

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
E side of Old Pimlico Road, 25 feet		
S of Micarol Road	*	DEPUTY ZONING
3 rd Election District		
2 nd Councilmanic District	*	COMMISSIONER
(6710 Old Pimlico Road)		
6701	*	FOR BALTIMORE COUNTY
Friends of Lubavitch, Inc.		
<i>Petitioner</i>	*	Case No. 2009-0115-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Rabbi Shmuel Kaplan on behalf of Friends of Lubavitch, Inc., the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amendment to the plan approved in Case No. 90-483-SPHA. The subject property and requested relief are more fully described on the original site plan filed with the petition that was marked and accepted into evidence as Petitioner's Exhibit 1, as well as the redlined site plan submitted at the hearing that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the requisite public hearing in support of the requested special hearing was Rabbi Shmuel Kaplan on behalf of Friends of Lubavitch, Inc., Benjamin Bronstein, Esquire, attorney for Petitioner, and Richard E. Matz of Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. Also appearing in support of the requested relief was Rochelle Kaplan and Mical E. Wilmoth Carton. Appearing as an interested citizen with concerns about the requested relief was Paul Abrams who lives nearby at 6715 Old Pimlico Road.

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 46,999 square feet or 1.079 acre, more or less, zoned

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 [Signature]

D.R.3.5. The property is located on the east side of Old Pimlico Road at its intersection with Micarol Road, just north of Smith Avenue and east of Greenspring Avenue, in the Pikesville area of Baltimore County. The property is improved with an existing two-story brick building that serves as a synagogue at the location. There is also asphalt paving with 26 parking spaces, including two handicapped spaces. As its D.R. zoning suggests, the area surrounding the subject property is largely residential, except for a property adjacent to the subject property to the south that is zoned B.L. and is occupied by a bank and convenience store.

The property was the subject of a prior zoning case in 1990. At that time, Petitioner had acquired the subject property and proposed to construct a building for use as a synagogue. In order to do so, Petitioner requested special hearing relief for a determination as to whether their proposed improvements were planned in such a way that compliance to the extent possible with the Residential Transition Area (RTA) requirements would be maintained. Variance relief was also requested from the front and side setback requirements. In Case No. 90-483-SPHA, then-Deputy Zoning Commissioner Ann M. Nastarowicz issued an Order dated August 27, 1990 denying the special hearing and variance requests. Thereafter, Petitioners appealed the ruling to the Baltimore County Board of Appeals. In an Order dated June 20, 1991, the Board granted the special hearing relief, finding that the proposed structure for the synagogue was in compliance with the B.C.Z.R. and should be permitted. The Board also granted the variance requests. Copies of the aforementioned Orders were collectively marked and accepted into evidence as Petitioner's Exhibit 4. The granting of the relief was upheld by the Circuit Court for Baltimore County in Case No. 91CG3102.

At this juncture, and as shown on the redlined site plan, Petitioner desires to construct a 3,500 square foot one-story addition with partial basement. The special hearing request is to

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amend the plan granted in Case No. 90-483-SPHA to now include the proposed addition. According to testimony proffered by Mr. Bronstein, the addition would provide additional space for activities and functions related to the synagogue, such as wedding and bar and bat mitzvah receptions. Mr. Bronstein also indicated that these uses would only be for use internally, meaning for the members of the synagogue, and not for rent to the general public. The addition would be connected to the main synagogue building by way of an enclosed breezeway. Architectural drawings and elevations of the proposed addition were marked and accepted into evidence as Petitioner's Exhibit 3. The drawings show the main floor would have a classroom, library/conference room, kosher kitchen, café/study hall and lounge, with a small outdoor deck. The ground floor (partial basement) would be the location of the social hall, warming kitchen, restrooms, and a storage area. Mr. Bronstein also stressed that the requested addition would be in character with the existing neighborhood, and would not require any additional variances than were granted previously. Mical E. Wilmoth Carton, Executive Director of the Pikesville-Greenspring Community Coalition, Inc., appeared and offered testimony that her organization is supportive of Petitioner's plan.

In support of the request for amendment to the previously approved plan, Petitioner's Engineer, Mr. Matz, was offered and accepted as an expert in land use and the B.C.Z.R., and provided testimony and opinions as to the relevant criteria contained in Section 502.1 of the B.C.Z.R. In particular, Mr. Matz indicated that the proposed new building addition would not be detrimental to the health, safety or general welfare of the locality involved; would not tend to create congestion in roads, streets or alleys therein; would not create a potential hazard from fire, panic or other danger; would not tend to overcrowd land and cause undue concentration of population; would not interfere with adequate provisions for schools, parks, water, sewerage,

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transportation or other public requirements, conveniences or improvements; would not interfere with adequate light and air; would not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; would not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor be detrimental to the environmental and natural resources of the site and vicinity.

