. Since the proposed increase in seating capacity is primarily driven by internal growth of the member families, rather than external growth from additional members, it is not anticipated that the parking needs of the Congregation would materially change just because of the larger facility.

Rabbi Horowitz and Mr. Caplan further testified that the Congregation required the continued use of the existing building for services during the construction period. In this regard, they explored a number of alternative sites and approaches for temporary facilities for the Congregation, but could not find any feasible alternative that would adequately enable it to continue to serve its members. Thus, the Congregation has requested confirmation that the existing building may be retained and used until the new building is completed and in use, at which time the existing building will be razed and the area converted to parking.

Mr. Grant testified regarding discussions with the Davidoffs, the family most impacted by the proposal, and their concerns, including the erection of a fence along their common boundary line and the parking situation. It was conceded that the parking needs of the Congregation are not always met by the current onsite parking spaces provided, which is one reason why the Congregation purchased the additional City properties, in order to be able to increase the amount of onsite parking to 34 spaces. Mr. Grant also testified regarding other steps taken by the Congregation to ameliorate the parking situation, including arrangements with a neighboring synagogue to absorb some of the overflow parking, and requesting the County to change a recently-instituted "no parking" zone on Seven Mile Lane by changing the signage

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from the east side to the west side of the street, south of Marnat Road, which would add more available parking spaces away from the adjoining neighbors on Marnat Road.

In addition to the testimony of Rabbi Horowitz, Mr. Caplan and Mr. Grant, testimony was received from Robert Rosenfelt, the engineer who prepared the site plan for this property. He generally described the property and the surrounding locale, and also the process involved in securing approvals from both the County and the City. He testified that the proposed setback variances would have a minimal impact on the neighboring properties and were necessary in order to be able to properly utilize the property as planned. He indicated that the proposed number of parking spaces is the most that can be located on the site while also providing adequate landscaping and screening. Mr. Rosenfelt testified that the proposed improvements and use of the property would meet the criteria of Section 502.1 of the B.C.Z.R.

Testifying in opposition to the request were Steven and Gloria Davidoff, who reside on the immediately adjacent property. The Davidoffs stated that at times the current parking lot would be filled and parked cars would line the street as well. They also expressed concern that a new, larger facility would attract an influx of new, additional membership which could increase vehicular traffic so much that it would exacerbate the parking situation even with the proposed additional spaces.

As is the case with many petitions involving houses of worship, this case presents difficult issues. It is difficult to question the operation of a house of worship and limit the freedom of this congregation to pursue their religion. On the other hand, the zoning regulations must deal with the appropriate restrictions upon the use of the land to prohibit adverse impacts on neighboring and surrounding properties. On its face, the parking variance would seem to be excessive, in view of the numbers involved. However, I am persuaded that there are compelling

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By GC

circumstances in this case. The fact that members of the Congregation do not drive on the Sabbath and holidays, when the largest number of individuals are on the site, is significant, as is the fact that most of the members live within walking distance. Although at odds with society's reliance on the automobile, the Petitioner has produced persuasive evidence that the Congregation does not generate heavy volumes of vehicular traffic. Insofar as the Congregation continuing in its present mode of operation, with allowance for some growth, and with the proposal roughly tripling onsite parking spaces, it appears that the Congregation's use of the proposed new building should not unreasonably burden the streets and their neighbors. After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of Section 307 of the B.C.Z.R. and that variance relief should be granted. I find that the synagogue proposed is more compatible with the neighborhood than that which currently exists and the relief proposed will not be a detriment to the residential community or adjacent property. In response to the Davidoffs' expressed concerns about the results from a sharp increase in membership, and resulting usage, because of the new facility, the Congregation has agreed to a requirement that they request a hearing to amend this Special Hearing approval if the number of their membership units grows beyond 220.

Under the circumstances, I will grant the zoning relief necessary to permit the Congregation to proceed with the proposed construction of a new building and creation of a total of 34 parking spaces (and retaining the existing building until the new construction is completed), subject to the conditions regarding the fence along the Davidoffs' property line and a membership cap.

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

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Date 7-25-07
By EC

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 2007 that the Petition for Special Hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 01-219-SPHA, 93-226-SPHA and 86-401-SPH, and to show that the proposed improvements comply, to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.), and to confirm that the existing building may remain in use during construction of the proposed new building that straddles the Baltimore County/Baltimore City Line, 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 setback of 5 feet in lieu of the required 40 feet and to permit a rear setback of 9 feet in lieu of the required 30 feet; from Section 409.6.A.4 to permit 34 parking spaces in lieu of the required 110 for an existing, non-residential principal building; and from Section 409.8.A.4 to permit parking spaces to be located 0 feet from a street line in lieu of the required 10 feet, in accordance with Petitioner's Exhibits 1, 2, 3A and 3B respectively, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner shall comply with the recommendations made by the Office of Planning, within its ZAC comment, dated July 5, 2007, a copy of which is attached hereto and made a part hereof.

2) The maximum Darchei Tzedek congregation's membership shall not exceed 220 in number without a public hearing and approval of a Petition for Special Hearing for an amendment to the Special Hearing and site plan approved in this case.

3) The Petitioner shall erect, at its expense and during the construction of the proposed improvements, a fence similar to that designated by the Davidoffs in their letter to the Petitioner (Petitioner's Exhibit 10), along the property line between the properties subject to the final approval of the Davidoffs at the time of construction. The Petitioner will add a detail of the fence to the site plan prior to receiving a grading permit.

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4) When applying for a building permit, the site plan and landscaping 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 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 7-25-07
By DLW

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 5, 2007

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

RECEIVED
JUL 05 2007
BY:.....

**SUBJECT:** 7307 Seven Mile Lane

**Item Number:** 7-486

**Petitioner:** Congregation Darchei Tzedek

**Zoning:** DR 5.5

**Requested Action:** **Special Hearing and Variances**

The subject property is located partially within Baltimore County and partially within Baltimore City at the southeast corner of Marnat Road and Seven Mile Lane and therefore subject to zoning and development review in both jurisdictions.

The proposal is to raze the existing synagogue and construct a new 2-story masonry synagogue with a seating capacity of 440 seats.

Less than 10% of the building and all of the off-street parking are located with Baltimore County. The Baltimore County Development Review Committee has tabled a request for limited exemption pending the outcome of this special hearing and variances.

The proposed new synagogue will need site plan approval from Baltimore City and as of this date has not filed for a public hearing.

The Office of Planning requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontages and a replacement vinyl fence and planting area along the residential Davidoff property to the east. West and south elevations have been *submitted as pdfs.*

**SUMMARY OF RECOMMENDATIONS:**

If the Special Hearing and Variances are granted, the Office of Planning shall review and approve full-scale architectural elevation drawings for all four building facades prior to application of any building permits.

The applicant should submit a copy of Baltimore City's approved site plan and architectural elevation drawings to assure consistency with the plans.

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

**Reviewed by:** Curtis Murray

**Division Chief:** Lynn Lanham /CSM
AFK/LL: CM

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By GW

County Board of Appeals of Baltimore County

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

January 14, 2008

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, MD 21208

RE: *In the Matter of: Congregation Darchei Tzedek, Inc.*
Case No. 07-486-SPHA /Order of Dismissal /Nonpayment of Appeal Fee

Dear Mr. and Mrs. Davidoff:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the subject matter.

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

Very truly yours,

Kathleen C. Bianco /LF

Kathleen C. Bianco
**Administrator**

Enclosure

c: Jonathan E. Greenstein, Esquire
Sheldon Caplan
Robert Rosenfelt, PE /Colbert-Matz-Rosenfelt, Inc.
Allan and Debbie Kessler
Marc Meisler
Louis Newmark
Rabbi Steven Goldstein
Adele Kass
Leo and Florine Bretholz
Office of People's Counsel
*William J. Wiseman III, Zoning Commissioner*
Rabbi Yaakov Horowitz
Avraham M. Grant
Dr. Sheldon Avery
Seth Pachino
Jacob Szajowitz
Rachel Mitnick
Richard and Troy Grayson
Paul D. Kadin
Dina Felsman
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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on Recycled Paper

(1) As provided in Title 1, Subtitle 2 of this article, **change the fees established under subsection (a) of this section**; and

(2) **Establish and charge for advertising and posting expenses in** addition to the fees established under subsection (a) of this section.

(c) *Payable to Baltimore County.* All fees shall be payable to Baltimore County, Maryland, ***and shall be collected by the agency whose decision is being appealed at the time the appeal or petition is filed.***

**WHEREAS**, the Baltimore County Code, as stated above, does not grant the right of waiver to any agency of Baltimore County; and further, since the Board of Appeals has received no such Order from the Circuit Court for Baltimore County waiving the appeal fee in this matter, nor has there been any communication from the Appellants in response to the above-referenced letter of November 1, 2007,

**IT IS HEREBY ORDERED** this 14th day of January, 2008 by the County Board of Appeals of Baltimore County that the above-referenced appeal in Case No. 07-486-SPHA be and the same is hereby **DISMISSED for failure to pay the required appeal fee as mandated by statute**.

**COUNTY BOARD OF APPEALS**
**OF BALTIMORE COUNTY**

Edward W. Crizer, Jr., Chairman

Case No. 07-486-SPHA

In the Matter of: Congregation Darchei Tzedek, Inc. – Petitioner
7307 Seven Mile Lane 3rd E; 2nd C

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11/01/07 – Letter to Appellants, Gloria and Steve Davidoff – indicating that this matter would be considered for dismissal for failure to pay the requisite appeal fee if an order from the Circuit Court waiving the appeal fee is not received in this office by January 4, 2008. Copy sent to all listed recipients of the ZC's Order.

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11/05/07 – T/C from Jonathan Greenstein, Esquire – advising of correct mailing address (as it appears on Petition) – file corrected and copy of 11/01/07 letter to Appellants forwarded to Mr. Greenstein this date via FAX.

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Requested: Jan. 3, 2008

# APPEAL SIGN POSTING REQUEST

CASE NO. 07-486-SPHA

7307 SEVEN MILE LANE

3RD ELECTION DISTRICT APPEALED: AUG. 23, 2007

County Board of Appeals of Baltimore County

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

November 1, 2007

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, MD 21208

RE: In the Matter of: *Congregation Darchei Tzedek, Inc.*
*- Petitioner* Case No. 07-486-SPHA

Dear Mr. and Mrs. Davidoff:

The subject file was received in this office on October 31, 2007. It is my understanding that you filed an appeal from the July 25, 2007, decision of the Zoning Commissioner **without** payment of the appeal fee as required by statute. Further, it is my understanding that you were advised at the time of filing that, although you may be unable to pay the necessary fee, neither this office nor any agency of Baltimore County has the authority to waive the required appeal fee, and that you would have to file for such a waiver of this fee with the Circuit Court for Baltimore County.

In light of the above, the file was forwarded to this office for processing **pending receipt of an Order from the Circuit Court finding you to be indigent and ordering this office to waive the appeal fee in this matter.**

Please be advised that, if you have not filed for such a waiver and if such Order from the Circuit Court is not received in this office by Friday, January 4, 2008, the Board will consider this matter for **dismissal for failure to pay** the necessary appeal fee as mandated by statute.

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

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
**Administrator**

FILE

c: Jonathan E. Greenstein, Esquire
Sheldon Caplan
Robert Rosenfelt, PE /Colbert-Matz-Rosenfelt, Inc.
Allan and Debbie Kessler
Marc Meisler
Louis Newmark
Rabbi Steven Goldstein
Adele Kass
Leo and Florine Bretholz
Office of People's Counsel
William J. Wiseman III, Zoning Commissioner
Rabbi Yaakov Horowitz
Avraham M. Grant
Dr. Sheldon Avery
Seth Pachino
Jacob Szajowitz
Rachel Mitnick
Richard and Troy Grayson
Paul D. Kadin
Dina Felsman
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

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# COUNTY BOARD OF APPEALS

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

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

**JONATHAN E. GREENSTEIN ESQUIRE**

**FAX :** 410-964-2008

FROM:

**KATHLEEN BIANCO**
**FAX :** 410-887-3182

**TELEPHONE :** 410-887-3180

**DATE:**
**NOVEMBER 5, 2007**

**TOTAL NO. OF PAGES INCLUDING COVER:**
**TWO (2)**

**Re: CONGREGATION DARCHEI TZEDEK, INC. -PETITIONER**
Case No. 07-486-SPHA

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

## PERSONAL AND CONFIDENTIAL

ATTACHED IS A COPY OF MY LETTER DATED 11/01/07.

THE FILE HAS BEEN CORRECTED TO REFLECT YOUR OFFICE ADDRESS – 5100 DORSEY HALL DRIVE, ELLICOTT CITY, MD 21042-7870.

PLEASE CALL ME SHOULD YOU HAVE ANY FURTHER QUESTIONS.

kathi

FILE

SENDING REPORT

Nov. 05 2007 04:30PM

YOUR LOGO : BOARDOFAPPEALS
YOUR FAX NO. : 4108873182

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TO TURN OFF REPORT, PRESS 'MENU' #04.
THEN SELECT OFF BY USING '+' OR '-'.

FOR FAX ADVANTAGE ASSISTANCE, PLEASE CALL 1-800-HELP-FAX (435-7329).

8/21/07

Gloria and Steven Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

ZONING COMMISSION OF BALTIMORE COUNTY
County Board of Appeals
111 West Chesapeake Avenue
Room #111
Towson, Maryland 21204

RE: Case No. 07-486-SPHA

Subject: Notice of Appeal

TO WHOM IT MAY CONCERN:

We are formally filing an appeal in regards to Case No. 07-486-SPHA. We represent a group of homeowners and neighbors on Marnat Road in Baltimore County, Maryland.

We strongly disagree with the FINDINGS OF FACT AND CONCLUSIONS OF LAW as put forth by William J. Wiseman, III, Zoning Commissioner for Baltimore County. Additionally, we are opposed to the variances that were granted to Darchei Tzedek for several reasons.

The most important reason why we oppose the variances that were granted is the several significant discrepancies in the testimony given by the synagogue representatives, including the Rabbi, Rabbi Horowitz. Additionally, there are false statements within the above mentioned "FINDINGS OF FACT AND CONCLUSION OF LAW".

We do not oppose the granting of the variances regarding the setback. However, we vehemently oppose the variance permitting the synagogue to provide 34 parking spaces in lieu of the required 110 for the building.

We feel that it is absolutely imperative as Baltimore County taxpayers and homeowners that we have an opportunity to reveal the facts and discrepancies to the County Board of Appeals.

Thank you. Please let us know what the next step in the Appeals process is. We will confirm that the receipt of this letter represents our official notice of appeal.

Yours truly,

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

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OCT 3 1 2007
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
AUG 2 3 2007
Per.....

No fee rec'd after request.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

TIMOTHY M. KOTROCO, *Director*
*Department of Permits and Development Management*

October 22, 2007

Jonathan Greenstein, Esq.
3916 Fallstaff Road
Baltimore, MD 21215

Dear Mr. Greenstein:

RE: Case: 07-486-SPHA, 7307 Seven Mile Lane

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 2007 by Mr. and Mrs. Davidoff. The appeals fee was not provided, documents from the Circuit Courts stating indigence on behalf of the appellants must be received in 60 days or the case will be thrown out. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Avraham Grant, 7307 Seven Mile Lane, Baltimore 21208
Robert Rosenfelt, 2836 Smith Avenue, Ste. G., Baltimore 21209
Gloria & Steve Davidoff, 3319 Marnat Road, Baltimore 21208

RECEIVED
OCT 3 1 2007
BALTIMORE COUNTY
BOARD OF APPEALS

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** 7307 Seven Mile Lane
**which is presently zoned** D.R-5.5

**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 of thereof, 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 the hearing.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition.

***Contract Purchaser/Lessee:***

Name – Type or Print

Signature

Address. Telephone No.

City State Zip Code

***Attorney For Petitioner:***

Jonathan E. Greenstein, Esq.
Name – Type or Print

Signature

Law Offices of Jonathan Greenstein, LLC
Company

5100 Dorsey Hall Drive. 410-964-0300
Address Telephone No.

Ellicott City MD 21042
City State Zip Code

***Legal Owner(s):***

Congregation Darchei Tzedek, Inc.
Name – Type or Print

Signature

By: Avraham M. Grant
Name – Type or Print

Signature

7307 Seven Mile Lane 410-653-1688
Address. Telephone No.

Baltimore MD 21208
City State Zip Code

***Representative to be Contacted:***

Robert S Rosenfelt, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

**Case No.** 07-486-SPHA

ORDER RECEIVED FOR FILING
Date 4-25-07
By

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ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING
Reviewed By JNP Date 4/24/07

ATTACHMENT – VARIANCE PETITION FOR 7307 SEVEN MILE LANE

Variance from 1B01.2.c.1.a , BCZR, to permit a front setback of 5 feet in lieu of 40 feet, to permit a rear setback of 6 in lieu of 30 feet; from Sec. 409.8.A.4, to permit a setback from a surface parking facility to the right-of-way line of 0 feet in lieu of 10 feet, and from Sec. 409.6.A.4, BCZR, to permit 34 parking spaces in lieu of 110 required.

if necessary.

07-486-SPHA

# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 7307 Seven Mile Lane
which is presently zoned D.R.-5.5

**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 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

A Special Hearing in regard to Sec. 1B01.1.B.1.g.(6) to amend Case No. 01-219-SPHA, Case No. 93-226-SPHA and Case No. 86-401-SPH, and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing building in the County can remain during construction of the new building that straddles the City/County line.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition.

***Contract Purchaser/Lessee:***

Name – Type or Print

Signature

Address. Telephone No.

City State Zip Code

***Legal Owner(s):***

Congregation Darchei Tzedek, Inc.
Name – Type or Print

Signature

By: Avraham M. Grant
Name – Type or Print

Avraham M. Grant
Signature

7307 Seven Mile Lane 410-653-1688
Address. Telephone No.

Baltimore MD 21208
City State Zip Code

***Attorney For Petitioner:***

Jonathan E. Greenstein, Esq.
Name – Type or Print

J. E. Greenstein
Signature

Law Office of Jonathan Greenstein, LLC
Company

5100 Dorsey Hall Drive 410-~~730-7733~~ 964-0300
Address Telephone No.

~~Columbia~~ Ellicott City MD ~~21046~~ 21042
City State Zip Code

***Representative to be Contacted:***

Robert S Rosenfelt, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

**Case No.** 07-486-SPHA

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Reviewed By JNP Date 4/24/07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

July 25, 2007

WILLIAM J. WISEMAN III
*Zoning Commissioner*

Jonathan E. Greenstein, Esquire
3916 Fallstaff Road
Baltimore, Maryland 21215

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
E/Side of Seven Mile Lane, 20' S of c/line of Marnat Road
**(7307 Seven Mile Lane)**
3rd Election District - 2nd Council District
Congregation Darchei Tzedek, Inc. - Petitioner
**Case No. 07-486-SPHA**

Dear Mr. Greenstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Rabbi Yaakov Horowitz, 3208 Northbrook Road, Baltimore, Md. 21208
Sheldon Caplan, 3213 Labyrinth Road, Baltimore, Md. 21208
Avraham M. Grant, Vice President, Congregation Darchei Tzedek, Inc., 7307 Seven Mile Lane, Baltimore, Md. 21208
Robert Rosenfelt, P.E., Colbert-Matz-Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Dr. Sheldon Avery, 3317 Marnat Road, Baltimore, Md. 21208

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BOARD OF APPEALS

Allan and Debbie Kessler, 3304 Shelburne Road, Baltimore, Md. 21208
Seth Pachino, 7814 Ridge Terrace, Baltimore, Md. 21208
Marc Meisler, 3314 Greenvale Road, Baltimore, Md. 21208
Jacob Szajowitz, 3316 Shelburne Road, Baltimore, Md. 21208
Louis Newmark, 3400 Seven Mile Lane, Baltimore, Md. 21208
Rachel Mitnick, 3312 Marnat Road, Baltimore, Md. 21208
Steven and Gloria Davidoff, 3319 Marnat Road, Baltimore, Md. 21208
Rabbi Steven Goldstein, 3207 Marnat Road, Baltimore, Md. 21215
Richard and Troy Grayson, 3306 Shelburne Road, Baltimore, Md. 21208
Adele Kass, 3301 Marnat Road, Baltimore, Md. 21208
Paul D. Kadin, 7403 Seven Mile Lane, Baltimore, Md. 21208
Leo and Florine Bretholz, 3318 Marnat Road, Baltimore, Md. 21208
Dina Felsman, 3312 Marnat Road, Baltimore, Md. 21208
People's Counsel; Office of Planning; File

Requested: Jan. 3, 2008

# APPEAL SIGN POSTING REQUEST

CASE NO. 07-486-SPHA

7307 SEVEN MILE LANE

3RD ELECTION DISTRICT APPEALED: AUG. 23, 2007

***ATTACHMENT*** – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

## CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

**CASE NO.: 07-486-SPHA**

LEGAL OWNER: **CONGREGATION DARCHEI TZEDEK**

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

7303 SEVEN MILE LANE

E/SIDE OF SEVEN MILE LA., 20' S OF C/LINE OF MARNAI ROAD

---

The sign was posted on _____, 2008.

By: _____
(Signature of Sign Poster)

_____
(Print Name)

# PLAT TO ACCOMPANY PETITION FOR ZONING [X] VARIANCE [ ] SPECIAL HEARING

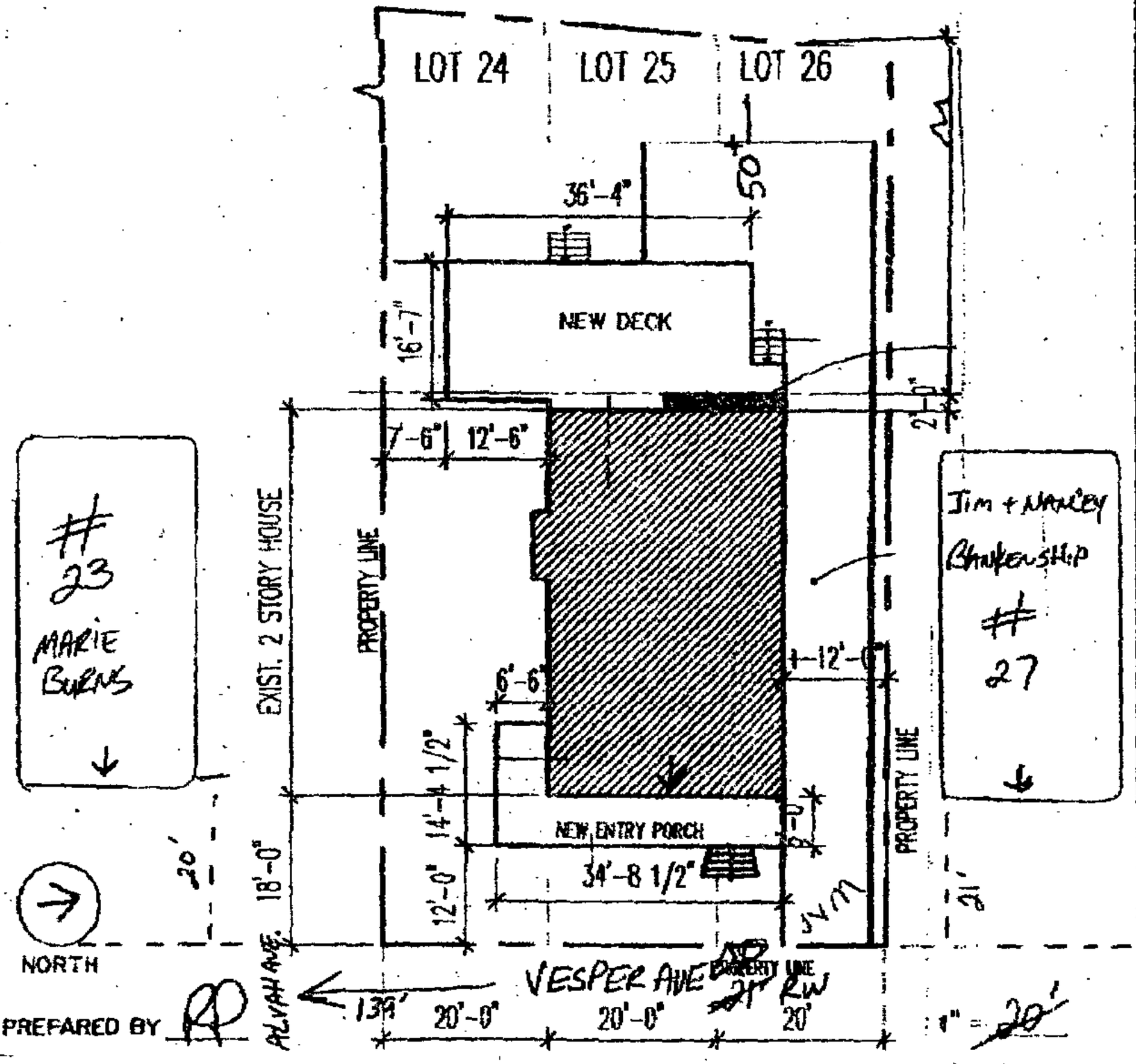
PROPERTY ADDRESS 1508 VESPER AVE

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

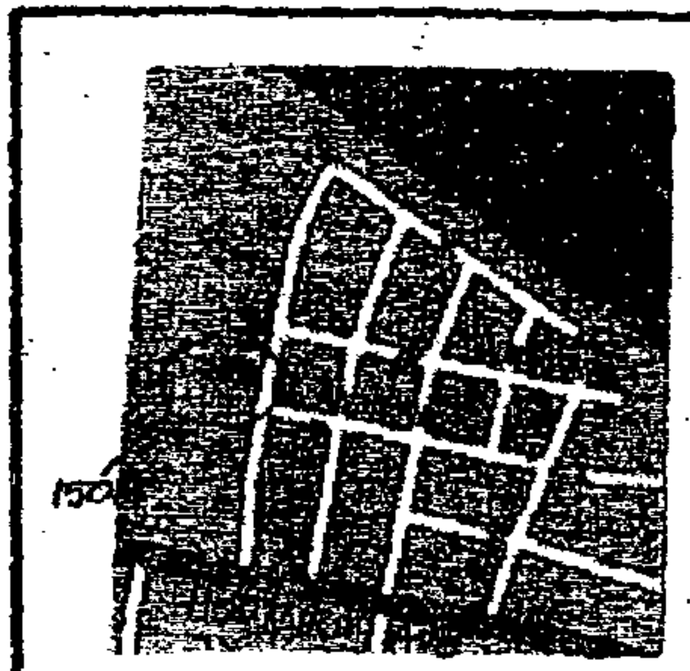
SUBDIVISION NAME Kimberly Farms

PLAT BOOK # WPC 7 FOLIO # 127 LOT # 24-26 SECTION #

OWNER Robert + SHANDA Przybylowicz




PREPARED BY




VICINITY MAP
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 103

ZONING DR 5.5

LOT SIZE 1/4 ACREAGE 7260 SQUARE FEET

| | PUBLIC | PRIVATE |
|---|---|---|
| SEWER | [X] | [ ] |
| WATER | [X] | [ ] |

| | YES | NO |
|---|---|---|
| CHESAPEAKE BAY CRITICAL AREA | [ ] | [X] |
| 100 YEAR FLOOD PLAIN | [ ] | [X] |
| HISTORIC PROPERTY/ BUILDING | [ ] | [X] |
| PRIOR ZONING HEARING | | |