Testifying as an interested citizen, Paul Abrams expressed concerns about the existing synagogue and the proposed addition. These included concerns over potential overflow parking in the neighborhood, as well as noise from potential events to be held at the location, and noise from the playground -- mostly during camps in the summer.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition to the requested relief provided certain comments are addressed by Petitioner.

Considering the testimony and evidence produced at the hearing, I am persuaded to grant the requested relief and approve the amendment to the plan, as shown on the redlined site plan accepted into evidence as Petitioner's Exhibit 2. It appears the proposed addition would provide much needed space for the members of the synagogue, and would be constructed in such a manner as to fit in with the aesthetics and character of the existing neighborhood. It also appears from the testimony and evidence that there would be minimal, if any, negative impacts from the proposed addition, and would meet the criteria set forth in Section 502.1 of the B.C.Z.R for an amendment to a plan.

~~JOHN PETERSON FOR ALOR~~

~~1.28.09~~

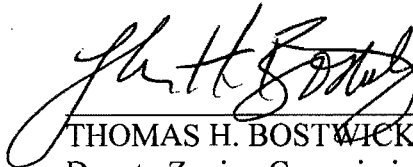
~~1/28~~

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 28th day of January, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an amendment to the plan approved in Case No. 90-483-SPHA be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit final architectural elevations to the Office of Planning for review and approval prior to the application for building permit.
3. Petitioner shall provide a landscape plan.
4. Petitioner shall retain the trees along the eastern property boundary to provide screening to the immediate adjacent neighbor -- who is the most directly affected by this project.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 28, 2009

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

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

Re: PETITION FOR SPECIAL HEARING

E side of Old Pimlico Road, 25 feet S of Micarol Road
3rd Election District - 2nd Councilmanic District

6701 ~~(6710 Old Pimlico Road)~~

Friends of Lubavitch, Inc. - *Petitioner*

Case No. 2009-0115-SPH

Dear Mr. Bronstein:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over a circular stamp.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Rabbi Shmuel Kaplan, Friends of Lubavitch, Inc., 6509 Deancroft Road,
Baltimore, MD 21209

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

Rochelle Kaplan, 6509 Deancroft Road, Baltimore, MD 21209

Mical E. Wilmoth Carton, 3004 Old Court Road, Pikesville, MD 21208

Paul Abrams, 6715 Old Pimlico Road, Baltimore, MD 21209

People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 6701 ~~6710~~ Old Pimlico Road

which is presently zoned DR-3.5

Deed Reference 11239 / 700 Tax Account # 2200001597

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

An amendment to the plan approved in Case No. 90-483-SPHA.

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

Attorney For Petitioner:

Benjamin Bronstein, Esq.

Name - Type or Print

Signature

Company

29 West Susquehanna Ave., Suite 205 410-296-0200

Address Telephone No.

Towson Md. 21204

City State Zip Code

Legal Owner(s):

Friends of Lubavitch, Inc., Rabbi Shmuel Kaplan

Name - Type or Print

Signature

Name - Type or Print

Signature

6509 Deancroft Road 410-486-2666

Address Telephone No.

Baltimore Md. 21209

City State Zip Code

Representative to be Contacted:

Richard E. Matz, 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. 2009-0115-SPH

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OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

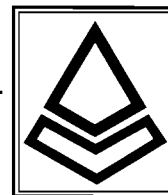
UNAVAILABLE FOR HEARING

Reviewed By JNP for WCR Date 10/23/08

DROP OFF- NO REVIEW

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION ~~6710~~ OLD PIMLICO ROAD 6701

Beginning at a point on the east side of Old Pimlico Road, which is 60 feet wide, at a distance of 25 feet south of the centerline of Micarol Road, which is 50 feet wide.