ZONING OFFICE USE ONLY

| REVIEWED BY | ITEM # | CASE # |
|---|---|---|
| JL | 485 | |

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
E/Side of Seven Mile Lane, 20′ S of c/line of Marnat Road
**(7307 Seven Mile Lane)**
3rd Election District - 2nd Council District
Congregation Darchei Tzedek, Inc. - Petitioner
**Case No. 07-486-SPHA**

NOTIFICATION LIST:

c: Rabbi Yaakov Horowitz, 3208 Northbrook Road, Baltimore, Md. 21208
Sheldon Caplan, 3213 Labyrinth Road, Baltimore, Md. 21208
Avraham M. Grant, Vice President, Congregation Darchei Tzedek, Inc., 7307 Seven Mile Lane, Baltimore, Md. 21208
Robert Rosenfelt, P.E., Colbert-Matz-Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Dr. Sheldon Avery, 3317 Marnat Road, Baltimore, Md. 21208

Allan and Debbie Kessler, 3304 Shelburne Road, Baltimore, Md. 21208
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Dina Felsman, 3312 Marnat Road, Baltimore, Md. 21208
People's Counsel; Office of Planning; File

---

JONATHAN GREENSTEIN ESQUIRE Counsel for Petitioner
5100 DORSEY HALL DRIVE
ELLICOTT CITY, MD 21042-7870

1/3/07 E mailed K.M for sell/plan for sign posting.

| | | |
|---|---|---|
| IN THE MATTER OF THE<br>THE APPLICATION OF<br>CONGREGATION DARCHEI TZEDEK INC<br>FOR A SPECIAL HEARING AND<br>VARIANCES ON PROPERTY LOCATED<br>ON THE E/S OF SEVEN MILE LANE, 20'<br>S OF C/L OF MARNAT ROAD<br>(7307 SEVEN MILE LANE)<br><br>3RD ELECTION DISTRICT<br>2ND COUNCILMANIC DISTRICT | * BEFORE THE<br><br>* COUNTY BOARD OF APPEALS<br><br>* OF<br><br>* BALTIMORE COUNTY<br><br>* CASE NO. 07-486-SPHA<br><br>* | |

**ORDER OF DISMISSAL**

This matter comes before the Board of Appeals by way of an appeal filed by Steven and Gloria Davidoff from a decision of the Zoning Commissioner dated July 25, 2007, in which the requested zoning relief was granted with restrictions. The Appellants filed their appeal without payment of the appeal fee as required by statute, at which time the Appellants were advised by a representative of the Office of Permits & Development Management that neither this office nor any agency of Baltimore County has the authority to waive the required appeal fee. Further, the Appellants were advised that they would have to file for such a waiver with the Circuit Court for Baltimore County.

**WHEREAS**, by letter dated November 1, 2007, the Administrator of the Board of Appeals notified the Appellants that if said request for waiver of appeal fee had not been filed in the Circuit Court by the Appellants and if such Order from the Circuit Court was not received by the Board no later than Friday, January 4, 2008, the matter would be considered for dismissal by the Board for failure to pay the necessary appeal fee as mandated by statute; and

**WHEREAS,** § 3-5-105 of the *Baltimore County Code*, 2003 Edition as amended, states as follows:

(a ***Fee schedule***. The following **fees shall apply to proceedings before the Board of Appeals**:

(1) Appeals from the grant or denial of a special exception $250;
(2) Petition for reclassification $250; and
(3) All other hearings or appeals $175.

(b) ***Authority of the County Administrative Officer***. The County Administrative Officer may:

| | | |
|---|---|---|
| IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** | * | BEFORE THE |
| E/Side of Seven Mile Lane, 20' S of c/line of Marnat Road | * | ZONING COMMISSIONER |
| **(7307 Seven Mile Lane)** | * | OF |
| 3rd Election District<br>2nd Council District | * | BALTIMORE COUNTY |
| | * | **Case No. 07-486-SPHA** |
| Congregation Darchei Tzedek, Inc.<br>Petitioner | * | |

* * * * * * * *

## 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, Congregation Darchei Tzedek, Inc., by and through its attorney, Jonathan E. Greenstein, Esquire. The Petitioner, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requests a special hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 01-219-SPHA, 93-226-SPHA and 86-401-SPH to reflect the proposed improvements and to obtain a determination that the proposed improvements (synagogue and parking lot) have been planned in such a way that they comply to the extent possible with Residential Transition Area (RTA) use requirements of B.C.Z.R. Section 1B01.1.B.1.g(6) and to confirm that the existing building in the County may remain during construction of the new building that straddles the Baltimore County/Baltimore City Line. In addition, the Petitioner requests variance relief as follows: From B.C.Z.R. Section 1B01.2.C.1.a to permit a front setback of 5 feet in lieu of the required 40 feet and to permit a rear setback of 9 feet in lieu of the required 30 feet; from B.C.Z.R. Section 409.6.A.4 to permit 34 parking spaces in lieu of the required 110 for an existing, non-residential principal building; and from Section 409.8.A.4 to permit parking spaces

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to be located 0 feet from a street line in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the redlined site plan, landscape plan and building elevation drawings submitted into evidence and marked as Petitioner's Exhibits 1, 2, 3A and 3B, respectively.

Appearing at the requisite public hearing in support of the request were Jonathan E. Greenstein, Esquire, attorney for the Congregation Darchei Tzedek, Inc. and property owner; Rabbi Yaakov Horowitz; Sheldon Caplan, member of the Congregation's building committee; Avraham Grant, Vice President of the Congregation; and Robert Rosenfelt, Professional Engineer with Colbert-Matz-Rosenfelt, Inc., the consultants who prepared the site plan of this property. Also appearing in support were Dr. Sheldon Avery, Allan and Debbie Kessler, Seth Pachino, Marc Meisler, Jacob Szajowitz, Louis Newmark, Rachel Mitnick, and neighbors and members of the Congregation. A number of individuals appeared as interested citizens or in opposition to the request. Steven and Gloria Davidoff, adjacent property owners, Rabbi Steven Goldstein and Richard and Toby Grayson appeared in opposition. Adele Kass, Paul D. Kadin and Leo and Florine Bretholz appeared as interested persons.

An appreciation of the properties past history and use is relevant and is briefly outlined. A portion of the property (0.39 acres zoned D.R.5.5) has been owned and utilized as a synagogue by Congregation Darchei Tzedek, Inc. since 1986. At that time, the site was improved with two attached commercial buildings, which were rundown. The Petitioner filed a Petition for Special Hearing in Case No. 86-401-SPH and was granted approval by then Zoning Commissioner Arnold Jablon to permit the conversion of the two buildings for use as a synagogue on April 16, 1986. Thereafter, the Petitioner sought special hearing and variance relief in Case No. 93-226-SPHA for proposed improvements to the existing facility and on-site parking, and approval that

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the proposed improvements complied with RTA requirements. Zoning Commissioner Lawrence Schmidt granted the relief requested on March 2, 1993, subject to certain restrictions. The Petitioner next sought special hearing and variance relief in Case No. 01-219-SPHA for improvements, consisting of a second story addition to the existing facility and on-site parking (10 spaces in lieu of the 82 required) and approval that the proposed improvements and parking plan complied with RTA requirements. Then Zoning Commissioner Schmidt, on March 12, 2001, granted the relief requested in part, namely, that the proposed improvements, variances and revised parking complied with RTA requirements and subject to certain restrictions, which essentially permitted improvements within the existing building footprint. In any event, the Congregation did not go forward with these improvements as an opportunity to purchase two adjacent parcels (0.26 acres) of City property presented itself allowing for a new synagogue with additional seating and parking capacity.

The Petitioner now comes with a new approach to resolve their need to accommodate attendees at their services and also address parking issues. In addition to the 0.39 acres of County land described above located at the southeast corner of Seven Mile Lane and Marnat Road as described above, the Congregation has purchased two adjacent parcels (an additional 0.26 acres) in Baltimore City, at the corner of Seven Mile Lane and Shelburne Road. The subject properties now combined consists of a gross area of 0.64 acres, more or less, in Pikesville. They propose to build a new combination sanctuary and social hall on the City properties (with some overlap into the County), and when that construction is completed they will then raze the existing County building and provide 34 onsite parking spaces in its place. Testimony was taken from Rabbi Horowitz, Mr. Caplan and Mr. Grant regarding the use of the existing building and the Congregation, as well as the planned new building. (*See* Petitioner's

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Exhibits 3A & 3B - Building Elevations). This proposal will require multi-jurisdictional reviews and approvals. The County case, the first to proceed, will also be studied by the City's Board of Municipal and Zoning Appeals.

Testimony and evidence presented discloses that the proposed new building would have a larger capacity sanctuary than in the current building. The architect assigned a maximum usage of 440 seats, based on the area of the sanctuary, but Rabbi Horowitz estimated that actual seating would more likely be 280. He further testified that the primary reason for the greater seating capacity was not for any anticipated growth in membership (although some growth is likely), but rather to better accommodate the existing membership. A large proportion of the members are young families, and as their children get older, they need to have seats available for them to attend services with their parents. Similarly, the plan for the new building includes a social hall with an indicated maximum seating of 220, but that is intended to provide adequate usage by members in conjunction with services, especially on their Sabbath, rather than for purposes of attracting rentals from outside the Congregation. The portion of the existing building used as a "social hall" is too small and ill-equipped to serve the current membership.

New churches and synagogues are permitted as of right in residential zones. Although the RTA applies to these new structures, two provisions are available for synagogues to obtain waivers or variances. Section 1B01.1B.1.c of the B.C.Z.R. provides that variance relief can be granted, based on recommendations from County agencies, provided that the hearing officer "specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property to be developed." In the alternative, Section 1B01.1B.1g(6) provides that following a public hearing, the hearing officer may determine that the RTA is not applicable upon a finding that "the proposed improvements

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are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

The standards differ between Section 1B01.1B.1g(6) and Section 1B01.1B.1.c. The former requires a finding that the proposed improvements are planned so that compliance with RTA is "to the extent possible....". Section 1B01.1B.1.c allows variance relief to be granted, provided that there is no adverse impact by virtue of the variance to the adjoining property or residential community.

The Office of Planning, within its Zoning Advisory Committee (ZAC) comments, requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontage and a replacement vinyl fence and planting area along the residential property to the east owned by the Davidoffs. In this regard, the Petitioner presented testimony regarding the parking variance and the circumstances unique to this site. As noted above, this congregation is of the Orthodox Jewish faith and therefore abides by the strict tenets of that religion. In particular, members of the Orthodox Jewish faith are prohibited from operating motor vehicles on the Sabbath and holidays. There are now 119 member families who make up the membership of the Congregation. A list of the members was submitted into evidence as part of Petitioner's Exhibit 6. As noted above, the Petitioner seeks a substantial parking variance as to the number of spaces. Under the parking requirements of the B.C.Z.R., if the proposed building with a stated seating capacity of 440 were to be constructed entirely within the County, a minimum of 110 spaces would be required[1]. The Petitioner's testimony emphasized that members of the Congregation cannot drive to the site on the Sabbath and during

[1] In response to community concerns, the site plan (Petitioner's Exhibit 1) was amended by adding a redlined note stating: "There will be no more than 220 members as a condition of approval".



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holidays, which is when the greatest attendance could be anticipated. Rabbi Horowitz also testified that 57% of the Congregation members live within ¼ mile of the site, and another 27% within the next ¼ mile, totaling 84% of the members living within ½ mile of the site. Thus, a large percentage of the membership walks to services. Since the proposed increase in seating capacity is primarily driven by internal growth of the member families, rather than external growth from additional members, it is not anticipated that the parking needs of the Congregation would materially change just because of the larger facility.

Rabbi Horowitz and Mr. Caplan further testified that the Congregation required the continued use of the existing building for services during the construction period. In this regard, they explored a number of alternative sites and approaches for temporary facilities for the Congregation, but could not find any feasible alternative that would adequately enable it to continue to serve its members. Thus, the Congregation has requested confirmation that the existing building may be retained and used until the new building is completed and in use, at which time the existing building will be razed and the area converted to parking.

Mr. Grant testified regarding discussions with the Davidoffs, the family most impacted by the proposal, and their concerns, including the erection of a fence along their common boundary line and the parking situation. It was conceded that the parking needs of the Congregation are not always met by the current onsite parking spaces provided, which is one reason why the Congregation purchased the additional City properties, in order to be able to increase the amount of onsite parking to 34 spaces. Mr. Grant also testified regarding other steps taken by the Congregation to ameliorate the parking situation, including arrangements with a neighboring synagogue to absorb some of the overflow parking, and requesting the County to change a recently-instituted "no parking" zone on Seven Mile Lane by changing the signage

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from the east side to the west side of the street, south of Marnat Road, which would add more available parking spaces away from the adjoining neighbors on Marnat Road.

In addition to the testimony of Rabbi Horowitz, Mr. Caplan and Mr. Grant, testimony was received from Robert Rosenfelt, the engineer who prepared the site plan for this property. He generally described the property and the surrounding locale, and also the process involved in securing approvals from both the County and the City. He testified that the proposed setback variances would have a minimal impact on the neighboring properties and were necessary in order to be able to properly utilize the property as planned. He indicated that the proposed number of parking spaces is the most that can be located on the site while also providing adequate landscaping and screening. Mr. Rosenfelt testified that the proposed improvements and use of the property would meet the criteria of Section 502.1 of the B.C.Z.R.

Testifying in opposition to the request were Steven and Gloria Davidoff, who reside on the immediately adjacent property. The Davidoffs stated that at times the current parking lot would be filled and parked cars would line the street as well. They also expressed concern that a new, larger facility would attract an influx of new, additional membership which could increase vehicular traffic so much that it would exacerbate the parking situation even with the proposed additional spaces.

As is the case with many petitions involving houses of worship, this case presents difficult issues. It is difficult to question the operation of a house of worship and limit the freedom of this congregation to pursue their religion. On the other hand, the zoning regulations must deal with the appropriate restrictions upon the use of the land to prohibit adverse impacts on neighboring and surrounding properties. On its face, the parking variance would seem to be excessive, in view of the numbers involved. However, I am persuaded that there are compelling

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circumstances in this case. The fact that members of the Congregation do not drive on the Sabbath and holidays, when the largest number of individuals are on the site, is significant, as is the fact that most of the members live within walking distance. Although at odds with society's reliance on the automobile, the Petitioner has produced persuasive evidence that the Congregation does not generate heavy volumes of vehicular traffic. Insofar as the Congregation continuing in its present mode of operation, with allowance for some growth, and with the proposal roughly tripling onsite parking spaces, it appears that the Congregation's use of the proposed new building should not unreasonably burden the streets and their neighbors. After due consideration of the testimony and evidence presented, I am persuaded that the relief requested meets the spirit and intent of Section 307 of the B.C.Z.R. and that variance relief should be granted. I find that the synagogue proposed is more compatible with the neighborhood than that which currently exists and the relief proposed will not be a detriment to the residential community or adjacent property. In response to the Davidoffs' expressed concerns about the results from a sharp increase in membership, and resulting usage, because of the new facility, the Congregation has agreed to a requirement that they request a hearing to amend this Special Hearing approval if the number of their membership units grows beyond 220.

Under the circumstances, I will grant the zoning relief necessary to permit the Congregation to proceed with the proposed construction of a new building and creation of a total of 34 parking spaces (and retaining the existing building until the new construction is completed), subject to the conditions regarding the fence along the Davidoffs' property line and a membership cap.

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

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THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 2007 that the Petition for Special Hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 01-219-SPHA, 93-226-SPHA and 86-401-SPH, and to show that the proposed improvements comply, to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.), and to confirm that the existing building may remain in use during construction of the proposed new building that straddles the Baltimore County/Baltimore City Line, 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 setback of 5 feet in lieu of the required 40 feet and to permit a rear setback of 9 feet in lieu of the required 30 feet; from Section 409.6.A.4 to permit 34 parking spaces in lieu of the required 110 for an existing, non-residential principal building; and from Section 409.8.A.4 to permit parking spaces to be located 0 feet from a street line in lieu of the required 10 feet, in accordance with Petitioner's Exhibits 1, 2, 3A and 3B respectively, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner shall comply with the recommendations made by the Office of Planning, within its ZAC comment, dated July 5, 2007, a copy of which is attached hereto and made a part hereof.

2) The maximum Darchei Tzedek congregation's membership shall not exceed 220 in number without a public hearing and approval of a Petition for Special Hearing for an amendment to the Special Hearing and site plan approved in this case.

3) The Petitioner shall erect, at its expense and during the construction of the proposed improvements, a fence similar to that designated by the Davidoffs in their letter to the Petitioner (Petitioner's Exhibit 10), along the property line between the properties subject to the final approval of the Davidoffs at the time of construction. The Petitioner will add a detail of the fence to the site plan prior to receiving a grading permit.

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4) When applying for a building permit, the site plan and landscaping 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 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 7-25-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

July 25, 2007

WILLIAM J. WISEMAN III
*Zoning Commissioner*

Jonathan E. Greenstein, Esquire
3916 Fallstaff Road
Baltimore, Maryland 21215

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
E/Side of Seven Mile Lane, 20' S of c/line of Marnat Road
**(7307 Seven Mile Lane)**
3rd Election District - 2nd Council District
Congregation Darchei Tzedek, Inc. - Petitioner
**Case No. 07-486-SPHA**

Dear Mr. Greenstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with restrictions, 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Rabbi Yaakov Horowitz, 3208 Northbrook Road, Baltimore, Md. 21208
Sheldon Caplan, 3213 Labyrinth Road, Baltimore, Md. 21208
Avraham M. Grant, Vice President, Congregation Darchei Tzedek, Inc., 7307 Seven Mile Lane, Baltimore, Md. 21208
Robert Rosenfelt, P.E., Colbert-Matz-Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Dr. Sheldon Avery, 3317 Marnat Road, Baltimore, Md. 21208

# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 7307 Seven Mile Lane
which is presently zoned D.R.-5.5

**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 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

A Special Hearing in regard to Sec. 1B01.1.B.1.g.(6) to amend Case No. 01-219-SPHA, Case No. 93-226-SPHA and Case No. 86-401-SPH, and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing building in the County can remain during construction of the new building that straddles the City/County line.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

***Contract Purchaser/Lessee:***

Name – Type or Print

Signature

Address. Telephone No.

City State Zip Code

***Legal Owner(s):***

Congregation Darchei Tzedek, Inc.
Name – Type or Print

Signature

By: Avraham M. Grant
Name – Type or Print

Avraham M. Grant
Signature

7307 Seven Mile Lane 410-653-1688
Address. Telephone No.

Baltimore MD 21208
City State Zip Code

***Attorney For Petitioner:***

Jonathan E. Greenstein, Esq.
Name – Type or Print

Jonathan E. Greenstein
Signature

Law Office of Jonathan Greenstein, LLC
Company

410-964-0300
5100 Dorsey Hall Drive ~~410-730-7733~~
Address Telephone No.

~~Columbia~~ Ellicott City MD ~~21046~~ 21042
City State Zip Code

***Representative to be Contacted:***

Robert S Rosenfelt, P.E.
COLBERT MATZ ROSENFELT, INC
2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

**Case No.** 07-486-SPHA

ORDER RECEIVED FOR FILING
Date 7-25-07
By

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING
Reviewed By JNP Date 4/24/07

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** 7307 Seven Mile Lane
**which is presently zoned** D.R-5.5

**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 of thereof, 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 the hearing.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which Is the subject of this Petition.

***Contract Purchaser/Lessee:***

Name – Type or Print

Signature

Address. Telephone No.

City State Zip Code

***Attorney For Petitioner:***

Jonathan E. Greenstein, Esq.
Name – Type or Print

Signature

Law Offices of Jonathan Greenstein, LLC
Company

5100 Dorsey Hall Drive. 410-964-0300
Address Telephone No.

Ellicott City MD 21042
City State Zip Code

***Legal Owner(s):***

Congregation Darchei Tzedek, Inc.
Name – Type or Print

Signature

By: Avraham M. Grant
Name – Type or Print

Signature

7307 Seven Mile Lane 410-653-1688
Address. Telephone No.

Baltimore MD 21208
City State Zip Code

***Representative to be Contacted:***

Robert S Rosenfelt, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

**Case No.** 07-486-SPHA

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
UNAVAILABLE FOR HEARING
Reviewed By JNP Date 4/24/07

ORDER RECEIVED FOR FILING
Date 7-25-07
By

ATTACHMENT – VARIANCE PETITION FOR 7307 SEVEN MILE LANE

Variance from 1B01.2.c.1.a , BCZR, to permit a front setback of 5 feet in lieu of 40 feet, to permit a rear setback of 6 in lieu of 30 feet; from Sec. 409.8.A.4, to permit a setback from a surface parking facility to the right-of-way line of 0 feet in lieu of 10 feet, and from Sec. 409.6.A.4, BCZR, to permit 34 parking spaces in lieu of 110 required.

(if necessary)

07-486-SPHA

# Colbert Matz Rosenfelt, Inc.

*Civil Engineers • Surveyors • Planners*


**DARCHEI TZEDEK CONGREGATION**
**7307 SEVEN MILE LANE**
**ZONING DESCRIPTION**

Beginning at a point on the east side of Seven Mile Lane, which is 40 feet wide, at the distance of 20 feet± south of the centerline of Marnat Road, which is 40 feet wide, thence running the following courses and distances:

N 90°00'00" E, 130.00 ft.;
S 15°06'35" E, 129.00 ft.;
S 00°00'00" E, 125.00 ft.;
S 90°00'00" W, 95.58 ft.;
N 15°23'34" W, 129.48 ft.;
N 90°00'00" E, 5.00 ft.;
N 15°06'35" W, 77.00 ft.;
S 74°53'25" W, 5.00 ft.; thence
N 15°06'35" W, 52.48 ft.; to the Point of Beginning

As recorded in Baltimore County Deed Liber 7229, folio 385, and Baltimore City Deeds Liber FMC 7644, folio 626, and Liber FMC 7626 folio 149, and containing 27,712 square feet (0.6362 acre) of land. Also known as 7307 Seven Mile Lane and located in the 3rd Election District, 2nd Councilmanic District.

STATE OF MARYLAND
ABBOTT E. ROSENFELT
No. 5
PROFESSIONAL ENGINEER

4/24/07


2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953


07-486-SPHA

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

No. 26777

DATE 4/24/07 ACCOUNT R-001-006-6150

AMOUNT $ 650.00

RECEIVED FROM: Congregation Darchei Tzedek, Inc.

FOR: SPHA-73012 Seven Mile Lane
07-486-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

| BUSINESS DATE | TIME | DRW |
|---|---|---|
| 4/25/2007 | 4/24/2007 15:36:28 | 4 |

RECEIPT # 546667 4/24/2007 OFLI
Dept 1 ZONING VERIFICATION
TR NO. 026777
Rcpt Tot 650.00
650.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING HEARING**

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

**Case: # 07-486-SPHA**
7307 Seven Mile Lane
E/side of Seven Mile Lane, 20 feet south of Marnat Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Congregation Darchei Tzedek, Inc.

**Special Hearing:** to amend Case No. 01-219-SPHA, 93-226-SPHA and 86-401-SPH and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing building in the County can remain during construction of the new building that straddles the City/county line. **Variance:** to permit a front setback of 5 feet in lieu of the 40 feet, to permit a rear setback of 6 in lieu of the 30 feet; and to permit a setback from a surface parking facility to the right-of-way line of 0 feet in lieu of 10 feet, and to permit 34 parking spaces in lieu of the 110 required.

**Hearing: Friday, July 6, 2007, at 9:00 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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/225 June 21 139556

# CERTIFICATE OF PUBLICATION

6/21, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/21, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN MATHHEWS
**DATE:** 06/20/07
**Case Number:** 07-486-SPHA
**Petitioner / Developer:** Jonathan E. Greenstein Esq.~ Avraham Grant~Richard Rosenfelt
**Date of Hearing (Closing):** JULY 6, 2007

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
(1) SET POSTED @ 7307 SEVEN MILE LANE & (1) SET POSTED @ MARNAT ROAD-(ON-SITE)

**The sign(s) were posted on:** 06/19/07

(See Attached Photos)

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

# ZONING NOTICE

CASE # 07-486-SPHA

**A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD**

PLACE: ROOM 407 COUNTY COURTS BLDG. 401 BOSLEY AVENUE TOWSON 21204

DATE AND TIME: FRIDAY, JULY 6, 2007 AT 9:00 A.M.

REQUEST: SPECIAL HEARING TO AMEND CASE NO. 01-219-SPHA, 93-226-SPHA AND 86-401-SPH AND TO SHOW THAT PROPOSED IMPROVEMENTS COMPLY TO THE EXTENT POSSIBLE WITH RTA REQUIREMENTS, AND TO CONFIRM THAT THE EXISTING BUILDING IN THE COUNTY CAN REMAIN DURING CONSTRUCTION OF THE NEW BUILDING THAT STRADDLES THE CITY/COUNTY LINE.
7307 SEVEN MILE LANE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

# ZONING NOTICE

CASE # 07-486-SPHA

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PLACE: ROOM 407 COUNTY COURTS BLDG. 401 BOSLEY AVENUE · TOWSON · 21204

DATE AND TIME: FRIDAY, JULY 6, 2007 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A FRONT SETBACK OF 5 FEET IN LIEU OF THE 40 FEET, TO PERMIT A REAR SETBACK OF 6 FEET IN LIEU OF THE 30 FEET AND TO PERMIT A SETBACK FROM A SURFACE PARKING FACILITY TO THE RIGHT-OF-WAY LINE OF 0 FEET IN LIEU OF 10 FEET, AND TO PERMIT 34 PARKING SPACES IN LIEU OF THE 110 REQUIRED.
7307 SEVEN MILE LANE

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DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

one Set Posted @ 7307 SEVEN MILE LANE

# ZONING NOTICE

CASE # 07-486-SPHA

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PLACE: ROOM 407 COUNTY COURTS BLDG. 401 BOSLEY AVENUE · TOWSON 21204

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7307 SEVEN MILE LANE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

one Set Posted @ Marnat Rd - (ON-SITE)

BALTIMORE COUNTY
MARYLAND

May 14, 2007

JAMES T. SMITH, JR.
*County Executive*

**NOTICE OF ZONING HEARING**

TIMOTHY M. KOTROCO, *Director*
*Department of Permits and Development Management*

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: 07-486-SPHA**
7307 Seven Mile Lane
E/side of Seven Mile Lane, 20 feet south of Marnat Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Congregation Darchei Tzedek, Inc.

Special Hearing to amend Case No. 01-219-SPHA, 93-226-SPHA and 86-401-SPH and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing building in the County can remain during construction of the new building that straddles the City/county line. Variance to permit a front setback of 5 feet in lieu of the 40 feet, to permit a rear setback of 6 in lieu of the 30 feet; and to permit a setback from a surface parking facility to the right-of-way line of 0 feet in lieu of 10 feet, and to permit 34 parking spaces in lieu of the 110 required.

Hearing: Friday, July 6, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jonathan E. Greenstein, Esq., 5100 Dorsey Hall Drive, Ellicott City 21042
Avraham Grant, 7307 Seven Mile Lane, Baltimore 21208
Richard Rosenfelt, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 21, 2007.**
(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
Thursday, June 21, 2007 Issue - Jeffersonian

Please forward billing to:
Mr. Avraham Grant
Congregation Darchei Tzedek, Inc.
7307 Seven Mile Lane
Baltimore, MD 21208

410-653-1688

---

## 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: 07-486-SPHA**
7307 Seven Mile Lane
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Special Hearing to amend Case No. 01-219-SPHA, 93-226-SPHA and 86-401-SPH and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing building in the County can remain during construction of the new building that straddles the City/county line. Variance to permit a front setback of 5 feet in lieu of the 40 feet, to permit a rear setback of 6 in lieu of the 30 feet; and to permit a setback from a surface parking facility to the right-of-way line of 0 feet in lieu of 10 feet, and to permit 34 parking spaces in lieu of the 110 required.

Hearing: Friday, July 6, 2007 at 9:00 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 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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-486-SPHA

Petitioner: Congregation Darchei Tzedek, Inc.

Address or Location: 7307 Seven Mile Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. Avi Grant

Address: c/o Congregation Darchei Tzedek
7307 Seven Mile Lane
Baltimore, Md 21208

Telephone Number: 410-653-1688

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

TIMOTHY M. KOTROCO, *Director*
*Department of Permits and Development Management*

June 28, 2007

Jonathan E. Greenstein, Esquire
Law Office of Jonathan Greenstein, LLC
5100 Dorsey Hall Drive
Ellicott City, MD 21042

Dear Mr. Greestein:

RE: Case Number: 07-486-SPHA, 7307 Seven Mile Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

WCR:amf
Enclosures
c: People's Counsel
Congregation Darchei Tzedek, Inc. Avraham M. Grant 7307 Seven Mile Lane Baltimore 21208
Robert S. Rosenfelt, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore 21209

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 5, 2007

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

RECEIVED
JUL 05 2007
BY:.....

**SUBJECT:** 7307 Seven Mile Lane

**Item Number:** 7-486

**Petitioner:** Congregation Darchei Tzedek

**Zoning:** DR 5.5

**Requested Action:** **Special Hearing and Variances**

The subject property is located partially within Baltimore County and partially within Baltimore City at the southeast corner of Marnat Road and Seven Mile Lane and therefore subject to zoning and development review in both jurisdictions.

The proposal is to raze the existing synagogue and construct a new 2-story masonry synagogue with a seating capacity of 440 seats.

Less than 10% of the building and all of the off-street parking are located with Baltimore County. The Baltimore County Development Review Committee has tabled a request for limited exemption pending the outcome of this special hearing and variances.

The proposed new synagogue will need site plan approval from Baltimore City and as of this date has not filed for a public hearing.

The Office of Planning requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontages and a replacement vinyl fence and planting area along the residential Davidoff property to the east. West and south elevations have been submitted as pdfs.

**SUMMARY OF RECOMMENDATIONS:**

If the Special Hearing and Variances are granted, the Office of Planning shall review and approve full-scale architectural elevation drawings for all four building facades prior to application of any building permits.

The applicant should submit a copy of Baltimore City's approved site plan and architectural elevation drawings to assure consistency with the plans.

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

**Reviewed by:** Curtis Murray

**Division Chief:** Lynn Lanham /CSM
AFK/LL: CM

W:\DEVREV\ZAC\7-486.doc

BW 7/6 9AM

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: May 31, 2007

SUBJECT: Zoning Item # 07-486-SPHA
Address 7307 Seven Mile Lane
(Darchei Tzedek Congregation)

RECEIVED
MAY 31 2007
BY:

Zoning Advisory Committee Meeting of April 30, 2007

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

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

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer Date: May 8, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-486-SPHA.doc

**Bill Wiseman - Hearing of 7/6/2007 (synagogue variances)**

**From:** <GEDS1234@aol.com>
**To:** <wwiseman@co.ba.md.us>
**Date:** 07/20/07 5:59 PM
**Subject:** Hearing of 7/6/2007 (synagogue variances)

July 16, 2007

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

Mr. Wiseman
Zoning Commissioner-Baltimore County
Towson, Maryland 21204

Dear Mr. Wiseman:

I am writing about the hearing that my husband and I attended on Friday, 7/6/07 regarding the proposed improvements to the Darchei Tzedek Synagogue at 7307 Seven Mile Lane. As you may recall, we live on Marnat Road in the house directly next to the synagogue

When leaving the hearing, I was told from neighbors that there were some statements made in a discussion (held after the hearing was over) about a restriction on the number of families that could join the synagogue. I was told that you suggested a "cap" be imposed on the number of families that could become members of the synagogue. I may be mistaken, but I recall that you mentioned 300 as a possible maximum number of families. The number 300 startled me severely, as that is practically tripling the number of families that the synagogue representative stated that it has on its books at the present time. I trust that this information that I received regarding the amount of 300 is incorrect, as that would be as unacceptable as it is ludicrous.

Even if there is a realistic restriction on synagogue "membership", the negative impact that the larger synagogue building has on our neighborhood remains the same. First, one has to question the feasibility of the County's enforcing such a restriction. Does the County then take on the task of policing the membership records of the synagogue? Such information would be difficult to enforce and subject to interpretation. (For example, there may be paying members and then there may be families who attend the synagogue without being members, etc.)

Even if a restriction was implemented that would limit the number of times that the synagogue could rent out its social hall, or limit it to members, this information could be falsified and similarly difficult to enforce. A member could use his or her name for rental and then someone else (e.g., non-members) could actually be renting it.

As a representative of the community encompassing Marnat Road and the other streets that

surround Darchei Tzedek, I do not feel that such restrictions are equitable or fair, and the problem of feasibility of enforcement would, I hope, defeat their consideration. This is not a viable solution to the parking and traffic problem.

During the hearing, I represented many of the Marnat Road neighbors by expressing our opposition to the proposed enlargement of the synagogue. We are attempting to preserve the safety and integrity of our neighborhood and we are exercising our rights as home-owners in Baltimore County by respectfully asking your office to deny the variance that Darchei Tzedek has requested. We suggest that if any building improvements are to take place, that the proposed structure be smaller, leaving room for a larger parking lot.

Also, the questions that you and others raised at the hearing regarding parking during construction for construction vehicles, were never concretely answered ny any party. **We strongly feel that the synagogue and its engineers have not completely thought out the building process and its impact on the neighboring property owners. Most of your questions were not answered.** We feel that it would be irresponsible and negligent for your office to give permission to the synagogue to begin building their enlarged structure without projecting allowances for traffic, construction and parking.

The Marnat Road community feels that it is imperative that you and your staff consider one very crucial factor when deciding the outcome of the hearing:the uniquel nature of the location of this synagogue. This synagogue is located right in the middle of a neighborhood, directly adjacent to homes, in a heterogeneous community that is made up of people from various races, religions and ethnic backgrounds. All of these families are simply living their lives as homeowners, taking tremendous pride in their properties and their privacy, as well. To deny the negative impact that the synagogue's proposed improvements would have on our community would be unfair and irresponsible.

This is not a synagogue with a neighborhood surrounding it, it is a neighborhood that happens to have a synagogue occupying one of its corners and creating a huge parking and traffic problem, thus far.

If all of the variances are granted to Darchei Tzedek, we are prepared to explore the appeal process and obtain the services of an attorney, if necessary. However, we do have faith in the fairness and due process of the Commission. We trust that our views will be taken into account when the Commission reaches its decision, considering the needs of the Baltimore County property owners on Marnat Road, Shelburne Road and Seven Mile Lane.

We trust that you and your staff will consider these important issues when making your decision regarding the granting of the variances requested by Darchei Tzedek.

Thank you.

***Gloria and Steven Davidoff***

July 16, 2007

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

Mr. Wiseman
Zoning Commissioner-Baltimore County
Towson, Maryland 21204

Dear Mr. Wiseman:

I am writing about the hearing that my husband and I attended on Friday, 7/6/07 regarding the proposed improvements to the Darchei Tzedek Synagogue at 7307 Seven Mile Lane. As you may recall, we live on Marnat Road in the house directly next to the synagogue

When leaving the hearing, I was told from neighbors that there were some statements made in a discussion (held after the hearing was over) about a restriction on the number of families that could join the synagogue. I was told that you suggested a "cap" be imposed on the number of families that could become members of the synagogue. I may be mistaken, but I recall that you mentioned 300 as a possible maximum number of families. The number 300 startled me severely, as that is practically tripling the number of families that the synagogue representative stated that it has on its books at the present time. I trust that this information that I received regarding the amount of 300 is incorrect, as that would be as unacceptable as it is ludicrous.

Even if there is a realistic restriction on synagogue "membership", the negative impact that the larger synagogue building has on our neighborhood remains the same. First, one has to question the feasibility of the County's enforcing such a restriction. Does the County then take on the task of policing the membership records of the synagogue? Such information would be difficult to enforce and subject to interpretation. (For example, there may be paying members and then there may be families who attend the synagogue without being members, etc.)

Even if a restriction was implemented that would limit the number of times that the synagogue could rent out its social hall, or limit it to members, this information could be falsified and similarly difficult to enforce. A member could use his or her name for rental and then someone else (e.g., non-members) could actually be renting it.

As a representative of the community encompassing Marnat Road and the other streets that surround Darchei Tzedek, I do not feel that such restrictions are equitable or fair, and the problem of feasibility of enforcement would, I hope, defeat their consideration. This is not a viable solution to the parking and traffic problem.

During the hearing, I represented many of the Marnat Road neighbors by expressing our opposition to the proposed enlargement of the synagogue. We are attempting to preserve the safety and integrity of our neighborhood and we are exercising our rights as home-owners in Baltimore County by respectfully asking your office to deny the variance that Darchei Tzedek has requested. We suggest that if any building improvements are to take place, that the proposed structure be smaller, leaving room for a larger parking lot.

Also, the questions that you and others raised at the hearing regarding parking during construction for construction vehicles, were never concretely answered ny any party. **We strongly feel that the synagogue and its engineers have not completely thought out the building process and its impact on the neighboring property owners. Most of your questions were not answered.** We feel that it would be irresponsible and negligent for your office to give permission to the synagogue to begin building their enlarged structure without projecting allowances for traffic, construction and parking.

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This is not a synagogue with a neighborhood surrounding it, it is a neighborhood that happens to have a synagogue occupying one of its corners and creating a huge parking and traffic problem, thus far.

If all of the variances are granted to Darchei Tzedek, we are prepared to explore the appeal process and obtain the services of an attorney, if necessary. However, we do have faith in the fairness and due process of the Commission. We trust that our views will be taken into account when the Commission reaches its decision, considering the needs of the Baltimore County property owners on Marnat Road, Shelburne Road and Seven Mile Lane.

We trust that you and your staff will consider these important issues when making your decision regarding the granting of the variances requested by Darchei Tzedek.

Thank you.

*Gloria and Steven Davidoff*

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL HEARING AND VARIANCE | * | BEFORE THE |
| 7307 Seven Mile Lane; E/S Seven Mile Lane, 20' S Marnat Road | * | ZONING COMMISSIONER |
| 3rd Election & 2nd Councilmanic Districts | * | FOR |
| Legal Owner(s): Congregation Darchei Tzedek, Inc by Avraham M. Grant | * | BALTIMORE COUNTY |
| Petitioner(s) | * | 07-486-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
MAY - 4 2007
Per.....

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2007, a copy of the foregoing Entry of Appearance was mailed Robert S. Rosenfelt, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Jonathan Greenstein, Esquire, 5100 Dorsey Hall Drive, Ellicott City, MD 21042, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

Please sign this letter to show that you are not opposed to our project. You can drop the letter off in the synagogue's mail box, located on Marnat Road.

Thank you very much for your support. We look forward to meeting with you and making you a part of our exciting project.

Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Name

7401 SEVEN MILE LN

Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Dr. Shilder Overy
Name

3317 Marnat Rd
Address

Pikesville Md 21208

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

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Sincerely,

Yaakov Horowitz

Rabbi Yaakov Horowitz
Rabbi

Avi Grant

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

David & Rachel Mitnick
Name

3312 Marnat Rd.
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

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Sincerely,

Yaakov Horowitz

Rabbi Yaakov Horowitz
Rabbi

Avi Grant

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Ken Bunty
Name

3309 Marnat Rd ; Pikesville Md ; 21208
Address

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

DINA FELSMAN
Name

3312 MARNAT RD. BALTIMORE. MD. 21208
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Name

3313 MARNAT Rd
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Evelyn Jezzroff
Name

3315 Marnat Rd
Address 21208

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

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Sincerely,

Yaakov Horowitz
Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Helen J. Schwab
Name

3310 Marnat Rd 21208
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Yaakov Horowitz

Rabbi Yaakov Horowitz
Rabbi

Avi Grant

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Deborah Kalman
Name

3308 Marnat Rd
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

~~I support~~ Darchei Tzedek's building plans.
I DO NOT OBJECT TO

PINKHAS LEMBERG
Name

3320 MARNAT ROAD
Address

PARKING IS STILL A CONCERN.

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Patricia W Whitlock
Name

3306 Marnet Rd
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Name

3304 MARNAT

Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

As you might be aware, Darchei Tzedek is in the process of building a new building to replace our current structure. We are hoping that the new building will enhance the look of our neighborhood as well as alleviate our current parking issues.

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Thank you very much for your support. We look forward to meeting with you and making you a part of our exciting project.

Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Name

3302 MARNAT RD
Address

CONGREGATION
DARCHEI
TZEDEK

7307 Seven Mile Lane
Baltimore, MD 21208

Dear Neighbor,

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Sincerely,

Rabbi Yaakov Horowitz
Rabbi

Avi Grant
Vice President
Building Development

I support Darchei Tzedek's building plans.

Name

3303 MARNAT

Address

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director
Department of Permits & Development Management

**DATE:** May 3, 2007

**FROM:** Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting
For May 7, 2007
Item Nos. 07-474, 475, 477, 478, 479, 480, 481, 482, 483, 484, 486, and 487

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-05032007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

# SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: April 30, 2007

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

RE: Baltimore County
Item No. 7-486-SPHA
7307 Seven Mile Lane
Congregation Darchei Tzedek, Inc.
Special Hearing
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-486-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey
For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

**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

May 4,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 30, 2007

Item Number: 474,475,477 and 479 through 487 486

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Gloria and Steven Davidoff
3319 Marnat Road
Baltimore, MD 21208

April 1, 2007

Avi Grant
Darchei Tzedek Synagoguge

Dear Mr. Grant:

Last fall we spoke about the construction of a new fence for the boundary of our property and the synagogue property.

Enclosed please find a brochure for a fence that we think would be appropriate for this location. I have noted the one that we are interested in. It is a maintenance free vinyl fence that provides the privacy for both properties.

Now that spring weather is here, we are anticipating cutting the trees down that we talked about last year. The trees are near the existing fence, which will probably fall once we have cut the trees.

We hope to hear from you after the holidays.

We wish you and your family a happy Pesach!!

Sincerely,

Gloria + Steven

Gloria and Steven Davidoff
410-653-3244

PETITIONER'S

EXHIBIT NO. 8

7/3/07

Dear Marnat / Shelburne Road neighbor:

There will be a hearing on **FRIDAY, JULY 6th** regarding the proposed improvements to Darchei Tzedek Synagogue at 7307 Seven Mile Lane. The synagogue is hoping to build a new building that will be larger, including the addition of a 220 seat social hall. Although not opposed to the synagogue's building a new structure, most homeowners believe that the synagogue should be responsible to the neighbors around them.

**The Hearing:**
The upcoming hearing constitutes a judicial proceeding before the Zoning Commissioner of Baltimore County. The synagogue has requested certain variances. A variance "exempts" the property from certain regulations. As an exception to land use regulations, these variances would allow the synagogue to be exempt from the laws that other suburban properties must obey.

Two of the variances that the synagogue is requesting relate to "setbacks." The third variance request relates to parking spaces, and is far more troubling.

**New Building Will Have Fewer Parking Spaces:**
The synagogue is seeking to be exempt from a county law requiring buildings of a certain size to have a certain number of parking spaces. According to the size of the synagogue's new building, Baltimore County would require 110 parking spaces. The synagogue will ask Baltimore County to allow them to maintain **only 34 parking spaces**, 76 fewer spots than the County requires.

Darchei Tzedek would have us believe that the new structure will "alleviate our current parking issues." ("Dear Neighbor" letter, Page 1). Unfortunately, the opposite is true.

The synagogue has purchased two homes on Shelburne Road which will be torn down for the new, larger building. A larger structure will likely negatively impact our neighborhood. It will likely increase traffic, severely limit parking and alter the character of the neighborhood.

**What You Can Do:**
If you have concerns about this zoning matter, please attend the hearing before the Zoning Commissioner with your neighbors. You will be allowed to submit oral testimony. (Written testimony must be received prior to the hearing date). Please see the attached page for the location of the hearing.

If you have any questions, feel free to contact:

Gloria Davidoff
Steve Davidoff
(3319 Marnat Road)
410-653-3244

PETITIONER'S
EXHIBIT NO. 9

# *CONGREGATION DARCHEI TZEDEK*

**Membership List**
**June 29, 2007**
**7307 Seven Mile Lane 653-1688**
**Rabbi Yaakov & Chavie Horowitz**
**3208 Northbrook Rd.**
**Home 484-2391 486-0445**
**Rav's Message Line – 888-364-8946**