Being Lot 1 in the subdivision of Goldberg Property, as recorded in Baltimore County Plat Book 61, page 121, containing 36,348 square feet (0.834 acre), more or less. Also known as 6710 Old Pimlico Road and located in the 3rd Election District, 2nd Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11-2-10

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 2397

Date: 10/23/08

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
10/24/2008 10/23/2008 15:26:33 2

REG #S05 WALKIN DDOL DHD
RECEIPT # 467754 10/23/2008 OFLN

5 528 ZONING VERIFICATION

TRAJ. 023974

Recpt Tot \$325.00
\$325.00 CK \$.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: 325.00

Rec From: Benjamin Bronstein, Atty at Law

For: Special Hearing - 6700 Old Pimlico Road

2009-0115-SPH (Friends of Lubavitch, Inc.)

DROP OFF - NO REVIEW

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/25/08

Case Number: 2009-0115-SPH

Petitioner / Developer: BENJAMIN BRONSTEIN, ESQ.~

RABBI SHUMEL KAPLAN ~ RICHARD MATZ

Date of Hearing (Closing): JANUARY 8, 2009

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:
6701 OLD PIMLICO ROAD

The sign(s) were posted on: DECEMBER 24, 2008



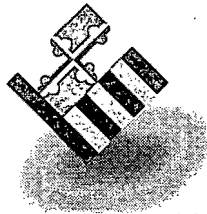
Linda O'Keefe
(Signature of Sign Poster)

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)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

November 24, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2009-0115-SPH

6701 ~~6740~~ Old Pimlico Road
E/side of Old Pimlico Road, 25 feet south of Micarol Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Friends of Lubavitch, Inc. Rabbi Shmuel Kaplan

Special Hearing for an amendment to the plan approved in Case No. 90-483-SPHA.

Hearing: Thursday, January 8, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Benjamin Bronstein, 29 West Susquehanna Avenue, Ste. 205, Towson 21204
Rabbi Shumel Kaplan, 6509 Deancroft Road, Baltimore 21209
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., DECEMBER 24, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2008 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein
29 West Susquehanna Avenue, Ste 205
Towson, MD 21204

410-296-0200

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: 2009-0115-SPH

6701 ~~6710~~ Old Pimlico Road
E/side of Old Pimlico Road, 25 feet south of Micarol Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Friends of Lubavitch, Inc. Rabbi Shmuel Kaplan

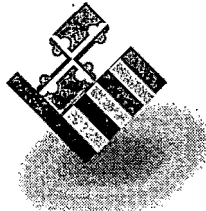
Special Hearing for an amendment to the plan approved in Case No. 90-483-SPHA.

Hearing: Thursday, January 8, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
January 6, 2009

Benjamin Bronstein
29 W. Susquehanna Ave., Ste. 205
Towson, MD 21204

Dear: Benjamin Bronstein

RE: Case Number 2009-0115-SPH, ⁶⁷⁰¹~~6710~~ Old Pimlico Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 23, 2008. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Friends of Lubavitch, INC., 6509 Deancroft Rd., Baltimore, MD 21209
Richard E. Matz, 2835 Smith Ave. Ste. G, Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2008
Item No.: 2009-109, 110, 112, 113,
114, ~~115~~ 116, 117, 118, 119, 120,
122 & 123

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

DAK:CEN:cab
cc: File

ZAC-11072008-NO COMMENTS

TB 1/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 7, 2009

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

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SUBJECT: ⁶⁷⁰¹
~~6710~~ Old Pimlico Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 9-115

Petitioner: Friends of Lubavitch, Inc., Rabbi Shmuel Kaplan

Zoning: DR 3.5

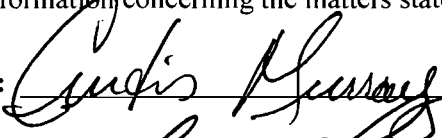
Requested Action: Special Hearing

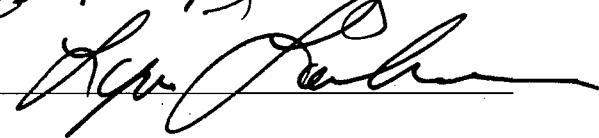
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the special hearing request to allow an amendment to the plan approved in Case No. 90-483-SPH, provided the following comments are addressed:

- Submit final architectural elevations to the Office of Planning for review and approval prior to the application of building permit.
- Provide a landscape plan.
- The trees along the eastern property boundary should be retained to provide screening to the immediate adjacent neighbor, who is the most directly effected by this project.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

TB 1/8
11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: November 21, 2008
SUBJECT: Zoning Item # 09-115-SPH
Address ~~6701-6710~~ Old Pimlico Road
(Friends of Lubavitch, Inc.)

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BY:.....

Zoning Advisory Committee Meeting of November 3, 2008

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).