| Phone Number | Last Name | Title | First Name | Spouse | Street Number | Street Name | Zip Code |
|---|---|---|---|---|---|---|---|
| 358-6061 | Openden | Rabbi and Mrs. | Yussi | Yona | 3116 | Bonnie Road | 21208 |
| 358-5233 | Davidson | Mr. and Mrs.. | Yakov | Breindy | 3202 | Bonnie Road | 21208 |
| 764-1158 | Ram | Mr. and Mrs. | Ben | Shira | 3211 | Bonnie Road | 21208 |
| 764-7969 | Flamm | Mr. and Mrs. | Efy | Penina | 3213 | Bonnie Road | 21208 |
| 358-8389 | Krumbein | Mrs. | Mina | | 3305 | Bonnie Road | 21208 |
| 358-0125 | Hack | Mr. and Mrs. | Louis | Joy | 3307 | Bonnie Road | 21208 |
| 358-3005 | Rifkind | Dr. and Mrs. | Joseph | Suri | 3309 | Bonnie Road | 21208 |
| 764-2142 | Steinberg | Rabbi and Mrs. | Dovid | Shifra | 3313 | Bonnie Road | 21208 |
| 358-4725 | Osofsky | Mr. and Mrs. | Azriel | Sora | 7013 | Boxford Road | 21215 |
| 764-0778 | Ward | Mr. and Mrs. | Lester | Lily | 7110 | Boxford Road | 21215 |
| 764-1693 | Sol | Ms. | Leah | | 7116 | Boxford Road | 21215 |
| 358-0713/7718 | Topper | Mr. and Mrs. | Richard | Nechama Reizl | 3311 | Claran Road | 21215 |
| 764-2336 | Goldstein | Mr. and Mrs. | Shlomo | Frimee | 3200 | Falllstaff Road | 21215 |
| 358-6563 | Gavant | Dr. and Mrs. | Moshe | Ann Ellen | 3206 | Fallstaff Road | 21215 |
| 358-9166 | Storch | Mrs. | Hannah | | 3215 | Fallstaff Road | 21215 |
| 358-0903 | Kreindler | Mr. and Mrs. | Shloimie | Marcie | 3908 | Fallstaff Road | 21215 |
| 764-3220 | Greenstein | Rabbi and Mrs. | Ephraim | Esti | 3916 | Fallstaff Road | 21215 |
| 764-7358 | Heyman | Mr. and Mrs. | Dovid | Ahuva | 4014 | Fallstaff Road | 21215 |
| 358-7818 | Korb | Mr. | Charles | | 6923 | Fieldcrest Road | 21215 |
| 486-1428 | Norman | Mr. and Mrs. | Nochum | Rivkah | 3302 | Greenvale Road | 21208 |
| 580-0220 | Katz | Rabbi and Mrs. | Jeff | Liba Rivka | 3303 | Greenvale Road | 21208 |
| 602-2202 | Berkowitz | Mr. and Mrs. | Shlomo | Risa | 3308 | Greenvale Road | 21208 |
| 764-6772 | Fogel | Mr. and Mrs. | Avi | Chana Esther | 3312 | Greenvale Road | 21208 |
| 653-5925 | Meisler | Mr. and Mrs. | Marc | Sara | 3314 | Greenvale Road | 21208 |
| 580-9576 | Vegh | Mr. and Mrs. | David | Josie | 3203 | Hatton Road | 21208 |
| 484-7406 | Friedman | Mr. and Mrs. | Eluzor | Hadassa | 3205 | Hatton Road | 21208 |
| 486-5532 | Feldman | Mr. and Mrs. | Nechemia | Meryl | 3208 | Hatton Road | 21208 |
| 585-0364 | Mogilensky | Mr. | Sol | | 3600 | Labyrinth Rd Apt B11 | 21215 |
| 764-8324 | Tusk | Mr. and Mrs. | Mordechai | Malky | 3104 | Labyrinth Road | 21208 |
| 358-7942 | Krumbein | Dr. and Mrs. | Simeon | Elaine | 3106 | Labyrinth Road | 21208 |
| 358-4558 | Simha | Rabbi and Mrs. | Yaakov | Chava | 3206 | Labyrinth Road | 21208 |
| 585-0562 | Weingarten | Mr. and Mrs. | Ephraim | Tzila | 3210 | Labyrinth Road | 21208 |
| 764-9102 | Caplan | Mr. and Mrs. | Shlomo | Racheli | 3213 | Labyrinth Road | 21208 |
| 318-6688 | Gordon | Dr. and Mrs. | Daniel | Beth | 3311 | Labyrinth Road | 21215 |
| 484-2355 | Blashka | Mr. and Mrs. | Dovid | Raizy | 7513 | Labyrinth Road | 21208 |
| 486-1038 | Malachevsky | Mr. | Boris | | 3002 | Lightfoot Drive | 21208 |
| 484-1371 | Berry | Mr. and Mrs. | Joseph | Galia | 3004 | Lightfoot Drive | 21208 |
| 653-5544 | Neuman | Mr. and Mrs. | Richard | Debbie | 3105 | Marnat Road | 21208 |
| 580-1116 | Borck | Mr. and Mrs. | Lonnie | Ronit | 3116 | Marnat Road | 21208 |
| 486-8065 | Goloskov | Mr. and Mrs. | Steve | Rina | 3205 | Marnat Road | 21208 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 484-4102 | Minkin | Mr. and Mrs. | Menashe | Chavie | 3215 | Marnat Road | 21208 |
| 580-0388 | Levin | Mr. and Mrs. | Naftali | Shuli | 3216 | Marnat Road | 21208 |
| 580-9190 | Rothenberg | Mr. and Mrs. | Aaron | Tikva | 3218 | Marnat Road | 21208 |
| 653-2561 | Pollock | Rabbi and Mrs. | Yitzchok | Janet | 3224 | Marnat Road | 21208 |
| 358-9555 | Felsman | Mrs. | Dina | | 3312 | Marnat Road | 21208 |
| 580-0457 | Mitnick | Mr. and Mrs. | David | Racheli | 3312 | Marnat Road | 21208 |
| 653-6450 | Newman | Ms. | Sara | | 2963 | Marnat Road Apt D | 21209 |
| 358-7017 | Gross | Mr. and Mrs. | Ira | Tmima | 3203 | Nerak Road | 21208 |
| 358-2263 | Zien | Mr. and Mrs. | Tom | Susie | 3209 | Nerak Road | 21208 |
| 484-3909 | Rabinowitz | Mr. and Mrs. | Adam | Elisheva | 3216 | Nerak Road | 21208 |
| 358-1597 | Grant | Mr. and Mrs. | Avi | Marsha | 3300 | Nerak Road | 21208 |
| 358-3527 | Katz | Mr. and Mrs. | Yaakov | Essie | 3304 | Nerak Road | 21208 |
| 358-9224 | Shear | Mr. and Mrs. | Tzvi | Shaindy | 3307 | Nerak Road | 21208 |
| 358-3231 | Alper | Mr. and Mrs. | Alan | Deborah | 3308 | Nerak Road | 21208 |
| 764-2272 | Berkowitz | Rabbi and Mrs. | Aryeh | Shira | 3314 | Nerak Road | 21208 |
| 484-7726 | Kaplowitz | Dr. and Mrs. | Gary | Caela | 3109 | Northbrook Road | 21208 |
| 486-8144 | Lurman | Mr. and Mrs. | Ofer | Marcie | 3210 | Northbrook Road | 21208 |
| 653-0666 | Cohn | Mr. and Mrs. | Jeff | Karen | 3214 | Northbrook Road | 21208 |
| 486-3999 | Staiman | Mr. and Mrs. | Jeremy | Chana | 3217 | Northbrook Road | 21208 |
| 484-0365 | Denburg | Mr. and Mrs. | Jay | Lisa | 3502 | Old Court Road | 21208 |
| 484-3469 | Vornov | Dr. and Mrs. | James | Karen | 3519 | Old Court Road | 21208 |
| 358-2602 | Schwartz | Mr. and Mrs. | Jerry | Leah | 3304 | Olympia Avenue | 21215 |
| 358-1819 | Shapiro | Mr. and Mrs. | Yisroel | Laya | 3307 | Olympia Avenue | 21215 |
| 358-5719 | Goldstein | Mr. and Mrs. | Moishe | Doris | 3308 | Olympia Avenue | 21215 |
| 358-4482 | Markowitz | Mr. and Mrs. | Hillel | Regina | 3313 | Olympia Avenue | 21215 |
| 358-6011 | Goldstein | Mr. and Mrs. | Ellie | Libby | 3317 | Olympia Avenue | 21215 |
| 764-6821 | Blass | Dr. and Mrs. | Tom | Anne | 3416 | Olympia Avenue | 21215 |
| 318-8313 | Baumer | Mr. and Mrs. | Joel | Feige | 3311 | Olympia Road | 21215 |
| 358-0332 | Mogilensky | Mrs. | Emmy | | 7121 | Park Heights Ave Apt 305 | 21215 |
| 764-7643 | Katz | Miss | Arlene | | 7014 | Park Heights Ave Apt. B3 | 21215 |
| 358-1863 | Abrahams | Mrs. | Pearl | | 7313 | Park Heights Ave. | 21208 |
| 484-0924 | Pachino | Mr. and Dr. | Seth | Lisa | 7814 | Ridge Terrace | 21208 |
| 358-5857 | Greene | Dr. and Mrs. | Fred | Gemma | 3303 | Seven Mile Lane | 21208 |
| 358-5220 | Newmark | Rabbi and Mrs. | Yehuda Leib | Marla | 3400 | Seven Mile Lane | 21208 |
| 358-9104 | Singer | Rabbi and Mrs. | Yosef | Rochel | 3401 | Seven Mile Lane | 21208 |
| 358-5559 | Grossman | Mr. and Mrs. | Ben | Nechama | 3405 | Seven Mile Lane | 21208 |
| 358-7740 | Carmel | Mr. and Mrs. | Ori | Naomi | 3407 | Seven Mile Lane | 21208 |
| 484-0461 | Elgamil | Mr. and Mrs. | Yisroel | Chava | 7401 | Seven Mile Lane | 21208 |
| 764-9361 | Arnold | Mr. and Mrs. | Shmuel | Shoshana | 3103 | Shelburne Road | 21208 |
| 764-3983 | Katz | Mr. and Mrs. | David | Chani | 3109 | Shelburne Road | 21208 |
| 358-2786 | Tropper | Mr. and Mrs. | Moshe | Davida | 3114 | Shelburne Road | 21208 |
| 358-0059 | Hexter | Rabbi and Mrs. | Naftoli | Helen | 3208 | Shelburne Road | 21208 |
| 358-4580 | Fishkind | Mr. and Mrs. | Yehuda | Shoshanah | 3215 | Shelburne Road | 21208 |
| 358-2893 | Katz | Mr. and Mrs. | Aryeh Leib | Peninah | 3227 | Shelburne Road | 21208 |
| 358-7506 | Liebes | Mr. and Mrs. | Faivel | Chaya | 3229 | Shelburne Road | 21208 |
| 764-7477 | Leder | Mr. and Mrs. | Scott | Beth | 3301 | Shelburne Road | 21208 |
| 358-5905 | Bazelon | Mr. and Mrs. | Michael | Hayley | 3302 | Shelburne Road | 21208 |
| 358-3513 | Kessler | Rabbi and Mrs. | Chaim | Debbie | 3304 | Shelburne Road | 21208 |
| 764-7375 | Oratz | Rabbi and Mrs. | Yehuda | Sima | 3308 | Shelburne Road | 21208 |
| 358-6750 | Fleischman | Mrs. | Esther Kayla | | 3311 | Shelburne Road | 21208 |
| 358-7616 | Cohen | Mr. and Mrs. | Avraham | Barbara | 3313 | Shelburne Road | 21208 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 764-7204 | Szajowitz | Mr. and Mrs. | Yaakov | Chani | 3316 | Shelburne Road | 21208 |
| 358-0567 | Elan | Mr. and Mrs. | Yoav | Sarah | 3318 | Shelburne Road | 21208 |
| 358-0274 | Sochaczewski | Rabbi and Mrs. | Moshe | Ruth | 3401 | Shelburne Road | 21208 |
| 358-8027 | Sonnenberg | Mr. and Mrs. | Pinchas | Shoshana | 3405 | Shelburne Road | 21208 |
| 764-7105 | Berry | Mr. and Mrs. | Bill | Sue | 3406 | Shelburne Road | 21208 |
| 358-7336 | Atlas | Mrs. | Miriam | | 3506 | Shelburne Road | 21208 |
| 358-7329 | Marks | Mr. and Mrs. | Arthur | Aviva | 3507 | Shelburne Road | 21208 |
| 484-0538 | Goetz | Mr. and Mrs. | Moshe Chaim | Ruth | 3504 | Slade Avenue | 21208 |
| 602-1618 | Horowitz | Dr. and Mrs. | Eric | Bonnie | 7505 | Slade Avenue | 21208 |
| 602-0264 | Gertz | Mr. and Mrs. | Baruch | Shoshie | 7519 | Slade Avenue | 21208 |
| 602-1723 | Bitman | Mr. and Mrs. | Aaron | Judy | 7520 | Slade Avenue | 21208 |
| 486-0199 | Zeller | Dr. and Mrs. | Sheldon | Rachel | 3115 | Smith Avenue | 21208 |
| 484-4204 | Goldstein | Mr. and Mrs. | Yehoshua | Cyrel | 3215 | Smith Avenue | 21208 |
| 602-9128 | Levi | Mr. and Mrs. | Amos | Ellen | 3218 | Smith Avenue | 21208 |
| 602-8918 | Yudkowsky | Mr. and Mrs. | Ovadiah | Chani | 3224 | Smith Avenue | 21208 |
| 486-4842 | Austen | Mr. and Mrs. | Lawrence | Laurie | 6508 | Steerforth Ct | 21209 |
| 415-7102 | Meisler | Mr. and Mrs. | Jan | Naomi | 2713 | Summerson Road | 21209 |
| 653-8278 | Cohen | Mr. and Mrs. | Stuart | Susan | 3105 | Szold Drive | 21208 |
| 585-0369 | Wiseman | Mr. and Mrs. | Alan | Reda | 3205 | Szold Drive | 21208 |
| 358-2757 | Weintraub | Mr. and Mrs. | Morris | Rose | 3207 | Szold Drive | 21208 |
| 358-5056 | Cohen | Mr. and Mrs. | Stanley | Amira | 3013 | Temple Gate | 21209 |
| 486-4434 | Safer | Mr. and Mrs. | Avi | Nami | 6507 | Trotwood Ct | 21209 |
| 358-0572 | Liebes | Mr. and Mrs. | Joshua | Esther | 7101 | Wallis Ave. | 21215 |
| 764-7847 | Moskowitz | Rabbi and Mrs. | Doniel | Tami | 7006 | Wallis Avenue | 21215 |
| 764-6252 | Saunders | Mr. and Mrs. | Yisroel | Leah | 7036 | Wallis Avenue | 21215 |
| 764-1485 | Markowitz | Mr. and Mrs. | Benjy | Chavi | 7005 | Wallis Avenue. | 21215 |
| 764-9755 | Novice | Mr. and Mrs. | David | Jordana | 6711 | Westbrook Road | 21215 |
| 358-3065 | Edelman | Dr. and Mrs. | Robert | Marjorie | 6712 | Westbrook Road | 21215 |

| | | |
|---|---|---|
| within 1/4 mi | 68 | 57% |
| within next 1/4 mi | 32 | 27% |
| more than 1/2 mi | 19 | 16% |
| Total | 119 | |
| within 1/2 mile | 100 | 84% |

# P

Edited by David Bergman

# Off-Street Parking Requirements

PETITIONER'S
EXHIBIT NO. 4

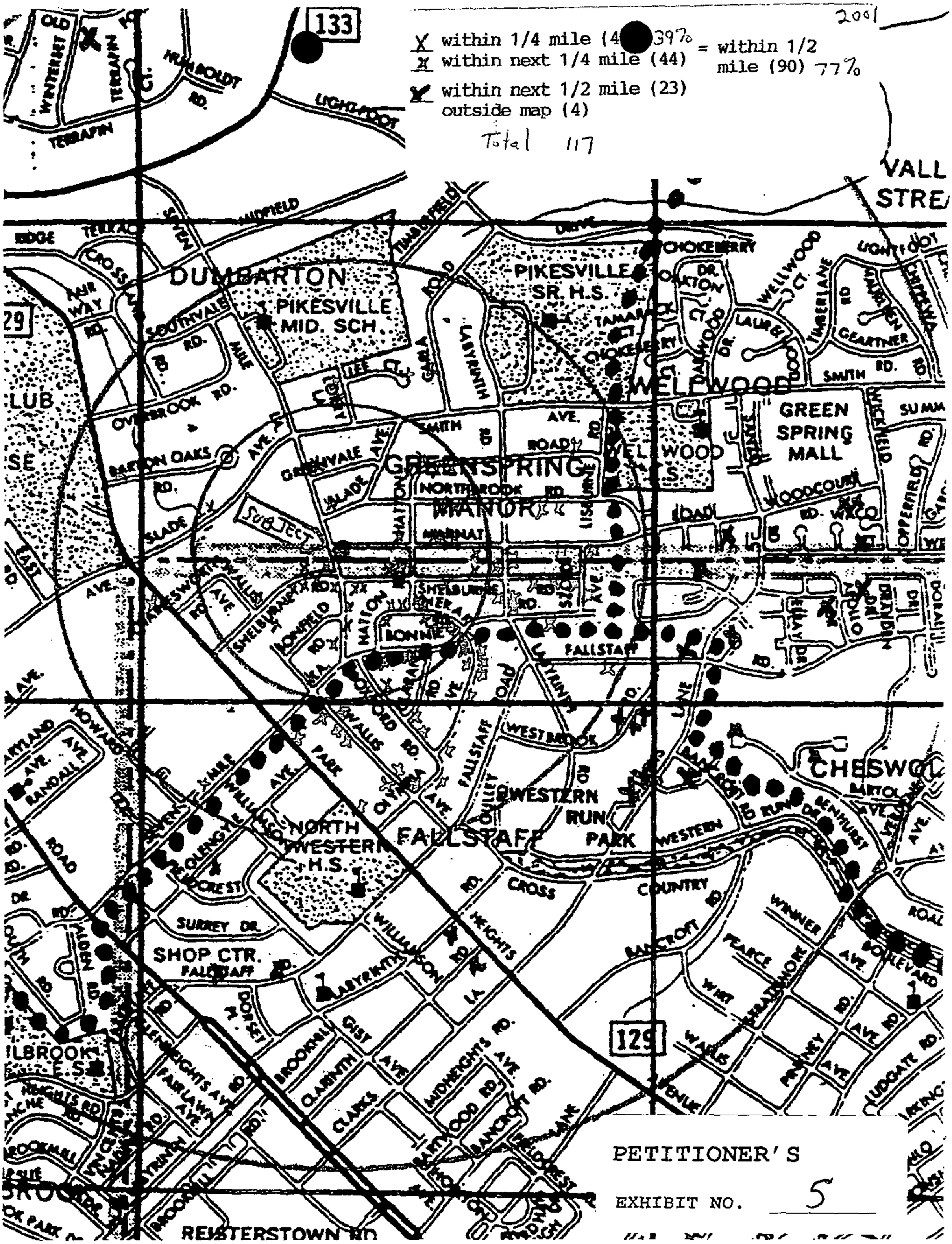
APA
American Planning Association

PAS
Planning Advisory Service
Report Number 432

2001

X within 1/4 mile (4[illegible] 39%
X within next 1/4 mile (44) = within 1/2 mile (90) 77%
X within next 1/2 mile (23)
outside map (4)

Total 117




PETITIONER'S

EXHIBIT NO. 5

July 5, 2007

To Whom it May Concern,

We would like to state that we have no objections to Darchei Tzedek proceeding with the construction of a new synagogue building that will adjoin our property. All of our concerns regarding the new building have been addressed to our satisfaction by Mr. Avi Grant, Vice President of Development for Darchei Tzedek. In a written and signed statement he has assured us that:

- The setback between the synagogue's property line and the eastern side of the new building will be no less than five feet.
- All windows on the eastern side of the new building will be of obscured glass and will not compromise our privacy.
- There will be no access between the new building and our property.
- The landscaping and/or fencing between the new building and our property will be done in accordance with our preference.
- Signs will be posted to prohibit synagogue parking in front of our property.
- The tree(s) on our property whose branches extend over the synagogue's property will only need to be trimmed where the branches contact the walls of the new building.

Yoav Elan

Sarah Elan

3318 Shelburne Road
Baltimore, MD 21208

PETITIONER'S
EXHIBIT NO. 7

CONGREGATION
DARCHEI
TZEDEK
7307 Seven Mile Lane
Baltimore, MD 21208

July 4, 2007

Mr. Darrell Wiles
Traffic Engineer
Baltimore County
401 Bosley Ave.
Baltimore, MD 21204

Dear Mr. Wiles:

We would greatly appreciate it if you would remove the parking from the east side of Seven Mile Lane and restore the parking on the west side of Seven Mile Lane in the vicinity of Marnat Road. When the County decided to remove one side of the parking due to the traffic congestion, we were not consulted. If we had been consulted, we would have requested that you remove the parking from the east side which is adjacent to our building. We have been very concerned about the parking on the east side which obscures the view of drivers that are turning from Marnat on to Seven Mile Lane. Our members would prefer to cross Seven Mile Lane and eliminate the sight hazard caused by the current situation.

We would also like to request that when the parking is moved from the east side to the west side, the line dividing the traffic be moved more to the east to accommodate the parking on the west side and the no parking area on the east side.

If you need to contact me regarding this letter, please call me at my work number, 410.581.2463. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

Avi Grant

Avi Grant
V. P. of Development

Cc: Councilman Kamenetz

PETITIONER'S
EXHIBIT NO. 10

# SUBURBAN ORTHODOX
## CONGREGATION
## תורת חיים

*Rabbi*
**SHMUEL SILBER**

*1st Rabbi 1957-1976*
**CHAIM GEVANTMAN, z"l**

*2nd Rabbi 1976-2002*
**ERVIN PREIS, z"l**

*Cantor Emeritus*
**PHILIP ROSENBLATT**

*Chairman of the Board*
**Avie Rock**

*President*
**Mel Pachino**

*Vice Chairman of the Board*
**Derek Fine, M.D.**

*Vice President*
**Clifford Katz, M.D.**

*Secretary*
**Selma Woolf**

*Treasurer*
**Charles M. Leve, M.D.**

*Gabbaim*
**Bernard Kozlovsky, M.D.**
**Michael Langbaum, M.D.**

July 5, 2007

To Whom It May Concern:

I am writing this letter in the capacity of Chairman of the Board of Suburban Orthodox Congregation Toras Chaim located at 7504 Seven Mile Lane, Baltimore, MD. 21208. I am writing to inform the court that we grant permission to the members of Congregation Darchei Tzedek to use our parking lot (located at the above mentioned address - across the street from Congregation Darchei Tzedek) to serve the parking needs of their congregation.

If you have any questions please feel free to call me at (410)486-2532.

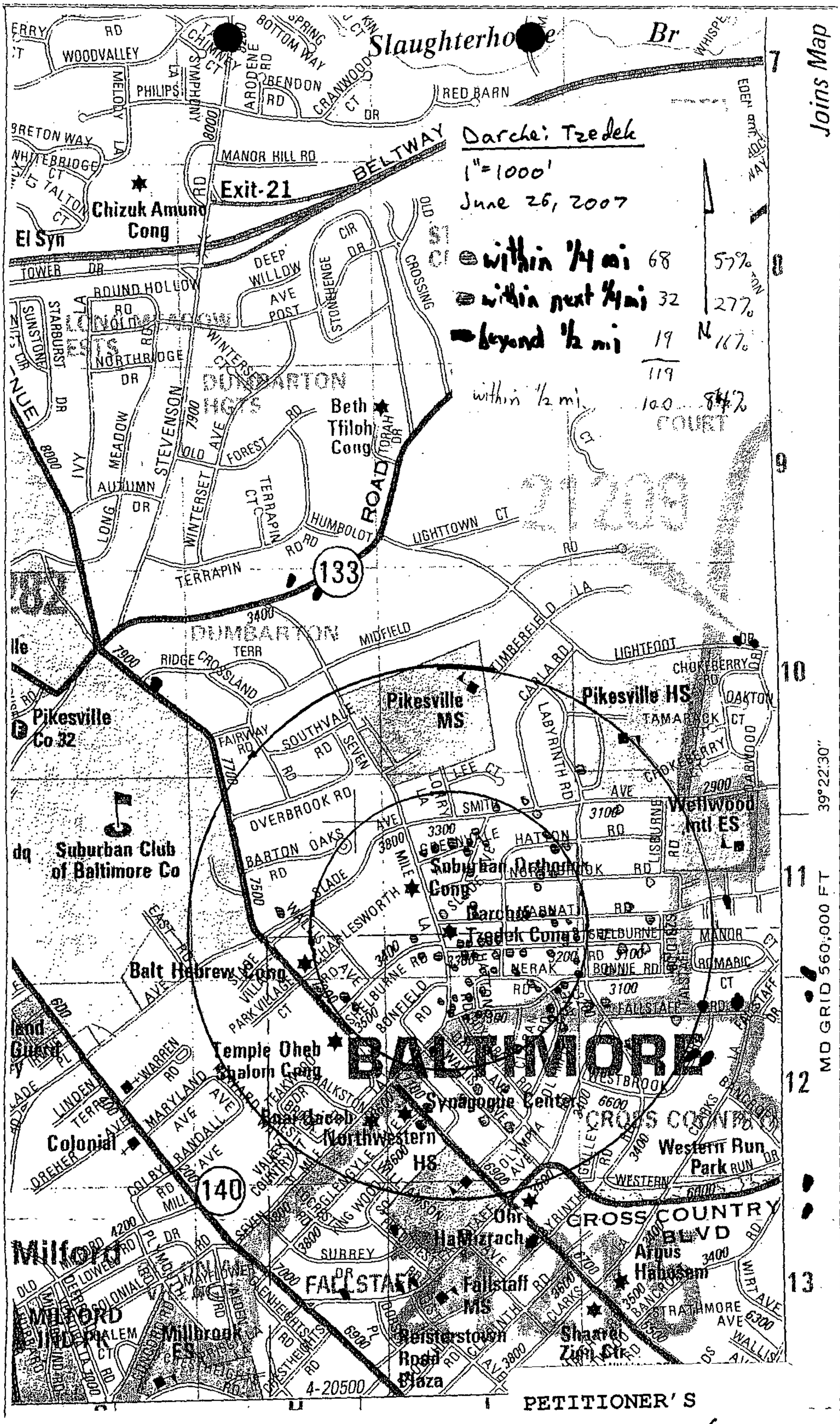
Sincerely,

Avie Rock

Avie Rock
Chairman of the Board
Suburban Orthodox Congregation Toras Chaim

PETITIONER'S
EXHIBIT NO. 11

7504 Seven Mile Lane • Baltimore, Maryland 21208-4596 • *Synagogue Office*: 410-484-6114
*Fax*: 410-484-0018 • *Rabbi's Study*: 410-486-6672 • www.suburbanorthodox.org




PETITIONER'S

EXHIBIT NO. 6

Case No.: 07-486-SPHA 7307 SEVEN MILE LANE

Exhibit Sheet

| | Petitioner/Developer | Protestant |
|---|---|---|
| No. 1 | RED LINED SITE PLAN 7/2/07 | GLORIA DAVIDOFF COMMENTS AND PHOTOGRAPHS OF PARKING |
| No. 2 | LANDSCAPE PLAN | |
| No. 3 | 3A - WEST SOUTH BLDG ELEVATION<br>3B - NORTH & EAST ELEVATION<br>Richard Bienenfeld Architect | |
| No. 4 IDENTIFICATION ONLY | American Planning Asso. Off-Street Parking Requirements | |
| No. 5 | LOCATION BY PERCENTAGES OF CONGREGATION VIS-A VIS THE SYNAGOGUE - 2001 - | |
| No. 6 | LOCATION BY PERCENTAGES OF Congregation - 2007 and List OF Members | |
| No. 7 | Collectively - 15 signed letters of neighbors in support of new synagogue | |
| No. 8 | PRIVACY FENCE ARRANGEMENT BETWEEN PETITIONER and GLORIA & STEVEN DAVIDOFF | |
| No. 9 | FLYER DISTRIBUTED THROUGH-OUT MARNAT & SHELBURNE ROAD NEIGHBORHOOD | |
| No. 10 | REQUEST TO BALTIMORE COUNTY'S DARRELL WILES TO ALLOW PARKING ON W/S OF SEVEN MILE LANE | |
| No. 11 | PARKING ARRANGEMENT WITH SUBURBAN ORTHODOX Congregation (PARKING OVERFLOW) | |
| No. 12 | | |

One parking space per washing module, plus two parking spaces. The washing module shall not be construed as a required parking space. (*Glendale, Calif.*)

Four spaces per bay/stall, plus one space per employee for a self-service establishment, or one space per employee, plus sufficient area for 10 stacking spaces per bay/stall for an automated establishment (*Fairfax Co., Va.*)

Reservoir parking equal to five times the capacity of the car wash (*St. Louis Co., Mo.*)

**Car Wash, Self-Serve**

Lineup area for each wash stall of sufficient size to accommodate four cars (*St. Louis Co., Mo.*)

Four stacking spaces for each washing stall, plus two drying spaces for each washing stall (*St. Clair Shores, Mich.*)

Five spaces for each washing stall in addition to the stall itself (*Alpena, Mich.*)

Two spaces, plus one space per wash bay clear of the public right-of way (*Long Beach, Calif.*)

Ten parking spaces or one space per each 700 sq.ft. of floor area, whichever is greater (*Glendale, Calif.*)

Ten spaces per wash unit for automatic wash; five spaces per wash bay for manual wash. (Note: Off-street vehicle stacking spaces may be used to satisfy the requirement if the plan is acceptable to the administrator.) (*Hilton Head Island, S.C.*)

**Cemetery** (*See also Pet Cemetery*)

One space per full-time employee (*Lake Co., Ill.*)

**Church or Synagogue**

One space for each eight seats. In neighborhood places of worship where 25 percent or more of the parishioners walk to such place of religious worship, the parking space requirement may be reduced proportionately. (*Savannah, Ga.*)

One space per each six seats in the main assembly room, or one space per each 12 feet of bench length. On-street parking within 500 feet of the building, except in residential areas, may be used toward fulfilling this requirement. (*Albany, Ore.*)

One space for each five seats (*Durham, N.C.*)

One space per four seats in sanctuary (*Norman, Okla.*)

One space per four seats in the principal place of worship, provided that the number of spaces thus required may be reduced by not more than 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner(s) without charge during the time of services to make up the additional spaces required (*Fairfax Co., Va.*)

One space for each three seats in the main assembly room (*Hilton Head Island, S.C.*)

One space per 2.5 seats of maximum capacity (*Lake Co., Ill.*)

*Comment. Because religious observances often occur at times when other land uses are not in operation, it is acceptable to reduce the required amount of parking by means of provisions like the one in the Fairfax code. Also, please note that observant Jews walk to their religious services and that the requirements may be reduced for them in the manner of the Savannah ordinance.*

**Club or Lodge** (*See also Fraternity or Sorority*)

One space for each four persons of the rated capacity (*St. Charles Parish, La.*)

One for every three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes (*St. Paul, Minn.*)

One space for each three residents, or per four fixed seats in the largest assembly room or area, or for each 40 sq.ft. of floor area available for the accommodation of movable seats in the largest assembly room, or one space per 150 sq.ft. of gross floor area, whichever is needed by the facility (*Charlotte-Mecklenburg Co., N.C.*)

3.3 spaces per 1,000 sq.ft. gross floor area (*Hillsborough Co., Fla.*)

One space per 50 sq.ft. of assembly area (*Norman, Okla.*)

**College or University**

3.3 spaces for every 1,000 sq.ft. gross floor area (*St. Louis Co., Mo.*)

One space for each 200 sq.ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever rates the larger capacity (*Arlington, Mass.*)

Five spaces for each classroom and administrative office (*Durham, N.C.*)

One space for each five classroom seats, plus one space for each three seats in an auditorium (*Montgomery Co., Ohio*)

Ten spaces per classroom (*El Paso Co., Colo.*)

The entire campus in accordance with the following conditions:

a. One space shall be provided for each campus vehicle permit issued;
b. Additional visitor parking shall be provided equal to 25 percent of the above spaces;
c. Parking spaces shall be located in reasonable proximity to the destination points; and
d. Parking areas for vehicles related to any new construction shall be provided.

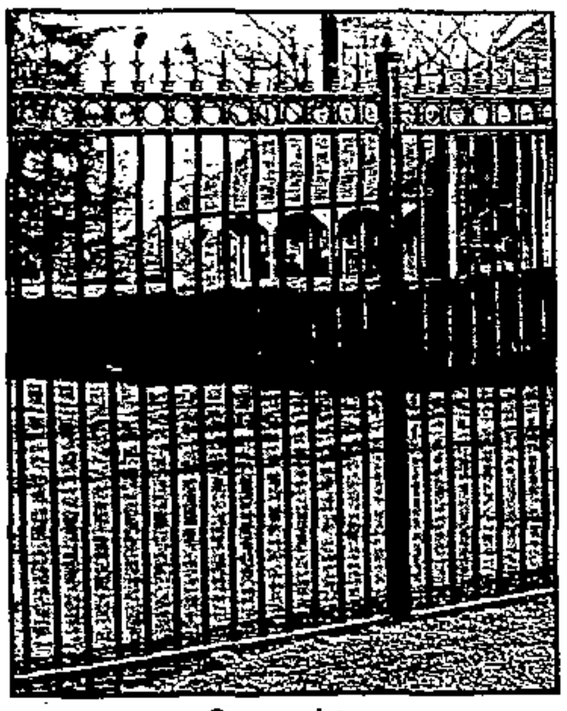
(*South Burlington, Vt.*)

One space per each four students (*Lake Forest, Ill.*)

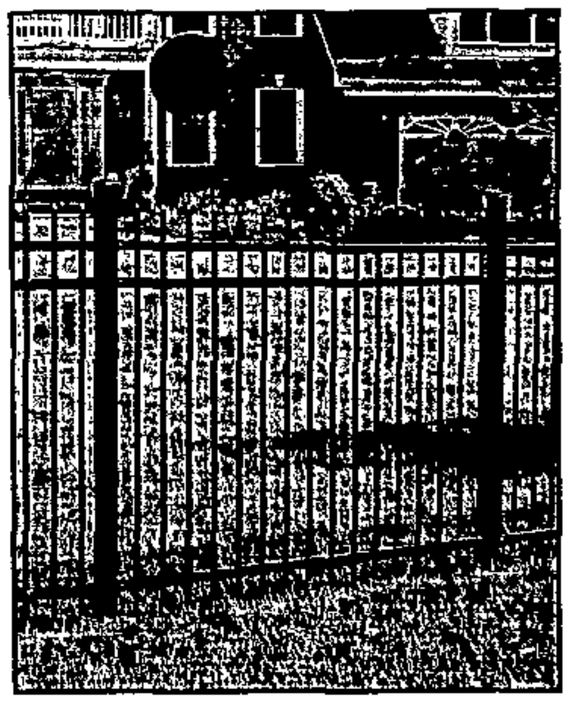
One space for every three employees and members of the staff and one for every three full-time students not residing on campus (*St. Paul, Minn.*)

One space for each two students, plus one space for each classroom, laboratory, or instruction area (*Plano, Tex.*)

*Comment. The standards from St. Paul and South Burlington are worth special consideration because of the*



Sovereign



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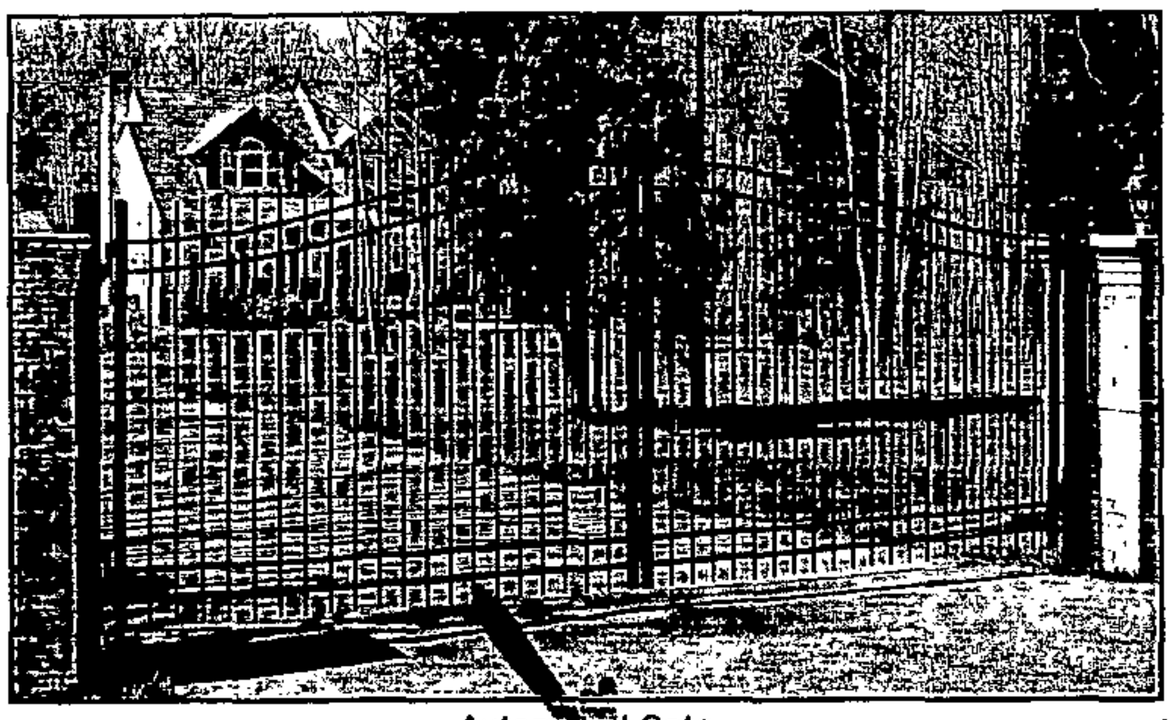
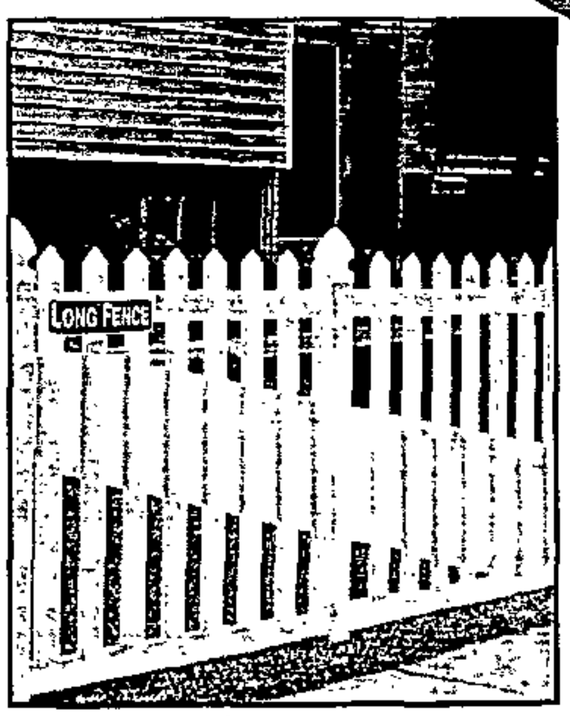
- Iron is great for pool fencing and adds a finishing touch to your home.



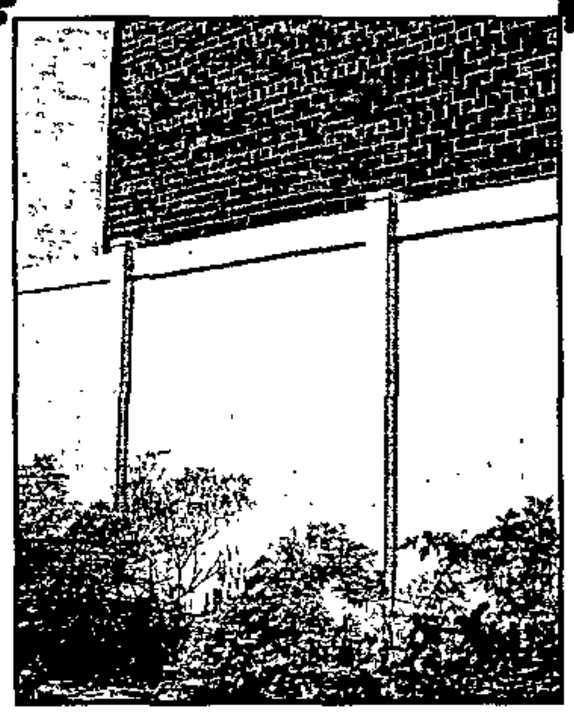
Automated Gate

Diplomat

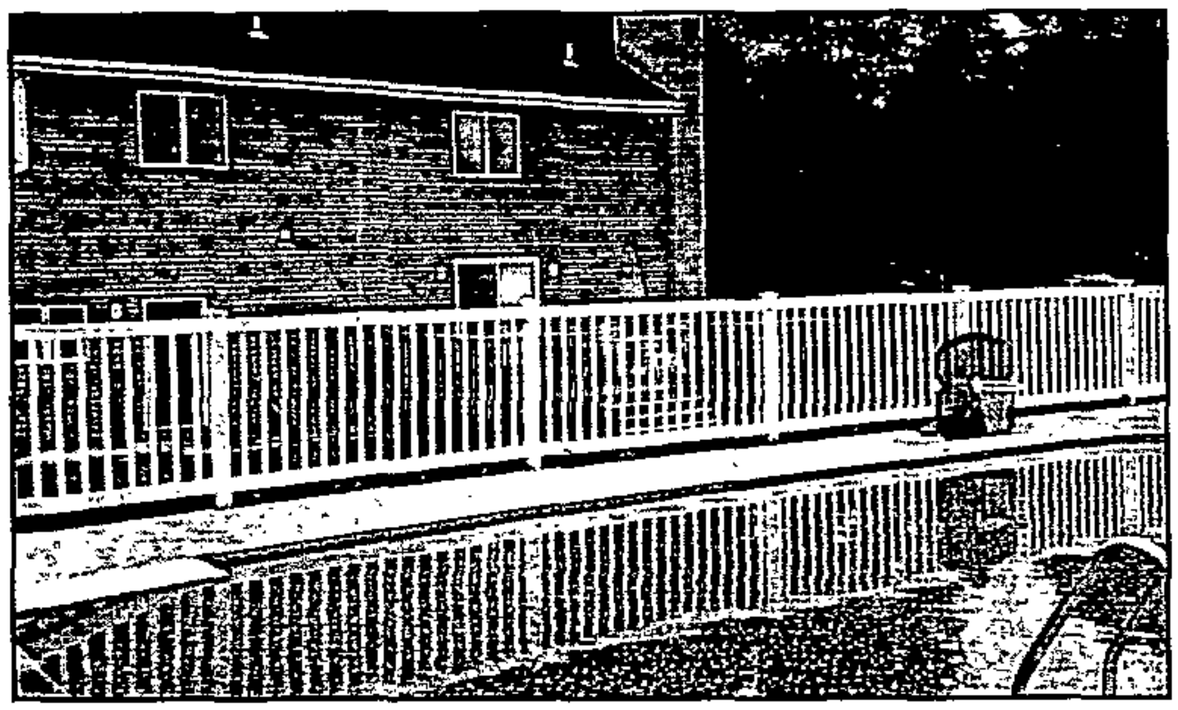
Handrails




Bedford



Hillside



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Canterbury

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 5, 2007

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

RECEIVED
JUL 05 2007
BY:

**SUBJECT:** 7307 Seven Mile Lane

**Item Number:** 7-486

**Petitioner:** Congregation Darchei Tzedek

**Zoning:** DR 5.5

**Requested Action:** **Special Hearing and Variances**

The subject property is located partially within Baltimore County and partially within Baltimore City at the southeast corner of Marnat Road and Seven Mile Lane and therefore subject to zoning and development review in both jurisdictions.

The proposal is to raze the existing synagogue and construct a new 2-story masonry synagogue with a seating capacity of 440 seats.

Less than 10% of the building and all of the off-street parking are located with Baltimore County. The Baltimore County Development Review Committee has tabled a request for limited exemption pending the outcome of this special hearing and variances.

The proposed new synagogue will need site plan approval from Baltimore City and as of this date has not filed for a public hearing.

The Office of Planning requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontages and a replacement vinyl fence and planting area along the residential Davidoff property to the east. West and south elevations have been submitted as pdfs.

**SUMMARY OF RECOMMENDATIONS:**

If the Special Hearing and Variances are granted, the Office of Planning shall review and approve full-scale architectural elevation drawings for all four building facades prior to application of any building permits.

The applicant should submit a copy of Baltimore City's approved site plan and architectural elevation drawings to assure consistency with the plans.

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

**Reviewed by:** Curtis Murray

**Division Chief:** Lynn Lanham /CJM
AFK/LL: CM

W:\DEVREV\ZAC\7-486.doc

ORDER RECEIVED FOR FILING
Date 7-25-07
By

Allan and Debbie Kessler, 3304 Shelburne Road, Baltimore, Md. 21208
Seth Pachino, 7814 Ridge Terrace, Baltimore, Md. 21208
Marc Meisler, 3314 Greenvale Road, Baltimore, Md. 21208
Jacob Szajowitz, 3316 Shelburne Road, Baltimore, Md. 21208
Louis Newmark, 3400 Seven Mile Lane, Baltimore, Md. 21208
Rachel Mitnick, 3312 Marnat Road, Baltimore, Md. 21208
Steven and Gloria Davidoff, 3319 Marnat Road, Baltimore, Md. 21208
Rabbi Steven Goldstein, 3207 Marnat Road, Baltimore, Md. 21215
Richard and Troy Grayson, 3306 Shelburne Road, Baltimore, Md. 21208
Adele Kass, 3301 Marnat Road, Baltimore, Md. 21208
Paul D. Kadin, 7403 Seven Mile Lane, Baltimore, Md. 21208
Leo and Florine Bretholz, 3318 Marnat Road, Baltimore, Md. 21208
Dina Felsman, 3312 Marnat Road, Baltimore, Md. 21208
People's Counsel; Office of Planning; File

8/21/07

Gloria and Steven Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

ZONING COMMISSION OF BALTIMORE COUNTY
County Board of Appeals
111 West Chesapeake Avenue
Room #111
Towson, Maryland 21204

RE: Case No. 07-486-SPHA

Subject: Notice of Appeal

TO WHOM IT MAY CONCERN:

We are formally filing an appeal in regards to Case No. 07-486-SPHA. We represent a group of homeowners and neighbors on Marnat Road in Baltimore County, Maryland.

We strongly disagree with the FINDINGS OF FACT AND CONCLUSIONS OF LAW as put forth by William J. Wiseman, III, Zoning Commissioner for Baltimore County. Additionally, we are opposed to the variances that were granted to Darchei Tzedek for several reasons.

The most important reason why we oppose the variances that were granted is the several significant discrepancies in the testimony given by the synagogue representatives, including the Rabbi, Rabbi Horowitz. Additionally, there are false statements within the above mentioned "FINDINGS OF FACT AND CONCLUSION OF LAW".

We do not oppose the granting of the variances regarding the setback. However, we vehemently oppose the variance permitting the synagogue to provide 34 parking spaces in lieu of the required 110 for the building.

We feel that it is absolutely imperative as Baltimore County taxpayers and homeowners that we have an opportunity to reveal the facts and discrepancies to the County Board of Appeals.

Thank you. Please let us know what the next step in the Appeals process is. We will confirm that the receipt of this letter represents our official notice of appeal.

Yours truly,

Gloria and Steve Davidoff
3319 Marnat Road
Baltimore, Maryland 21208

RECEIVED
AUG 23 2007
Per.....

No fee rec'd after request.

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director
Department of Permits and
Development Management

**DATE:** July 5, 2007

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

**SUBJECT:** 7307 Seven Mile Lane

**Item Number:** 7-486

**Petitioner:** Congregation Darchei Tzedek

**Zoning:** DR 5.5

**Requested Action:** **Special Hearing and Variances**

The subject property is located partially within Baltimore County and partially within Baltimore City at the southeast corner of Marnat Road and Seven Mile Lane and therefore subject to zoning and development review in both jurisdictions.

The proposal is to raze the existing synagogue and construct a new 2-story masonry synagogue with a seating capacity of 440 seats.

Less than 10% of the building and all of the off-street parking are located with Baltimore County. The Baltimore County Development Review Committee has tabled a request for limited exemption pending the outcome of this special hearing and variances.

The proposed new synagogue will need site plan approval from Baltimore City and as of this date has not filed for a public hearing.

The Office of Planning requested and received revisions to the site plan to include a landscape planting area along both the Seven Mile Lane and Marnat Road frontages and a replacement vinyl fence and planting area along the residential Davidoff property to the east. West and south elevations have been submitted as pdfs.

**SUMMARY OF RECOMMENDATIONS:**

If the Special Hearing and Variances are granted, the Office of Planning shall review and approve full-scale architectural elevation drawings for all four building facades prior to application of any building permits.

The applicant should submit a copy of Baltimore City's approved site plan and architectural elevation drawings to assure consistency with the plans.

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

**Reviewed by:** Curtis Murray

**Division Chief:** Lynn Lanham /CSM
AFK/LL: CM

W:\DEVREV\ZAC\7-486.doc

Case No.: 07-486-SPHA 7307 SEVEN MILE LANE

Exhibit Sheet

| | Petitioner/Developer | Protestant |
|---|---|---|
| No. 1 | RED LINED SITE PLAN 7/2/07 | GLORIA DAVIDOFF COMMENTS AND PHOTOGRAPHS OF PARKING |
| No. 2 | LANDSCAPE PLAN | |
| No. 3 | 3A - WEST SOUTH BLDG ELEVATION<br>3B - NORTH & EAST ELEVATION<br>Richard Bienenfeld Architect | |
| No. 4 IDENTIFICATION ONLY | American Planning Asso. Off-Street Parking Requirements | |
| No. 5 | LOCATION BY PERCENTAGES OF CONGREGATION VIS-A VIS THE SYNAGOGUE - 2001 - | |
| No. 6 | LOCATION BY PERCENTAGES OF Congregation - 2007 and List OF Members | |
| No. 7 | Collectively - 15 signed letters of neighbors in support of new synagogue | |
| No. 8 | PRIVACY FENCE ARRANGEMENT BETWEEN PETITIONER and GLORIA & STEVEN DAVIDOFF | |
| No. 9 | FLYER DISTRIBUTED THROUGH-OUT MARNAT & SHELBURNE ROAD NEIGHBORHOOD | |
| No. 10 | REQUEST TO BALTIMORE COUNTY'S DARRELL WILES TO ALLOW PARKING ON W/S OF SEVEN MILE LANE | |
| No. 11 | PARKING ARRANGEMENT WITH SUBURBAN ORTHODOX Congregation (PARKING OVERFLOW) | |
| No. 12 | | |

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
*County Executive*

TIMOTHY M. KOTROCO, *Director*
*Department of Permits and Development Management*

October 22, 2007

Jonathan Greenstein, Esq.
3916 Fallstaff Road
Baltimore, MD 21215

Dear Mr. Greenstein:

RE: Case: 07-486-SPHA, 7307 Seven Mile Lane

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 2007 by Mr. and Mrs. Davidoff. The appeals fee was not provided, documents from the Circuit Courts stating indigence on behalf of the appellants must be received in 60 days or the case will be thrown out. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Avraham Grant, 7307 Seven Mile Lane, Baltimore 21208
Robert Rosenfelt, 2836 Smith Avenue, Ste. G., Baltimore 21209
Gloria & Steve Davidoff, 3319 Marnat Road, Baltimore 21208

7/6/07

Gloria Davidoff
3319 Marnat Road

Case #: 7-486-SPHA
Zoning hearing for Congregation Darchei Tzedek

PROTESTANT'S
EXHIBIT NO. 1

My name is Gloria Davidoff. My home is the one that is right next to Darchei Tzedek Synagogue on Marnat Road. I represent my husband and I as well as several of the neighbors on Marnat Road and Seven Mile Lane who chose not to come today but asked us to express their views.

We are opposed to the variance that would allow Congregation Darchei Tzedek to permit 34 parking spaces in lieu of the 110 required.

Currently, on any given night, (not just the Sabbath), there are approximately 30 cars parked on the parking lot of the synagogue and on the surrounding streets. These surrounding streets are Marnat Road, Seven Mile Lane and Shelburne Road. I have photos that I have taken this past week showing these cars. Just last night, when my husband and I arrived home at 8:45, we counted a total of 33 cars that were parked on these streets, not belonging to our neighbors. If I had a guest coming over last night, there would have been no space available for them to park.

On the Sabbath, most members do not drive to synagogue. Many visitors to Darchei Tzeked do,however, drive to synagogue before the Sabbath, and leave their cars there until the Sabbath is over, 24 hours later. In addition, there are several Jewish holidays throughout the year that last for two days and very often cars are parked there for the duration of these holidays. Besides the Sabbath, visitors go to the synagogue for daily prayers in the morning and evening.

We are concerned with two issues.

The first issue is that the proposed larger synagogue structure will undoubtedly attract more activity and, therefore, more cars. Even though Mr. Grant has stated that the synagogue does not expect a significant increase in membership, we feel that such a projection is neither accurate nor realistic. It is logical to assume that the new and significantly larger building will meet its goal in attracting a larger number of visitors.

The second issue of concern is the addition of a social hall with a seating capacity of 220. It is no secret that such a social hall can be utilized to generate income for the synagogue by having events such as Bar Mitzvahs and weddings and so on, being rented out to the community as well as to its members. Such

events could, of course be well attended and that would be the goal. With only 34 parking spaces available, the overflow of cars would surely have an impact on the safety of our neighborhood as well as the convenience of the homeowners of the Marnat Road community. Only a couple of the homes in our community have driveways. We all use street parking and we have a right to be able to park in front of our homes and have parking for our own guests, as well. Many of our homeowners are elderly and it is a hardship for them to have to park a distance from their home.

No one can stand at this meeting and say exactly what the synagogue will be utilized for and no one can promise that the synagogue will not open up a nursery school, a day care center, have adult education classes or a social event every night. Such projections are purely hypothetical.

We feel that the synagogue should be responsible to the community that has embraced its presence. Without the necessary parking spaces at the proposed enlarged synagogue, our neighborhood and homeowners will be negatively impacted.

We would suggest to the synagogue as a step towards resolution to build a smaller structure, one that would allow enough room for ample parking for their visitors.

Thank you.

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-486-SPHA
DATE 7-6-07

# PETITIONER'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E-MAIL |
|---|---|---|---|
| • Bob Brauefelt | Cilker & Mayo Braunfelt 2835 G. Smith Ave | Baltimore, MD 21209 | braunfelt@cmrengineers.com |
| • Jonathan H. Greenstein | 3916 Fallstaff Road | Baltimore MD 21215 | |
| • Sheldon Caplan | 3213 Labyrinth Rd | Balto MD 21208 | |
| • YAAKOV HOROWITZ | 3208 NORTHBROOK RD. | BALT. MD. 21208 | |
| • Marc Meisler (3314) | 3314 Greenvale Rd. (Greenvale) | Balt. MD 21208 | |
| • Dr. Sheldon Avery | 3317 Marnat Rd | Balt 21208 | davery@harford.edu |
| • Allan Kessler | 3304 Shelburne Rd | BALTO 21208 | |
| • Debbie Kessler | 3304 Shelburne Rd | Balt 21208 | |
| • Seth Pachino | 7814 Ridge Terrace | Balto. 21208 | |
| • Jacob Szajowitz | 3316 Shelburne Rd. | Balto MD 21208 | |
| • Rachel Mitnick | 3312 Marnat Rd | Baltimore, MD 21208 | |
| DINA FELSMAN | 3312 MARNAT RD | Baltimore MD 21208 | |
| • LOUIS NEWMARK | 3400 Seven Mile Lane | BALTIMORE MD 21208 | |
| • AVRAHAM GRANT | 3300 NERAK RD | BALTO MD 21208 | |

a previous order

| | | |
|---|---|---|
| IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – E/S Seven Mile Lane, 20' S of the c/l Marnat Road (7307 Seven Mile Lane) 3rd Election District 2nd Council District | * | BEFORE THE |
| | * | ZONING COMMISSIONER |
| | * | OF BALTIMORE COUNTY |
| | * | Case No. 01-219-SPHA |
| Congregation Darchei Tzedek, Inc. Petitioners | * | |

* * * * * * * * * * *

## 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, Congregation Darchei Tzedek, Inc., by and through Jonathan Greenstein, its President and Attorney at Law. The Petitioners request a special hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 93-226-SPHA and 86-401-SPH to reflect the proposed improvements and to approve that such improvements comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request variance relief from the B.C.Z.R. as follows: From Section 1B01.2.C.1.a to permit a front setback of 8 feet in lieu of the required 40 feet for a proposed second story addition on the existing building and the proposed two-story addition on the east end of the existing building, and a side setback of 0 feet in lieu of the required 20 feet for the proposed two-story addition; from Section 409.6.A.4 to permit 10 parking spaces in lieu of the required 82 for an existing, non-residential principal building; and, from Section 409.8.A.4 to permit parking spaces to be located 5 feet from a street line in lieu of the required 10 feet. The subject property and requested relief are more particularly described on the site plan and building elevation drawings submitted into evidence and marked as Petitioner's Exhibits 7 and 1, respectively.