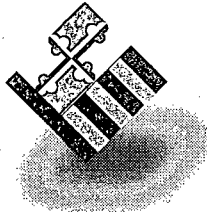
Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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: JWL

Date: 11/21/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 03, 2008

Item Numbers: Item Number 0109 through 0125 ¹¹⁵

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



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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov. 3, 2008

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

RE: Baltimore County
Item No 2009-0115-SPH
6700 OLD PIMLICO RD,
FRIENDS OF LABAVITCH, INC
SPECIAL HEARING

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. 2009-0115-SPH

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,

For[^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6700 Old Pimlico Road; E/S Pimlico Road, * ZONING COMMISSIONER
25' S of Micarol Road *
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Friends of Lubavitch, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 09-115-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

NOV 12 2008

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

NOTE TO FILE

DATE: December 23, 2008

TO: Zoning Commissioner/Deputy Zoning Commissioner

FROM: Jeffrey Perlow, Planner II. *JP*
Zoning Review

RE: 2009-0115-SPH, 6701 Old Pimlico Road
Friends of Lubavitch, Inc., Petitioner
3rd Election District, 2nd Councilmanic District

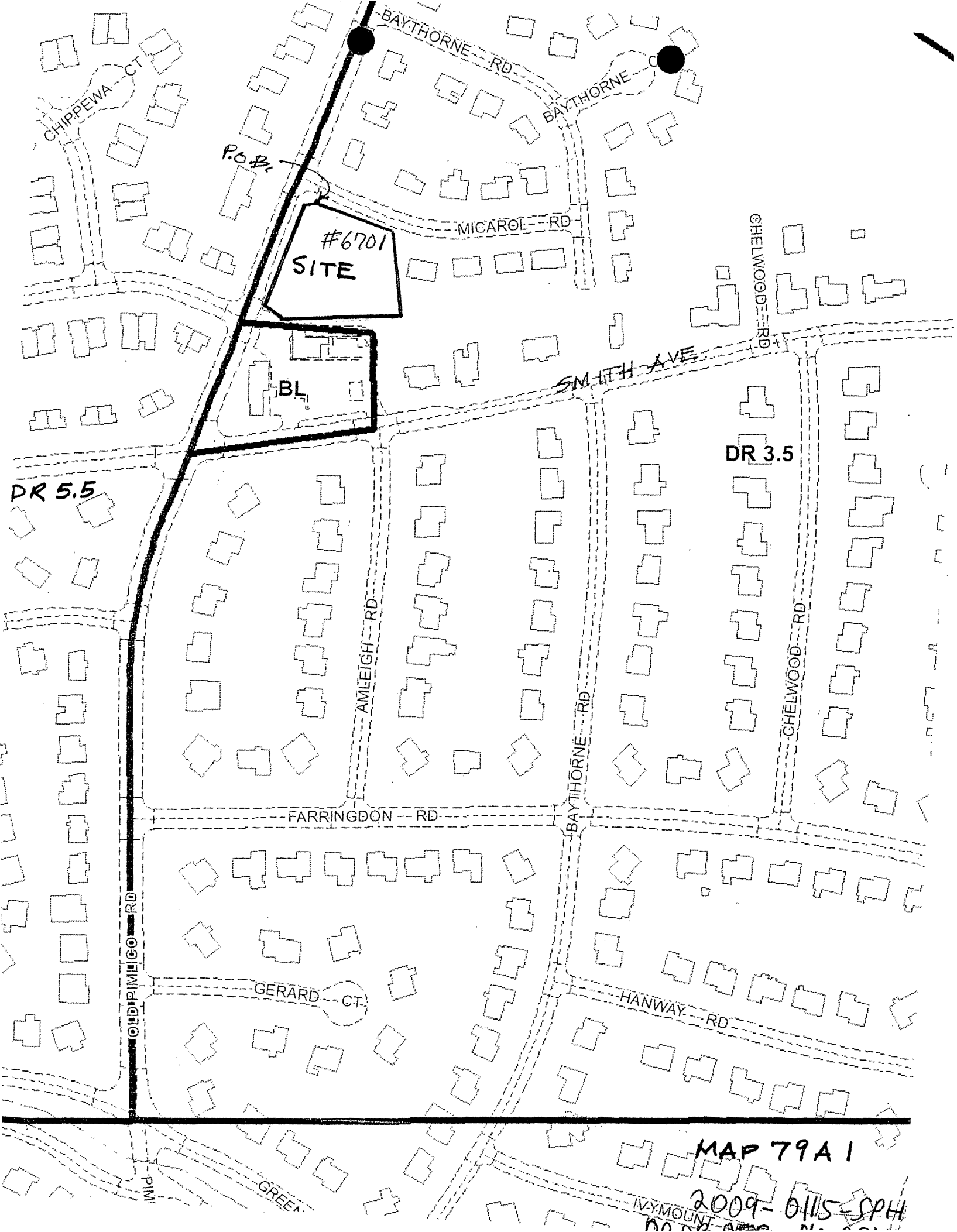
Telephone conversations were held with Judith Floam of Colbert, Matz, Rosenfelt, Inc. by Zoning Review personnel Kristen Mathews and myself, wherein we advised Ms. Floam that a \$200.00 revision fee would be required to re-circulate both the zoning description and the special hearing petition forms to County/State agencies with the corrected house number of **6701** (rather than 6710) prior to the public hearing. Ms. Floam related on the phone that the attorney in this case was advised of the procedure and fee and said attorney stated that he would submit both revised descriptions and petition forms at the time of the public hearing.



CASE NAME _____
CASE NUMBER 2009-0115-SPH
DATE 1-8-09

Mical E. Wilmoth Carton
Executive Director

[illegible]



#6701
SITE

BL

DR 5.5

DR 3.5

MAP 79A1

2009-0115-SPH

Case No.:

2009-0115-SPA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan (original)	
No. 2	Site Plan (redlined)	
No. 3	Architectural Drawings	
No. 4	Prior Case / Opinion	
No. 5	Letter dated 12/17/08	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

94118

IN THE MATTER OF THE
THE APPLICATION OF
FRIENDS OF LUBAVITCH, INC.
FOR A SPECIAL HEARING AND
VARIANCES AND
OLD PIMLICO SYNAGOGUE
RE: CRG DECISION
ON PROPERTY LOCATED ON THE
SOUTHEAST CORNER OLD PIMLICO
AND MICAROL ROADS
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 90-483-SPHA AND
* CASE NO. CBA-90-116

* * * * *
O P I N I O N

These two cases come before the Board on appeal from a decision of the Deputy Zoning Commissioner denying in part and dismissing in part the respective petitions, and an appeal from the decision of the County Review Group (CRG) approving the subject plan. The Petitioner was represented by Benjamin Bronstein, Esquire, and the Protestants were represented by Harry S. Shapiro, Esquire.

Robert Goldman, President of the Smith-Greenspring Association, testified in opposition to the approval of the CRG, said approval being predicated upon the zoning matters in this case.

In Case No. 90-483-SPHA, David Thaler, Engineer, testified at length to the plan as offered by Petitioner's Exhibit No. 1. His testimony addressed at length the physical aspects of the proposed synagogue on the site and the need for the requested variances to allow the synagogue to be erected. He specifically noted in his testimony that the plan as presented retained the large trees presently on the site. He specifically testified as to the compliance of this proposal with the Residential Transition Area (RTA) requirements and the buffer requirements for the proposed use

PETITIONER'S

EXHIBIT NO.

4

MICROFILMED

CASE NAME _____
CASE NUMBER 2009-0115-SPH
DATE 1-8-09

[illegible]

Wednesday, December 17, 2008

Mr. Paul Abrams,
Mr. & Mrs. Martin Jacobs,
Mr. & Mrs. Alex Shvartsman
Mr. Harold Singer

Dear All,

This letter is to confirm the details of the understanding we reached at our meeting on the concerning the addition to the Lubavitch Center on Old Pimlico Road.

1. The addition will only be one story plus a basement.
2. We will install additional screening behind the building and, if feasible, it will include a earthen berm topped with vegetation.
3. On the Micarol side the fence where visible will be replaced with the same black wrought iron fence as on the Old Pimlico side.
4. The AC units will be placed on the south side of the building and some noise abatement elements will be installed at the existing AC units.