Appearing at the requisite public hearing on behalf of the Petitioners were Jonathan E. Greenstein, Esquire, who serves as both President and attorney for the Congregation Darchei Tzedek, Inc., property owners; Tom Zien, Vice President of the Congregation; Rabbi Yaakov

Horowitz; and, Robert Rosenfelt, Professional Engineer who prepared the site plan of this property. Also appearing in support of the requests were Marc Meisler, Louis Newmark, and Reuven Chapman, members of the Congregation. Steven and Glorda Davidoff, adjacent property owners, and Adele Kass and Paul D. Kadim appeared as Protestants in the matter.

This unusual case concerns property owned by the Congregation Darchei Tzedek, Inc., a congregation of the Orthodox Jewish faith. The subject property consists of a gross area of 0.39 acres, more or less, zoned D.R.5.5, and is located at the southeast corner of Seven Mile Lane and Marnat Road, at the Baltimore County/Baltimore City Line. The property has been owned and utilized as a synagogue by Congregation Darchei Tzedek, Inc. since approximately 1986. At that time, the site was improved with two attached commercial buildings, which were somewhat rundown. The Petitioners filed a Petition for Special Hearing in Case No. 86-401-SPH and were granted approval by then Zoning Commissioner Arnold Jablon to permit the conversion of the two buildings for use as a synagogue on April 16, 1986. Thereafter, the Petitioners sought special hearing and variance relief in Case No. 93-226-SPHA for proposed improvements to the existing facility and on-site parking, and approval that the proposed improvements complied with RTA requirements. This Zoning Commissioner granted the relief requested on March 2, 1993, subject to certain restrictions.

The Petitioners now come before me seeking similar relief to allow an expansion of the synagogue building. Testimony was taken from Rabbi Horowitz and Mr. Zien regarding the existing and proposed use of the building and the Congregation. As noted above, this congregation is of the Orthodox Jewish faith and therefore abides by the strict tenets of that religion. This includes a requirement that men and women be kept separate from one another during religious services. Additionally, members of the Orthodox Jewish faith are prohibited from operating motor vehicles on holidays and the Sabbath. Apparently, there are now approximately 115 families who make up the membership of the Congregation. A list of the members was submitted into evidence as Petitioner's Exhibit 3. Due to the growth of their membership and the requirements of the Orthodox Jewish faith, the Petitioners seek relief to allow certain additions to the existing building.

As noted above, the site is improved with an existing structure that is, in fact, divided

into three distinct parts. That portion of the building closest to the intersection of Seven Mile Lane and Marnat Road is a two-story structure made of brick and stucco. Attached to that structure and fronting Marnat Road is a one-story brick building. To the rear of both of these structures is a one-story wing addition that runs parallel to the two structures. This wing addition was added pursuant to the relief granted in prior Case No. 93-226-SPHA. The Petitioners now propose the construction of a second story on both the one story brick building and the wing addition. The Petitioners also propose the construction of a two-story addition along the east end of the one-story brick and wing structure, adjacent to the proposed second story addition. Upon completion of all of these improvements, a larger, more uniform structure will be created.

Testimony indicated that the Petitioners wish to install a balcony within its worship area. This balcony will provide a seating area for the women of the congregation. Testimony was also offered regarding the use of the building and the property. Typically, the building is used on the Jewish Sabbath and holidays. Additionally, at other times, specifically weekdays, there will be a small number of individuals (approximately 15 to 20 people) attending prayer meetings. The Petitioners do not anticipate using this site for rental and/or social purposes. In fact, it was indicated that a room designated as a "social hall" is of limited capacity. Apparently, for certain services, such as bar mitzvahs, the Congregation utilizes other sites or restricts the number of individuals who can attend at this site.

The Petitioners presented a great volume of testimony regarding the parking variance and the circumstances unique to this site. As noted above, the Petitioners seek a substantial parking variance as to the number of spaces. The site features but a small lot which can currently accommodate only 10 vehicles. Under the parking requirements of the B.C.Z.R., a minimum of 82 spaces are required for the size of the proposed building. The Petitioners' testimony emphasized that members of the congregation cannot drive to the site during holidays and on the Sabbath. They also testified that approximately 40% of the congregation members live within a ¼ mile of the site, and another 40% within ½ mile. Thus, a large percentage of the membership walks to services.

In addition to the testimony of Rabbi Horowitz and Mr. Zien, testimony was also received from Robert Rosenfelt, the engineer who prepared the site plan for this property. He generally described the property and the surrounding locale. He also indicated that the Petitioner had investigated the possibility of acquiring other properties to provide off-street parking. For example, a lot across Marnat Road was investigated but found insufficient. Additionally, although the Congregation has an informal understanding with a neighboring synagogue, there is no written agreement that parking can be provided on that site. It was also indicated that the expansion of the parking lot on the subject site would not be practical, due to existing grades on the property and interference with existing landscaping.

Testifying in opposition to the request was Mr. Steve Davidoff who resides on the immediately adjacent property. Mr. Davidoff indicated that the parking situation has recently improved since concerns were expressed to the leadership of the synagogue. Apparently at one time, many members of the Congregation parked on the neighborhood public streets, in front of private homes. The synagogue has made efforts to encourage parking on its small lot and also insure that spillage of automobiles does not adversely impact the neighborhood. Mr. Davidoff expressed his appreciation for the remedy to that situation, but also expressed concerns regarding the proposed addition that would immediately abut his property line. Presently, that property line is designated by a board-on-board fence.

As is the case with many Petitions involving houses of worship, this case presents difficult issues. It is difficult to question the operation of a house of worship and limit the freedom of this congregation to pursue their religion. On the other hand, the zoning regulations must deal with the appropriate restrictions upon the use of the land to prohibit adverse impacts on neighboring and surrounding properties.

On its face, the parking variance would seem to be excessive, in view of the numbers involved. However, I am persuaded that there are compelling circumstances in this case. The fact that members of the Congregation do not drive on the Sabbath and holidays is significant. Obviously, these occasions bring the largest number of individuals to the site. Although at odds with modern American society's reliance on the automobile, the Congregation does not generate

heavy volumes of vehicular traffic. Indeed, for so long as the Congregation chooses to pursue its present path and act as a good neighbor, it appears that the synagogue and surrounding residential neighborhood can peacefully co-exist insofar as vehicular traffic is concerned.

As to the proposed improvements, the second story additions to the existing one-story brick building and adjacent wing appear appropriate to provide a uniform, two-story structure. Although the square footage of the building will be increased, the enlargement is not inappropriate for the site and will not increase the footprint of the existing building. A different conclusion is reached, however, relative to the proposed two-story addition on the eastern end of the property. This addition will increase the square footage of the overall building, thus increasing parking requirements. More importantly, I believe that such construction would inappropriately overcrowd the land and adversely impact the Davidoff dwelling on the adjacent lot. Although adding a second story to the existing footprint is one thing and appears appropriate, increasing the overall size of the building with the proposed two-story addition on the eastern end of the property is ill-advised. Quite simply, this small site cannot reasonably accommodate that addition. Such construction would overburden the parcel itself, and be inappropriately close to the property line shared with the Davidoffs.

Under the circumstances, I will grant the zoning relief necessary to permit the construction of the proposed second story addition to the existing one-story building and attached wing. Thus, the variance to permit a front yard setback of 8 feet for the proposed second story addition will be granted.[1] The variance to permit the construction of a two-story addition on the east end of the existing building will be denied. In this regard, there shall be no additional construction closer to the Davidoff property line. It is to be noted that there presently exists a small concrete and frame storage building attached to the side of the existing one-story brick building. The site plan does not show the distance between the edge of that storage building and the side property line, although it appears to be approximately 12 to 15 feet. Relief shall be

[1] The existing building is set back 8 feet from Marnat Road and variance relief to approve that setback was granted in Case No. 93-226-SPHA.

granted to legitimize that structure and allow it to remain. However, no additional building on this side (east) of the existing building will be permitted.

Variance relief is also requested to approve the current number of parking spaces and to allow those spaces to remain 5 feet from the street line in lieu of the required 10 feet. In that the amount of parking required is determined by the seating capacity of the synagogue, it is unclear at this time how many seats will be provided in view of the denial of the variance to permit the two-story addition on the east end of the building. Therefore, the Petitioner shall submit a revised site plan to this Zoning Commissioner incorporating the modified relief granted herein and the adjusted number of parking spaces required so that a supplemental Order can be issued relative to the parking variance.

Finally, I will also require that the Petitioners submit a landscape plan for review and approval by the County's Landscape Architect, Mr. Avery Harden. The plan should be specifically designed to provide a reasonable buffer between the synagogue and the Davidoff property. An appropriate level of vegetative screening/fencing between these two properties is warranted, given the proximity of these inconsistent uses.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this _____ day of March, 2001 that the Petition for Special Hearing to approve an amendment to the previously approved site plans in prior Cases Nos. 93-226-SPHA and 86-401-SPH to reflect the proposed improvements, as modified herein, and to approve that such improvements comply to the extent possible with Residential Transition Area (RTA) requirements, pursuant to Section 1B01.1.B.1.g(6) of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a front setback of 8 feet in lieu of the required 40 feet for

the existing structure and proposed second story addition thereto, be and is hereby GRANTED, subject to the following restrictions:

1) Within thirty (30) days of the date of this Order, the Petitioners shall submit a revised site plan incorporating the modified relief granted herein. Said plan shall indicate the seating capacity and the number of parking spaces that will be required by the B.C.Z.R.

2) The Petitioners may apply for their building permit 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.

3) Prior to the issuance of any permits, the Petitioners shall submit a landscape plan for review and approval by the County's Landscape Architect. Said plan shall be specifically designed to provide a reasonable buffer between the synagogue and the Davidoff property.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the B.C.Z.R. to permit a side setback of 0 feet in lieu of the required 20 feet for a proposed two-story addition on the eastern end of the property be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

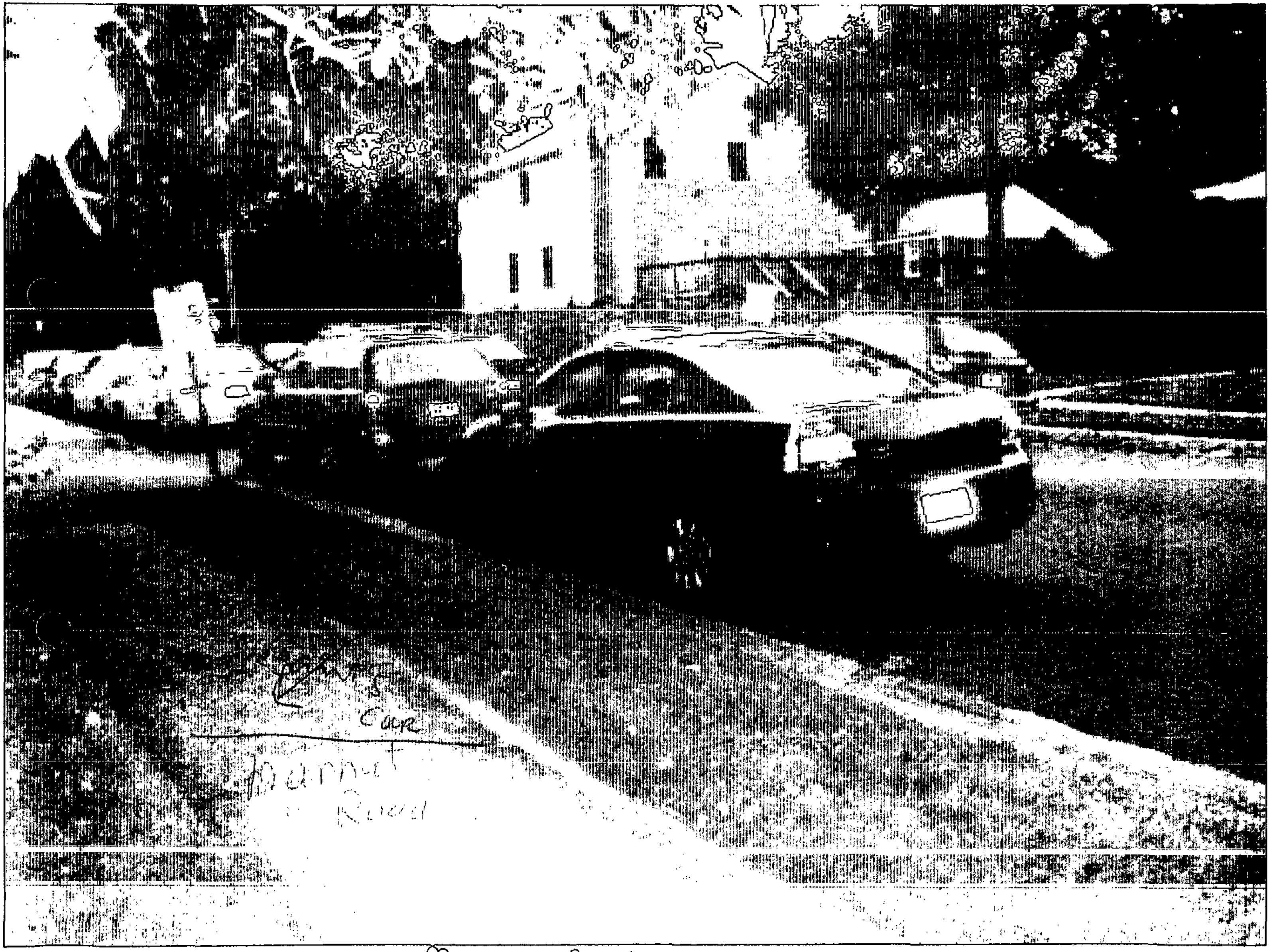
LES:bjs

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-486-SPHA
DATE 7/6/07

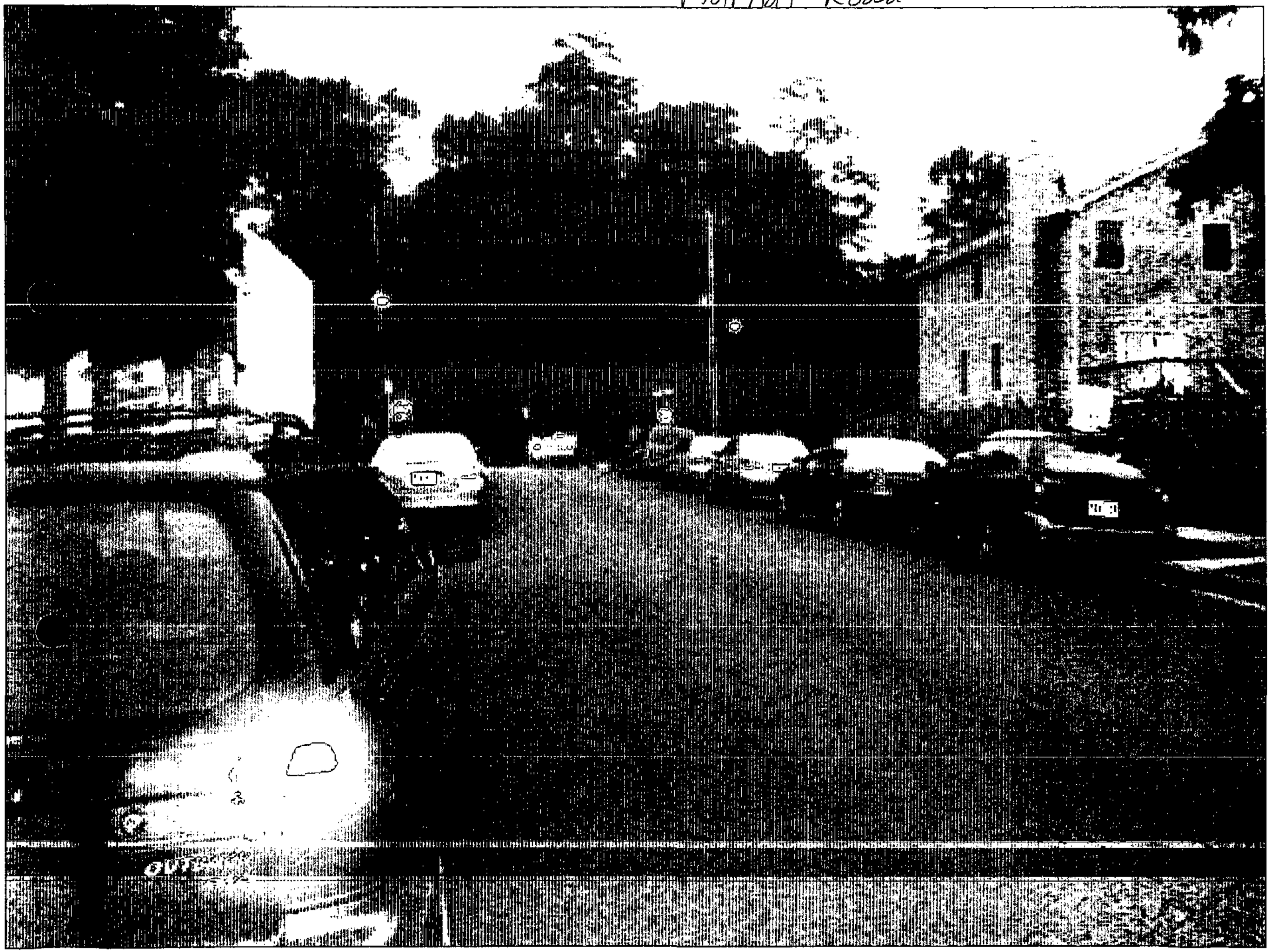
# CITIZEN'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E-MAIL |
|---|---|---|---|
| ADELE KASS | 3301 MARNAT RD. | BALTO. MD. 21208 | howard.kass@verizon.net |
| PAUL D KASIN | 7403 7 mile Lane | BALTO MD 21208 | pdkasin@juno.com |
| Florine Bretholz | 3318 Marnat Rd. | Baltimore MD 21208 | LEAPINTODARKNESS@AOL.COM |
| Gloria Davidoff | 3319 Marnat Rd | Baltimore Md 21208 | geds1234@aol.com |
| STEVE DAVIDOFF | 3319 MARNAT RD | BALTIMORE MD 21208 | GEDS1234@AOL.COM |
| Leo Bretholz | 3318 MARNAT RD | BALTIMORE MD 21208 | leapintodarkness@aol.com |
| Rabbi Goldstein | 3207 Marnat Rd | " | mgoldste@bcpl.net |
| Mr. + Mrs. Richard Grayson | 3306 Shelburne Rd. | Baltimore, MD 21208 | rgrayson2001@aol.com |



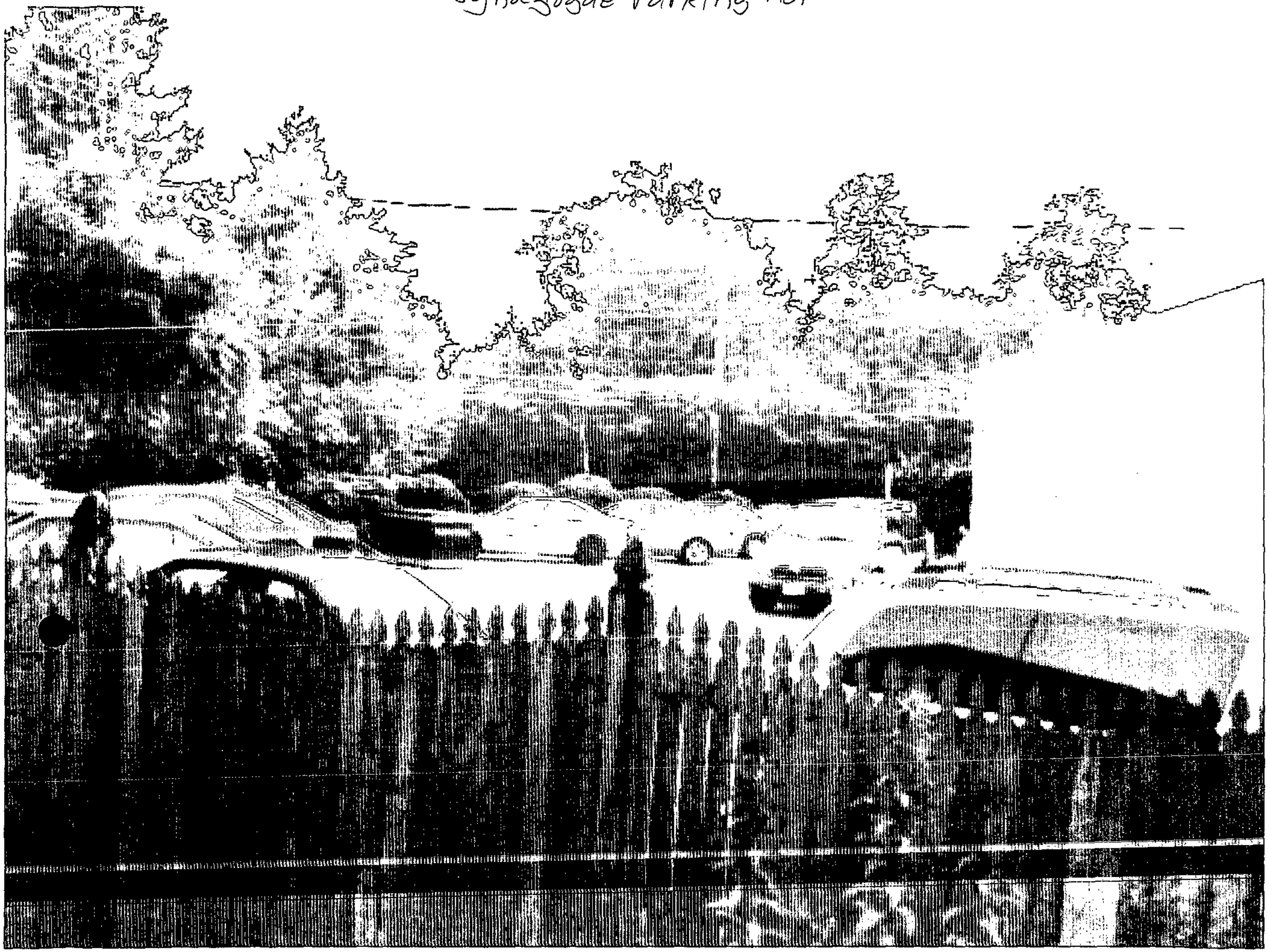

Marnat Road

Marnat Road

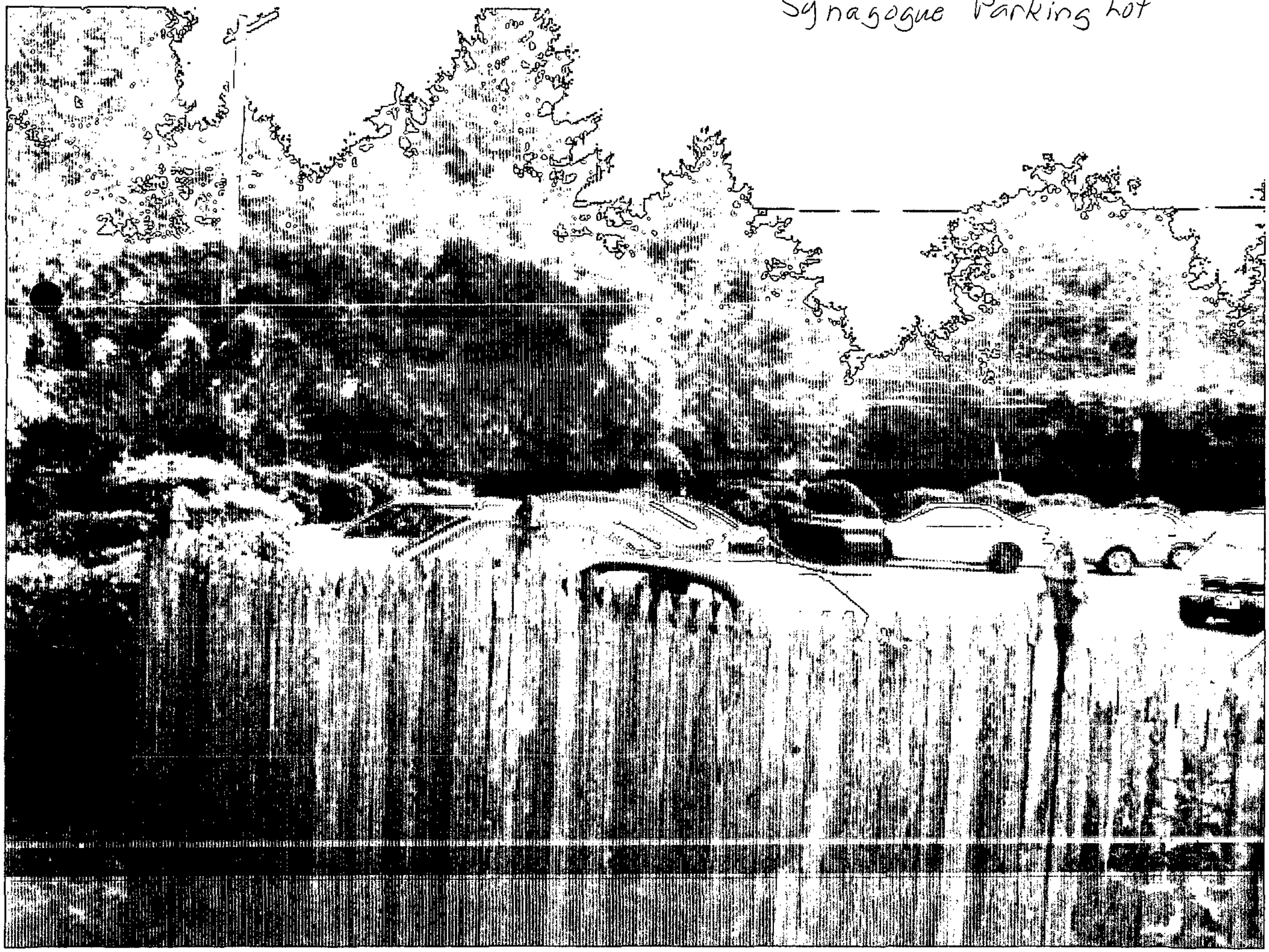


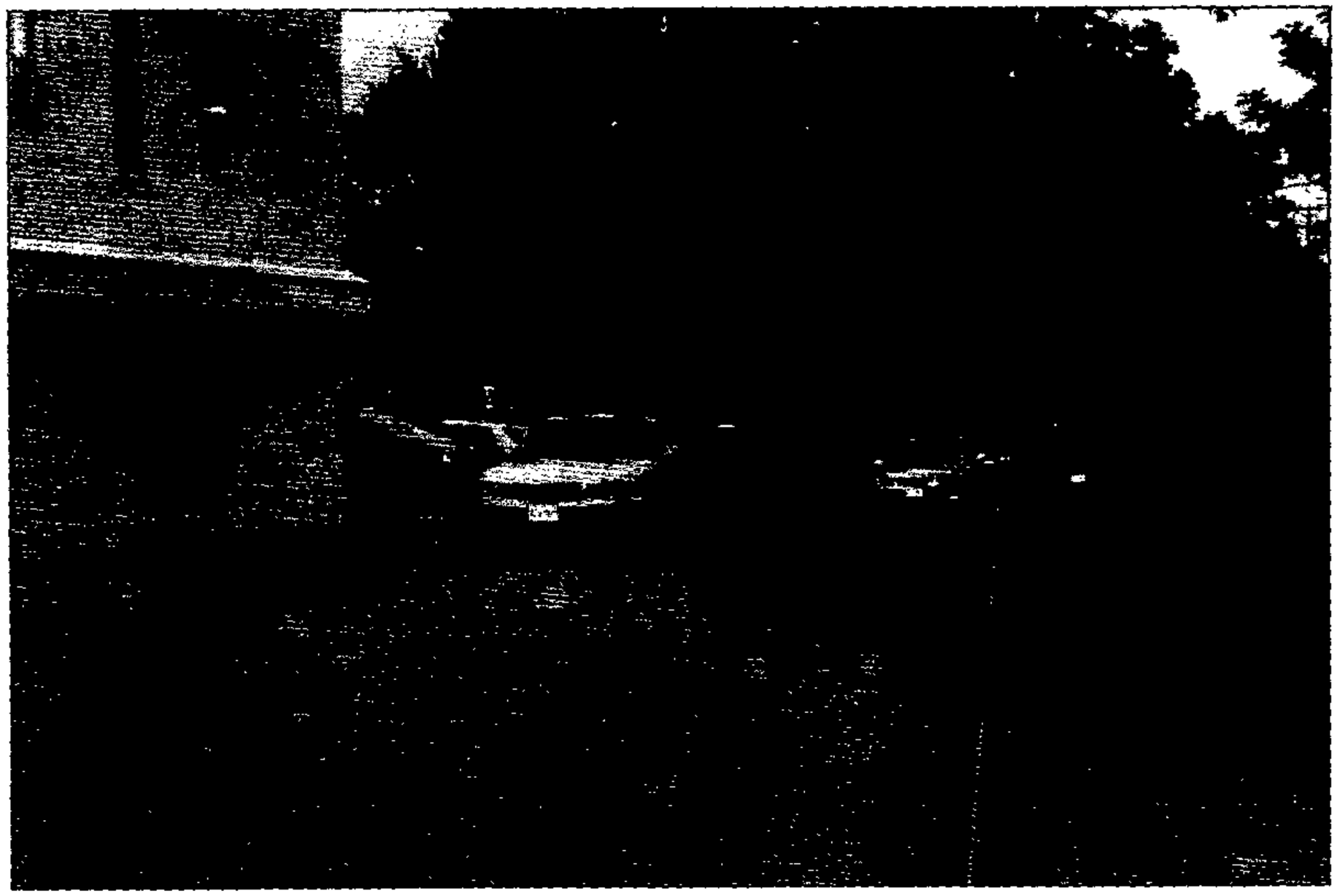
Synagogue Parking Lot

Synagogue Parking Lot



Synagogue Parking Lot

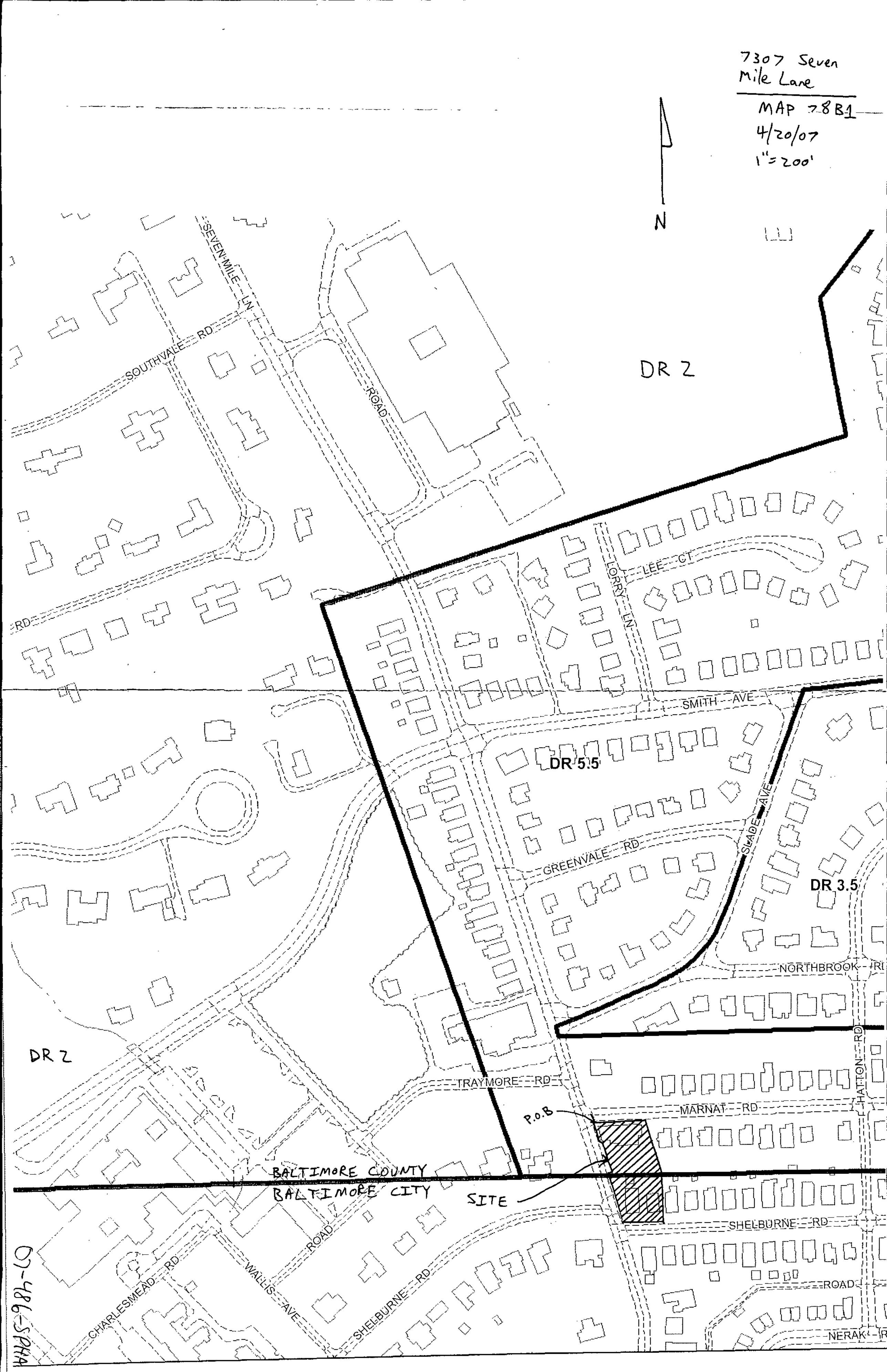




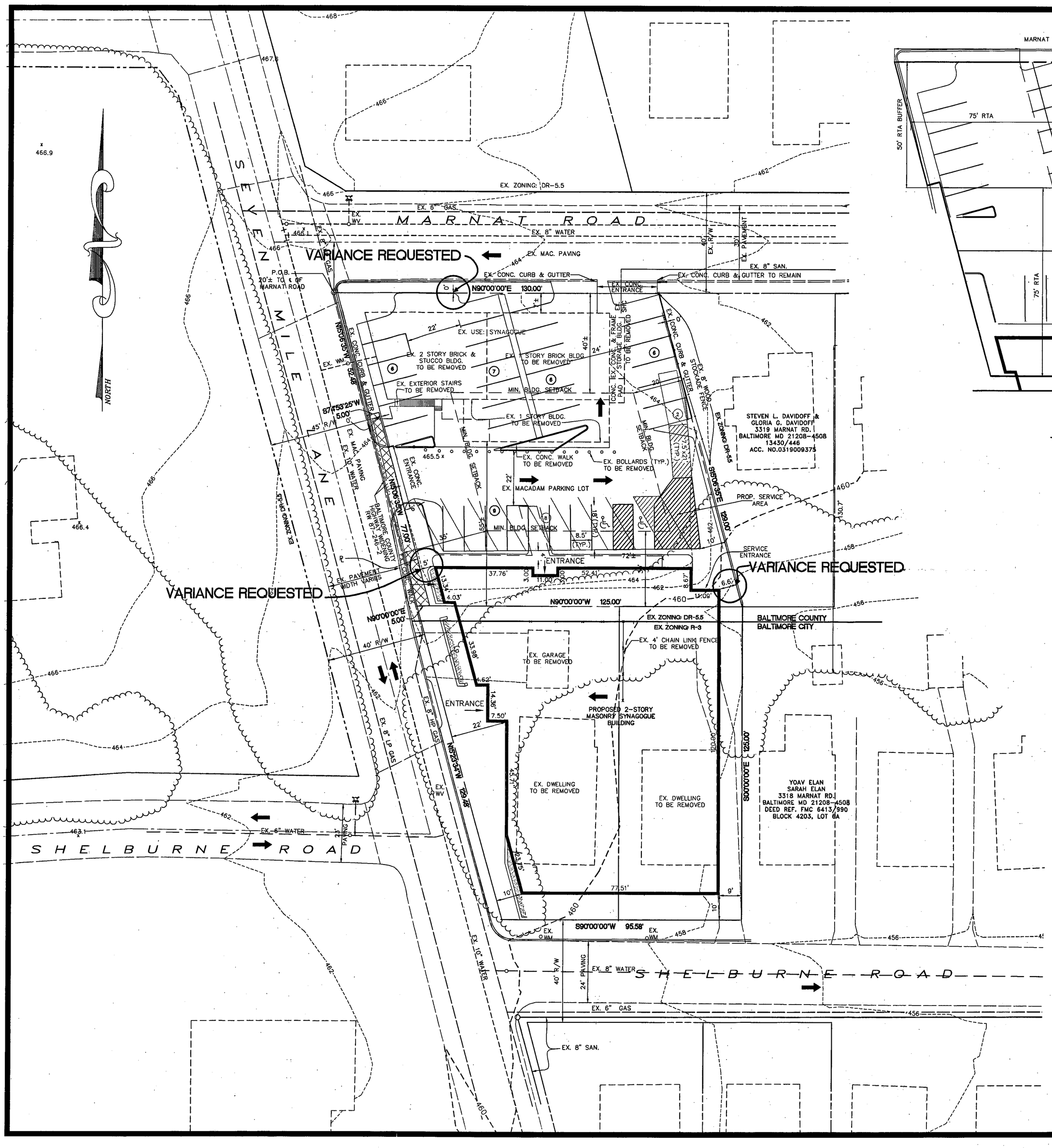
Seven Mile Lane

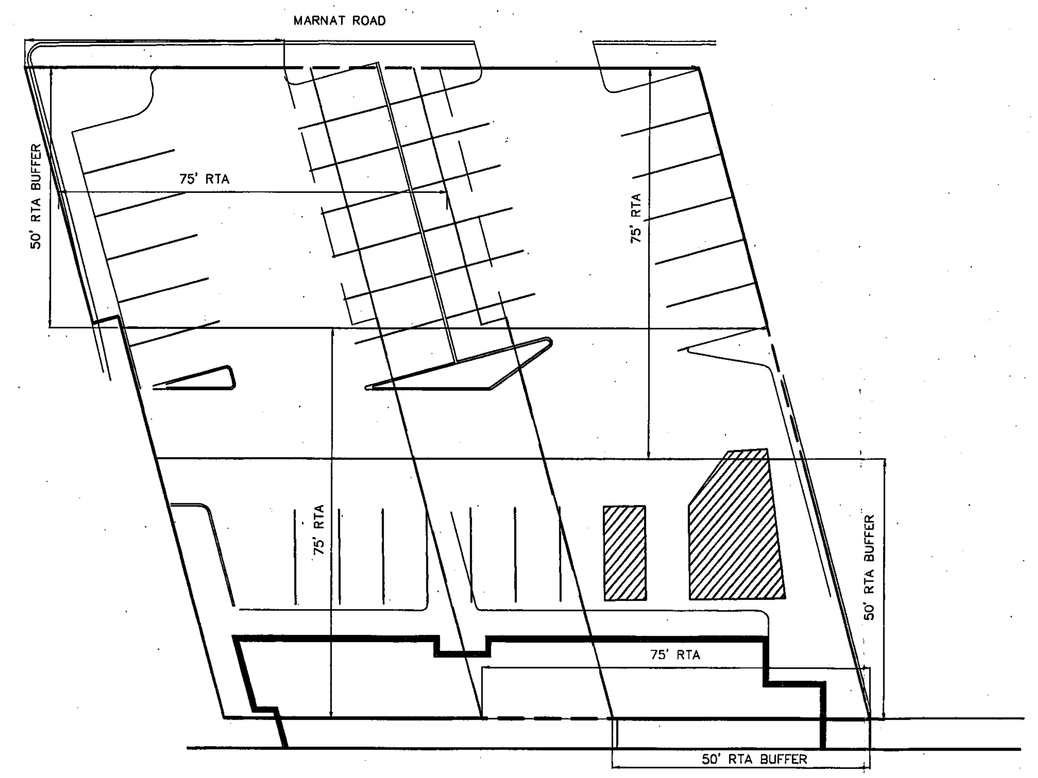
7307 Seven Mile Lane

MAP 78B1
4/20/07
1" = 200'




07-486-SPHA




## ENTIRE SITE IN RTA

SCALE: 1"=20'

Requested RTA Waivers:

Easterly Property Line:
0 ft. building buffer in lieu of 50 ft.
6 ft. building setback in lieu of 75 ft.
0 ft. parking buffer in lieu of 50 ft.
0 ft. parking setback in lieu of 50 ft.

Northerly Property Line:
0 ft. parking buffer in lieu of 50 ft.
0 ft. parking setback in lieu of 75 ft.

Westerly Property Line:
5 ft. building buffer in lieu of 50 ft.
5 ft. building setback in lieu of 75 ft.
0 ft. parking setback in lieu of 75 ft.
0 ft. parking buffer in lieu of 50 ft.

NOTES (CON'T)

7. ON NOVEMBER 20, 2000, THE DEVELOPMENT REVIEW COMMITTEE APPROVED A LIMITED EXEMPTION UNDER SEC. 26-171 (A)(2) FOR THE PROPOSED ADDITIONS TO THE SYNAGOGUE BUILDING.
ON MAY 8, 2006, THE DRC HEARD A REQUEST FOR A LIMITED EXEMPTION APPROVAL. DRC ACTION WAS TABLED PENDING A ZONING HEARING.
8. 2 CITY LOTS TO BE CONSOLIDATED INTO 1 PROPOSED LOT.
9. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100-YEAR FLOOD PLAIN.
10. THIS PROPERTY IS NOT IN A HISTORIC SITE OR A DISTRICT.

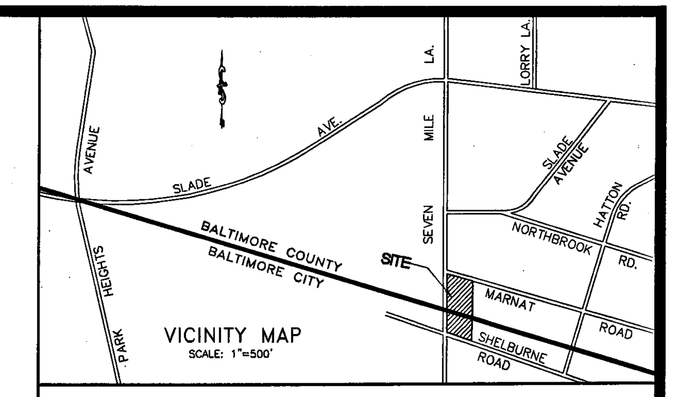
## REQUESTED VARIANCES

**TO PERMIT A FRONT SETBACK OF 5 FEET IN LIEU OF 40 FEET.**

**TO PERMIT A REAR SETBACK OF 6 FEET IN LIEU OF 30 FEET.**

**TO PERMIT A SETBACK FROM A SURFACE PARKING FACILITY TO THE RIGHT-OF-WAY LINE OF 0 FEET IN LIEU OF 10 FEET.**

**TO PERMIT 34 PARKING SPACES IN LIEU OF 110 REQUIRED.**




NOTES

1. OWNER/DEVELOPER:
CONGREGATION DARCHEI TZEDEK, INC.
7307 SEVEN MILE LANE
BALTIMORE, MD. 21208
(410) 653-1688

2. SITE DATA:
TOTAL SITE AREA – 27,712± SF (0.6362± AC)
7307 SEVEN MILE LANE: County
16,835± SF (0.3865± AC)
3320 SHELBURNE ROAD (BLOCK 4203, LOT 6): City
5,463± SF (0.1254± AC)
3322 SHELBURNE ROAD (BLOCK 4203, LOT 5) City
5,864± SF (0.1346± AC)

7307 SEVEN MILE LANE
DEED REFERENCE – 7229/385
TAX ACCOUNT NO. – 0308065875
PLAT REFERENCE – 71/94
EXISTING ZONING – D.R.-5.5, ZONING MAP 78 B1

3320 SHELBURNE ROAD (BLOCK 4203, LOT 6):
DEED REFERENCE –FMC 7644/626
EXISTING ZONING –R-3

3322 SHELBURNE ROAD (BLOCK 4203, LOT 5):
DEED REFERENCE –FMC 7626/149
EXISTING ZONING –R-3

3. EXISTING USE: SYNAGOGUE – 4,150 SQ. FT. (113 SEATS)
PROPOSED USE: SYNAGOGUE –23,663 SQ. FT. (440 SEATS)
PROPOSED BUILDING HEIGHT –35'

4. FLOOR AREA RATIO:
SITE AREA – 27,712 SQ. FT.
PROPOSED BUILDING AREA –23,663 SQ. FT.

5. OFF-SITE PARKING CALCULATIONS:
REQUIRED PARKING– 440 SEATS @ 1 SPACE/4 SEATS = 110 SPACES
PROPOSED PARKING– 34 SPACES
VARIANCE GRANTED FOR 10 SPACES IN LIEU OF 82 REQUIRED IN CASE NO: 01-219-SPHA.

6. ZONING HISTORY:
CASE NO. 86-401-SPH – ON 4/16/86, THE ZONING COMMISSIONER APPROVED THE CONVERSION OF TWO EXISTING COMMERCIAL BUILDINGS FOR USE AS A SYNAGOGUE.

CASE NO. 93-226-SPHA – ON 3/2/93, THE ZONING COMMISSIONER APPROVED AN AMENDMENT TO THE PREVIOUS ZONING CASE AND A SHOWING THAT THE PROPOSED IMPROVEMENTS COMPLY TO THE GREATEST EXTENT WITH RTA QUIREMENTS AND GRANTED VARIANCES FOR 14 PARKING SPACES IN LIEU OF THE REQUIRED 22; FOR TO A CRUSHED ROCK SURFACE IN LIEU OF THE REQUIRED MACADAM PAVING; TO PERMIT PARKING SPACES TO REMAIN UNSTRIPED; AND FOR A FRONT YARD SETBACK OF 8 FEET AND SIDE STREET SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 40 FEET AND 35 FEET, RESPECTIVELY.

CASE NO. 01-219- SPHA
REQUEST WAS FOR A SPECIAL HEARING TO AMEND CASE NO. 93-226-SPHA AND CASE NO. 86-401-SPH, AND TO SHOW THAT PROPOSED IMPROVEMENTS COMPLY TO THE EXTENT POSSIBLE WITH RTA REQUIREMENTS. VARIANCES FOR A FRONT SETBACK OF 7 FEET IN LIEU OF 40 FEET REQUIRED, A SIDE SETBACK OF 0 FEET IN LIEU OF 20 FEET REQUIRED AND FOR 10 PARKING SPACES IN LIEU OF 82 REQUIRED AND FOR PARKING SPACES 5 FEET FROM THE STREET LINE IN LIEU OF 10 FEET REQUIRED.

ON MARCH 12, 2001, THE ZONING COMMISSIONER DENIED THE REQUESTED RELIEF FOR A SIDE SETBACK OF 0 FEET IN LIEU OF 20 FEET REQUIRED AND GRANTED ALL OTHER REQUESTED RELIEF FROM RTA AND SETBACK REQUIREMENTS. RELIEF FROM PARKING REQUIREMENT WITHHELD PENDING RECEIPT OF A REVISED SITE PLAN. SIDE SETBACK RELIEF GRANTED 6/13/01.

SPIRIT & INTENT REQUEST FOR REVISED BUILDING APPROVED 07-15-2003.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE PETITION

# DARCHEI TZEDEK CONGREGATION

7307 SEVEN MILE LANE
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

20 0 10 20 40 80
GRAPHIC SCALE ( IN FEET )
1 inch = 20 ft.


**Colbert Matz Rosenfelt, Inc.**
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953


| NO. | DATE | REVISIONS: | BY |
|---|---|---|---|

| | |
|---|---|
| SCALE: | 1"=20' |
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| JOB NO.: | 99060 |
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| DRAWN: | NAF/LBF |
| CHECKED: | TNW |
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| SHEET 1 OF 1 | |

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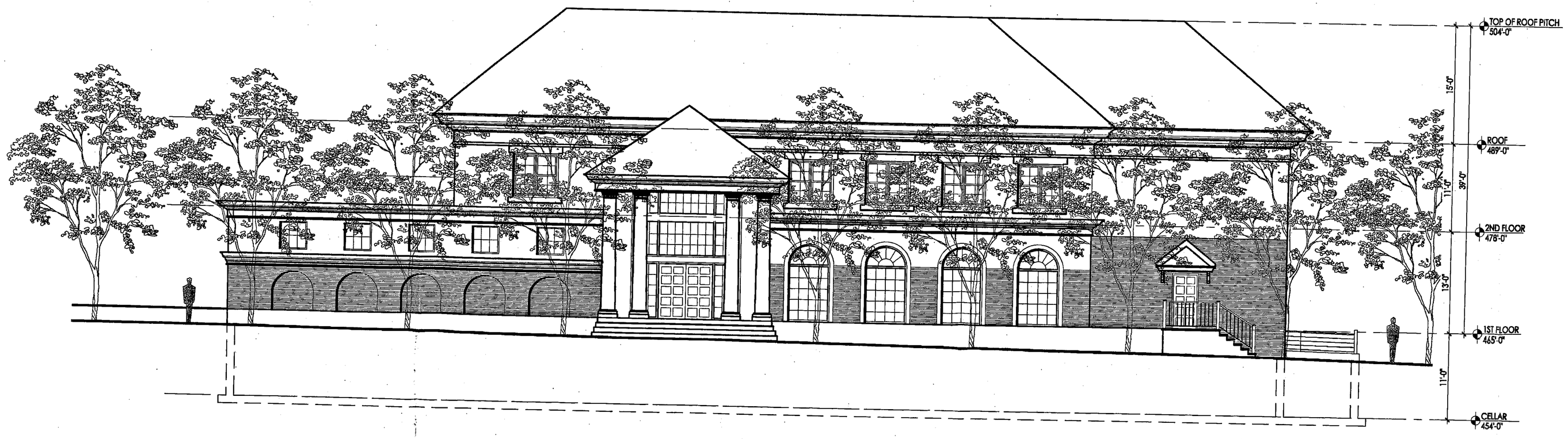
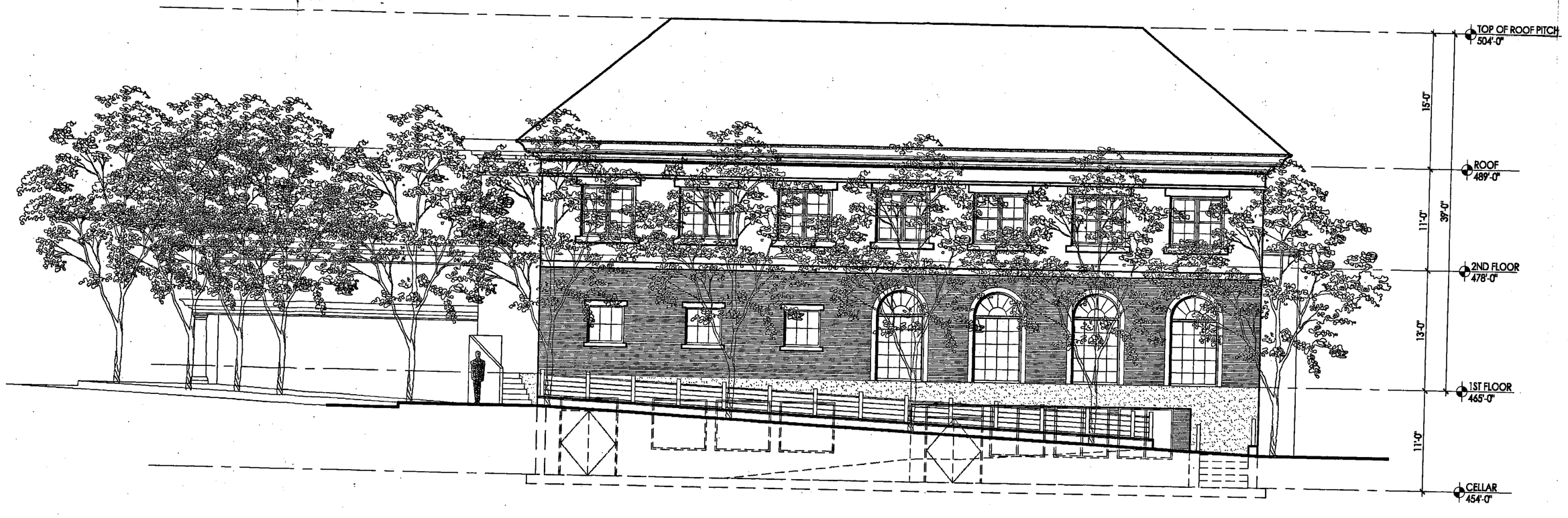
07-486-SPHA




1 WEST ELEVATION
SEVEN MILE LANE
SCALE: 1/8" = 1'-0"




2 SOUTH ELEVATION
SHELBURNE ROAD
SCALE: 1/8" = 1'-0"

PETITIONER'S
EXHIBIT NO. 3A

REVISIONS

RBA
RICHARD BIENENFELD ARCHITECT, P.C.
271 North Avenue Suite 613 New Rochelle NY 10801
tel 914.636.3800 fax 914.636.4220

PROJECT
SYNAGOGUE
CONGREGATION DARCHEI TZEDEK
7307 SEVEN MILE LANE
BALTIMORE, MD. 21208

DRAWING
ELEVATIONS

DATE 6/29/07
SCALE AS NOTED
JOB NUMBER 0609
DRAFTED BY SF

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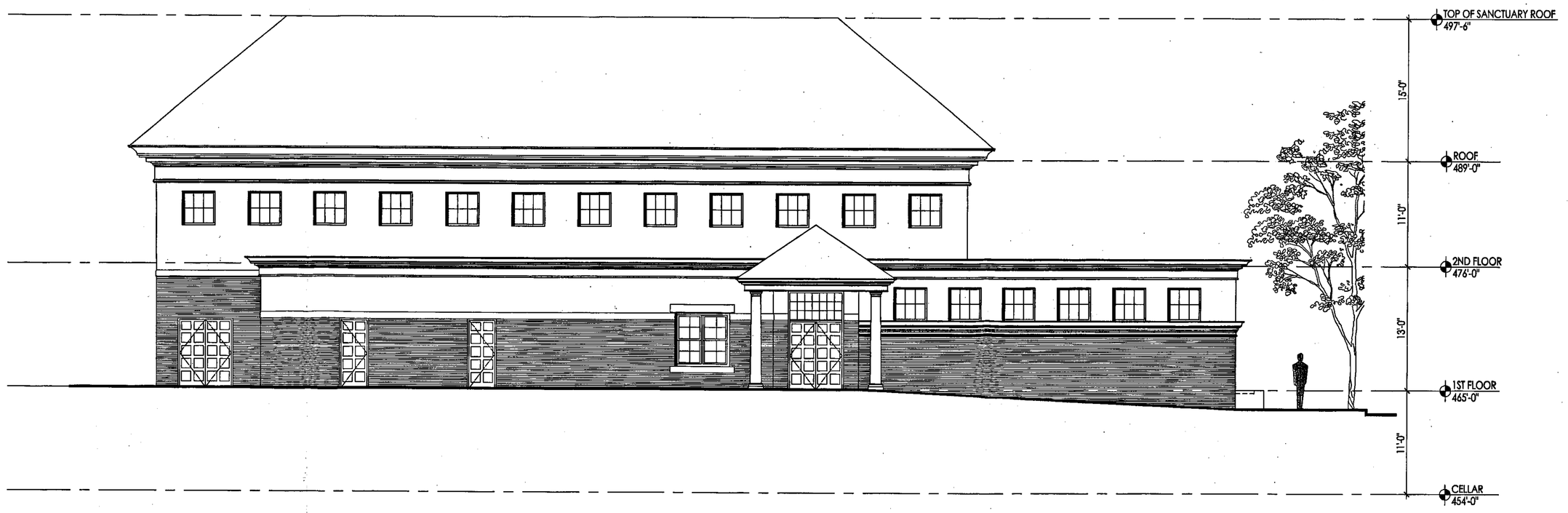
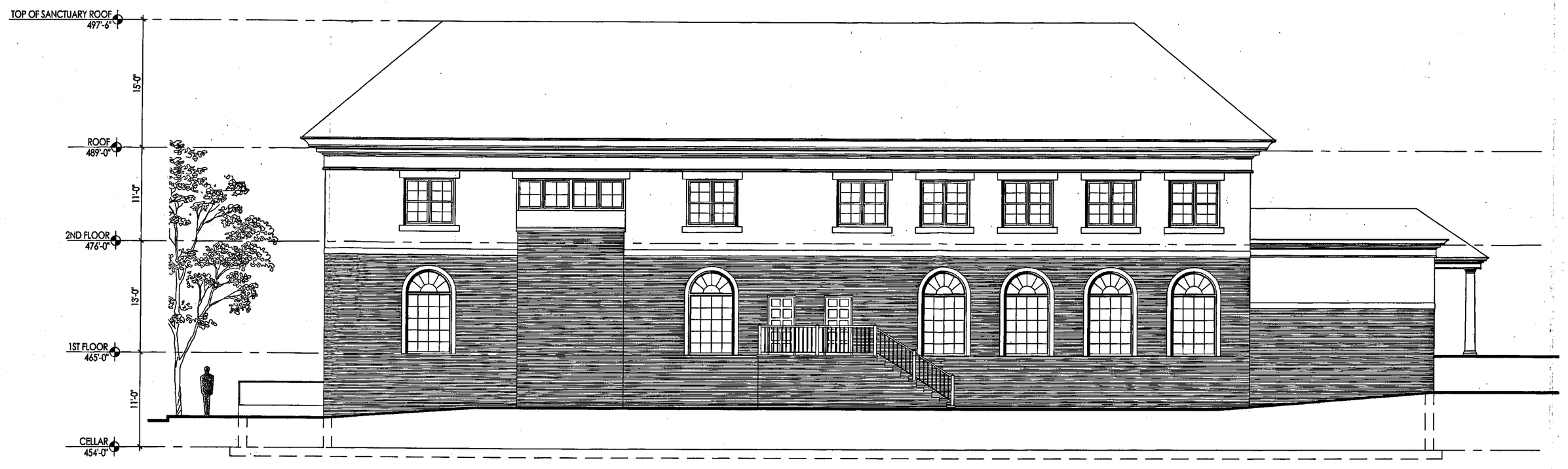
99060




1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"




2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

PETITIONER'S
EXHIBIT NO. 3B

REVISIONS

RICHARD BIENENFELD ARCHITECT, P.C.
271 North Avenue Suite 613 New Rochelle NY
tel 914.636.3800 fax 914.636.4220

PROJECT
SYNAGOGUE
CONGREGATION DARCHEI TZEDEK
7307 SEVEN MILE LANE
BALTIMORE, MD. 21208

DRAWING
ELEVATIONS

| | |
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| DATE | 6/29/07 |
| SCALE | AS NOTED |
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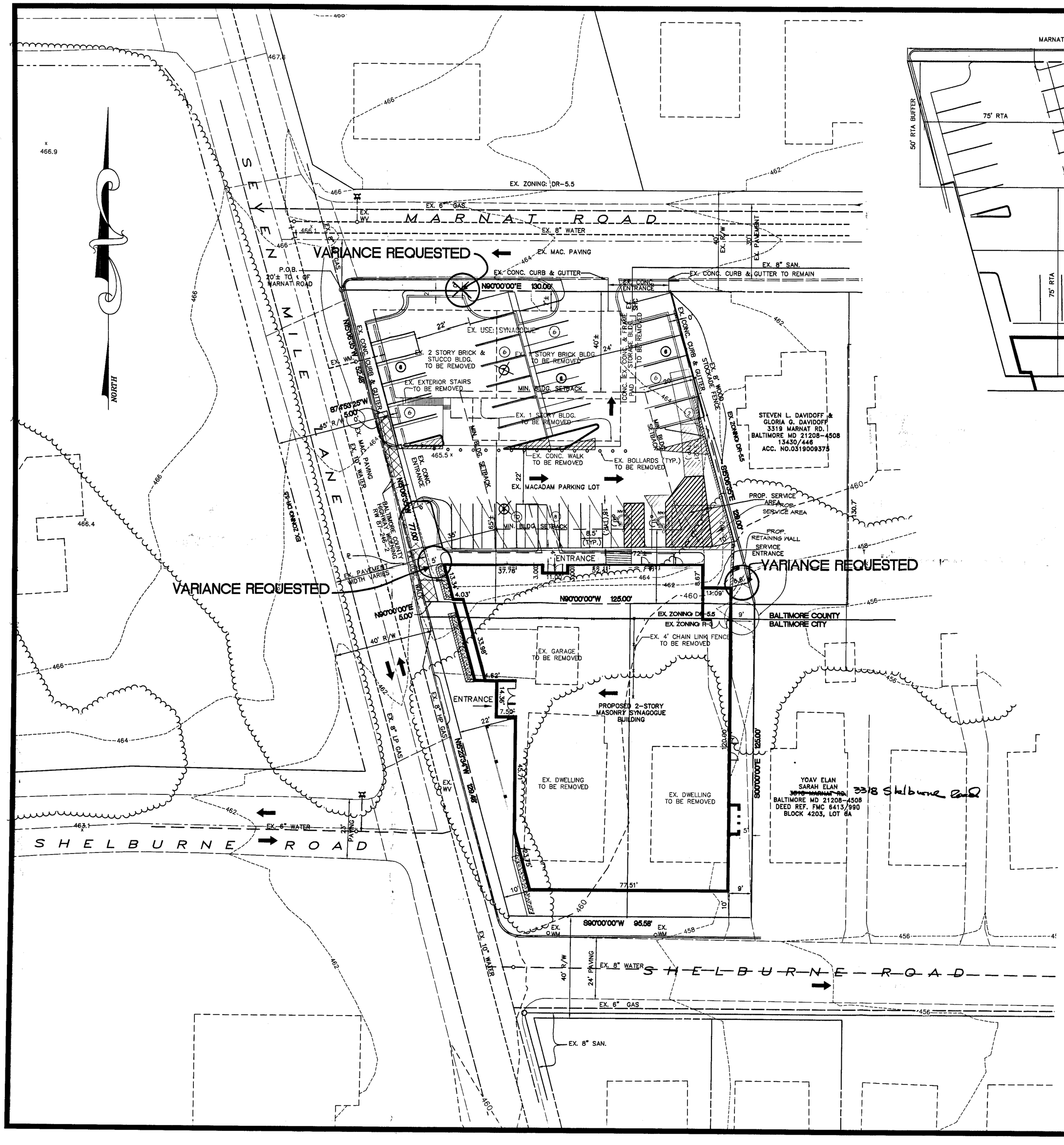
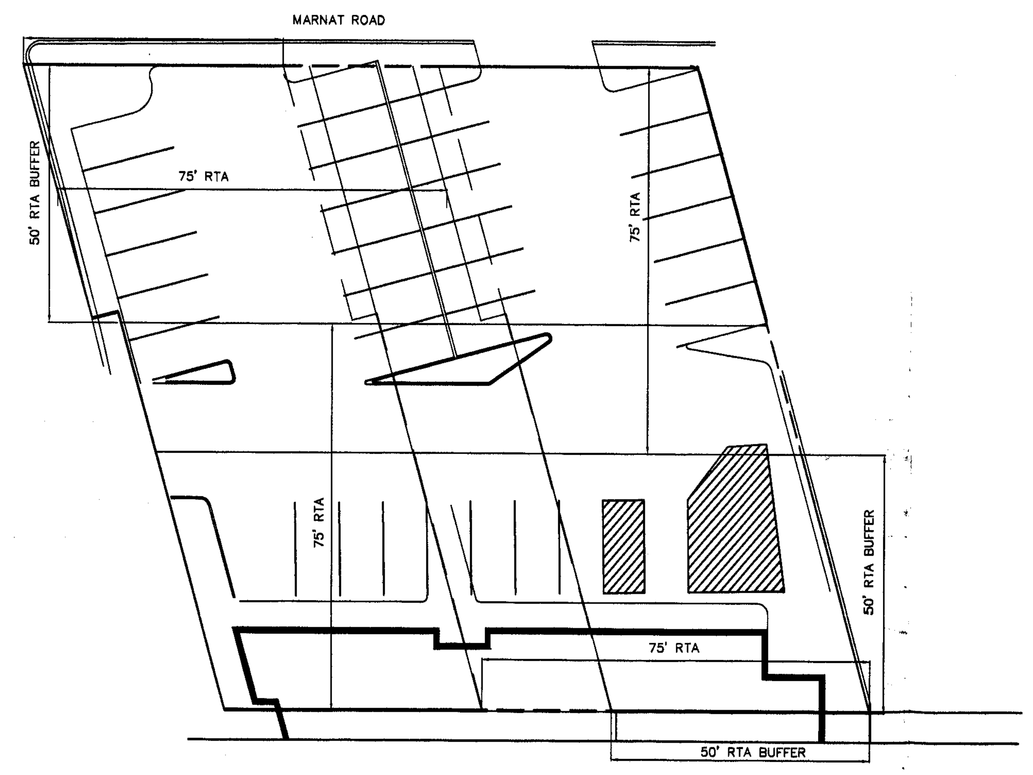
A-201

99060




## ENTIRE SITE IN RTA

SCALE: 1"=20'

Requested RTA Waivers:

Easterly Property Line:
0 ft. building buffer in lieu of 50 ft.
~~30~~ 9 ft. building setback in lieu of 75 ft.
0 ft. parking buffer in lieu of 50 ft.
0 ft. parking setback in lieu of 50 ft.

Northerly Property Line:
~~30~~ 0 ft. parking buffer in lieu of 50 ft.
~~30~~ 0 ft. parking setback in lieu of 75 ft.

Westerly Property Line:
5 ft. building buffer in lieu of 50 ft.
5 ft. building setback in lieu of 75 ft.
0 ft. parking setback in lieu of 75 ft.
0 ft. parking buffer in lieu of 50 ft.

There will be no more than 220 members as a condition of this approval.

NOTES (CON'T)

7. ON NOVEMBER 20, 2000, THE DEVELOPMENT REVIEW COMMITTEE APPROVED A LIMITED EXEMPTION UNDER SEC. 26-171 (A)(2) FOR THE PROPOSED ADDITIONS TO THE SYNAGOGUE BUILDING.
ON MAY 8, 2006, THE DRC HEARD A REQUEST FOR A LIMITED EXEMPTION APPROVAL. DRC ACTION WAS TABLED PENDING A ZONING HEARING.
8. 2 CITY LOTS TO BE CONSOLIDATED INTO 1 PROPOSED LOT.
9. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100-YEAR FLOOD PLAIN.
10. THIS PROPERTY IS NOT IN A HISTORIC SITE OR A DISTRICT.

## REQUESTED VARIANCES

**TO PERMIT A FRONT SETBACK OF 5 FEET IN LIEU OF 40 FEET.**

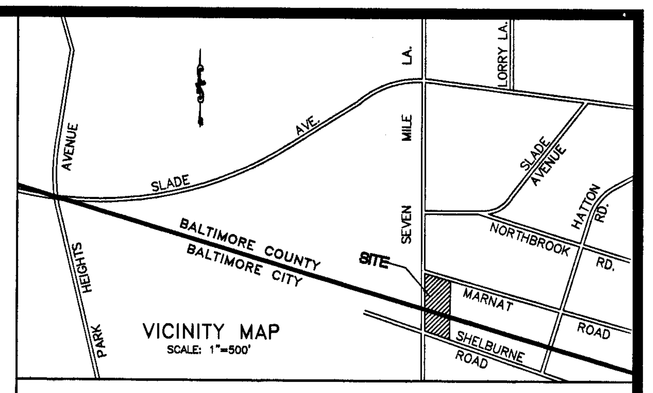
**TO PERMIT A REAR SETBACK OF ~~30~~ 9 FEET IN LIEU OF 30 FEET.**

**TO PERMIT A SETBACK FROM A SURFACE PARKING FACILITY TO THE RIGHT-OF-WAY LINE OF 0 FEET IN LIEU OF 10 FEET.**

**TO PERMIT 34 PARKING SPACES IN LIEU OF 110 REQUIRED.**

## SPECIAL HEARING REQUEST

A Special Hearing in regard to Sec. 1B01.1.B.1.g.(6) to amend Case No. 01-219-SPHA, Case No. 93-226-SPHA and Case No. 86-401-SPH, and to show that proposed improvements comply to the extent possible with RTA requirements, and to confirm that the existing County building can remain during construction of the new building that straddles the City/County line.




VICINITY MAP
SCALE: 1"=500'

NOTES

1. OWNER/DEVELOPER:
CONGREGATION DARCHEI TZEDER, INC.
7307 SEVEN MILE LANE
BALTIMORE, MD. 21208
(410) 653-1688

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3320 SHELBURNE ROAD (BLOCK 4203, LOT 6):
5,463± SF (0.1254± AC)
3322 SHELBURNE ROAD (BLOCK 4203, LOT 5)
5,864± SF (0.1346± AC)

7307 SEVEN MILE LANE
DEED REFERENCE – 7229/385
TAX ACCOUNT NO. – 0308085875
PLAT REFERENCE – 71/94
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EXISTING ZONING –R-3

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DEED REFERENCE –FMC 7626/149
EXISTING ZONING –R-3

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PROPOSED USE: SYNAGOGUE –23,663 SQ. FT. (440 SEATS)
PROPOSED BUILDING HEIGHT –35'

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SPIRIT & INTENT REQUEST FOR REVISED BUILDING APPROVED 07-15-2003.

REDLINE 7/02/07

PLAN TO ACCOMPANY SPECIAL HEARING
AND VARIANCE PETITION

# DARCHEI TZEDEK CONGREGATION

7307 SEVEN MILE LANE
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

20 0 10 20 40 80
GRAPHIC SCALE ( IN FEET )
1 inch = 20 ft.


**Colbert Matz Rosenfelt, Inc.**
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953


PETITIONER'S EXHIBIT NO. 1

| NO. | DATE | REVISIONS: | BY |
|---|---|---|---|

| | |
|---|---|
| SCALE: | 1"=20' |
| DATE: | 04-19-2007 |
| JOB NO.: | 99060 |
| DESIGNED: | JMF |
| DRAWN: | NAF/LBF |
| CHECKED: | TNW |
| FILE: | 99060_ZON.dwg |
| DRAWING NUMBER: | ZON-1 |
| SHEET 1 OF 1 | |

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## NOTES

1. OWNER/DEVELOPER:
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   7307 SEVEN MILE LANE
   BALTIMORE, MD. 21208
   (410) 653-1688

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   7307 SEVEN MILE LANE
   DEED REFERENCE - 7224/385
   TAX ACCOUNT NO. - 0302065875
   PLAT REFERENCE - 71/44
   EXISTING ZONING - D.R.-5.5, ZONING MAP 7B B1

   3320 SHELBURNE ROAD (BLOCK 4203, LOT 6):
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   EXISTING ZONING -R-3

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   REQUEST WAS FOR A SPECIAL HEARING TO AMEND CASE NO. 93-226-SPHA AND CASE NO. 86-401-SPH, AND TO SHOW THAT PROPOSED IMPROVEMENTS COMPLY TO THE EXTENT POSSIBLE WITH RTA REQUIREMENTS. VARIANCES FOR A FRONT SETBACK OF 7 FEET IN LIEU OF 40 FEET REQUIRED, A SIDE SETBACK OF 0 FEET IN LIEU OF 20 FEET REQUIRED AND FOR 10 PARKING SPACES IN LIEU OF 82 REQUIRED AND FOR PARKING SPACES 5 FEET FROM THE STREET LINE IN LIEU OF 10 FEET REQUIRED.

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8. 2 CITY LOTS TO BE CONSOLIDATED INTO 1 PROPOSED LOT.

9. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR A 100-YEAR FLOOD PLAIN.

10. THIS PROPERTY IS NOT IN A HISTORIC SITE OR A DISTRICT.

### REQUESTED VARIANCES

TO PERMIT A FRONT SETBACK OF 5 FEET IN LIEU OF 40 FEET.

TO PERMIT A REAR SETBACK OF 6 FEET IN LIEU OF 30 FEET.

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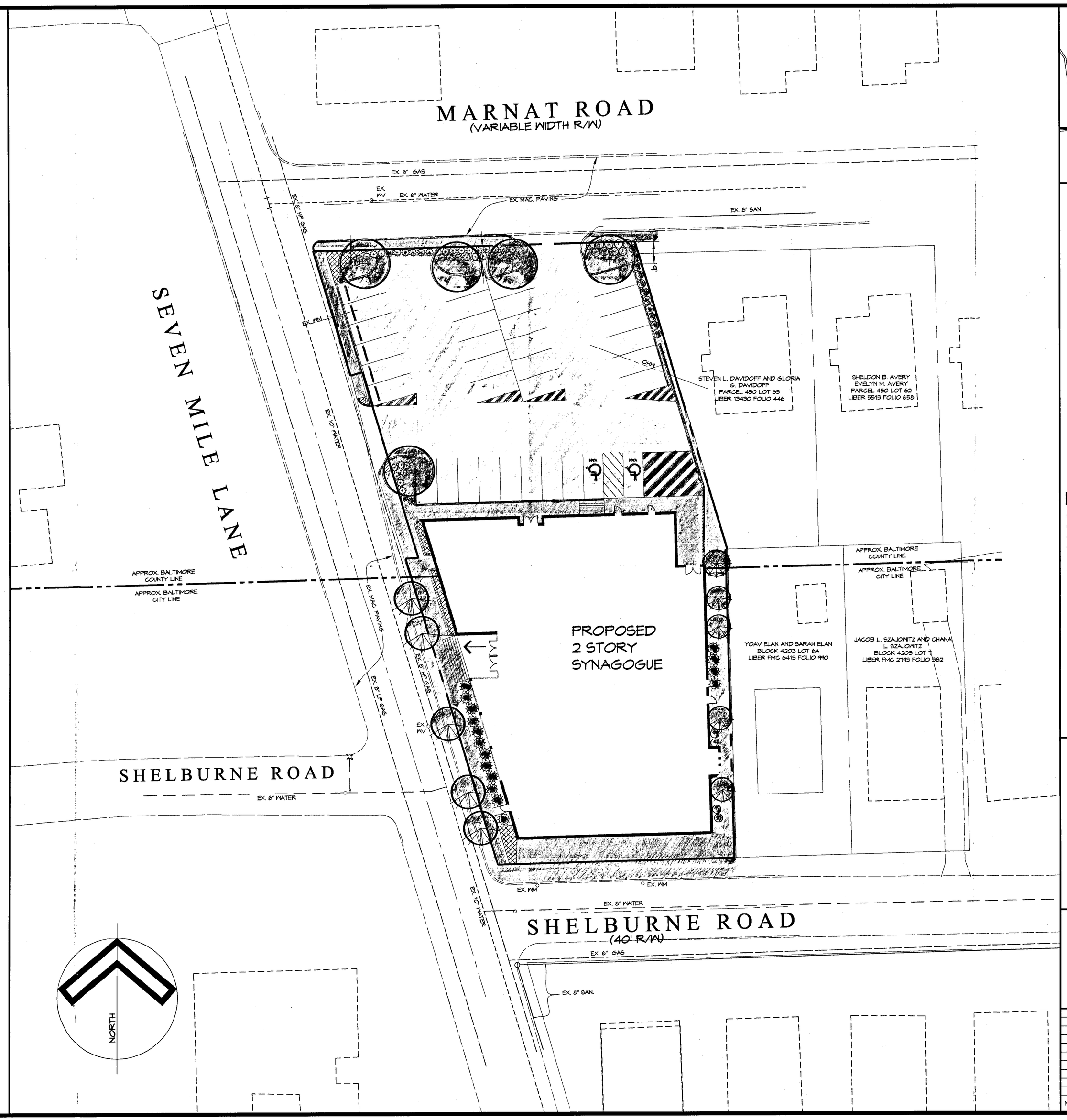
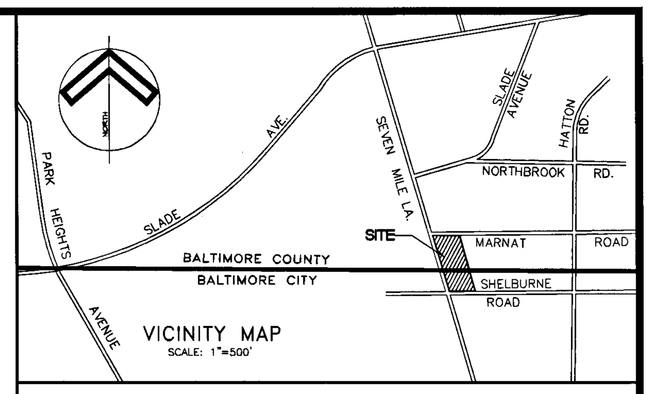
TO PERMIT 34 PARKING SPACES IN LIEU OF 110 REQUIRED.




VICINITY MAP
SCALE: 1"=500'

## Key

PROP. MAJOR DECIDUOUS TREE
PROP. MINOR DECIDUOUS TREE
PROP. EVERGREEN TREE
PROP. DECIDUOUS SHRUB
PROP. EVERGREEN SHRUB
PROP. GRASSES & PERENNIALS
PROP. GROUND COVER

LANDSCAPE PLAN

# DARCHEI TZEDEK CONGREGATION

7307 SEVEN MILE LANE
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.

20 0 10 20 40 80
GRAPHIC SCALE
( IN FEET )
1 inch = 20 ft.


Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
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Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953


PETITIONER'S
EXHIBIT NO. 2

| | |
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| CHECKED: | TNM |
| FILE: | 99060_BASE.dwg |
| DRAWING NUMBER: | SPRC-1 |

| NO. | DATE | REVISIONS: | BY |
|---|---|---|---|

SHEET 1 OF 1

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