Sincerely yours,

Rabbi & Rochelle Kaplan

PETITIONER' S

EXHIBIT NO. 5

**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: # 2009-0115-SPH
6710 Old Pimlico Road
E/side of Old Pimlico Road, 25
feet south of Micarol Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Friends of
Lubavitch, Inc., Rabbi Shmuel
Kaplan.
Special Hearing: for an
amendment to the plan ap-
proved in Case No. 90-483-
SPHA.
Hearing: Thursday, January
8, 2009 at 11:00 a.m. In
Room 104, Jefferson Build-
ing, 105 West Chesapeake
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

(2) For information concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

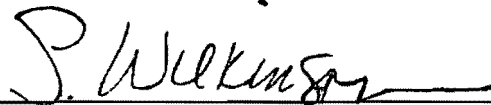
JT 12/750 Dec. 23 190996

CERTIFICATE OF PUBLICATION

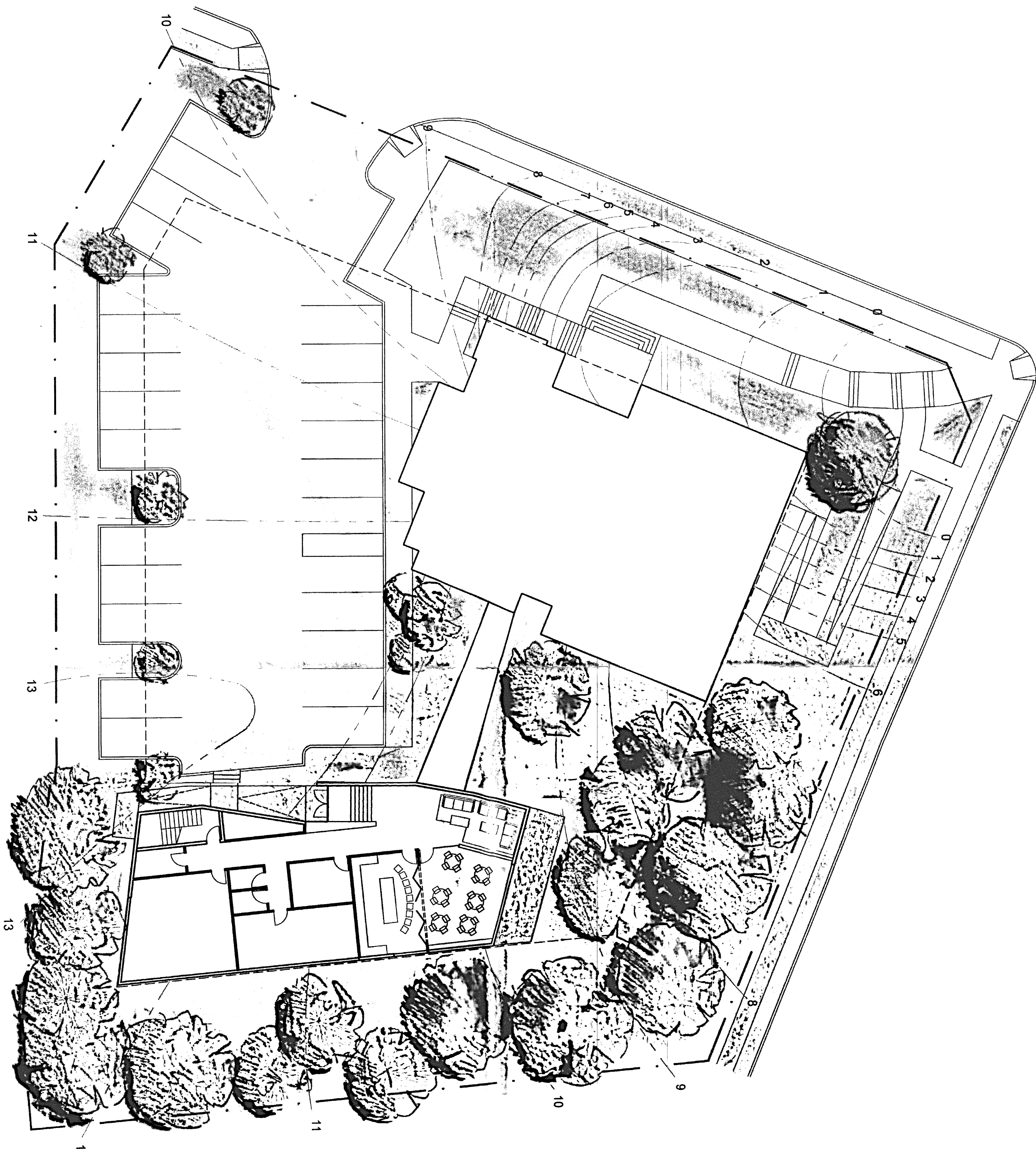
17, 2009

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 12/23, 2008.

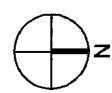
- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING



1 SITE PLAN
SCALE: 1/8" = 1'-0"



Old Pimlico Adult Education Center

6701 Old Pimlico Road | Baltimore, MD 21209

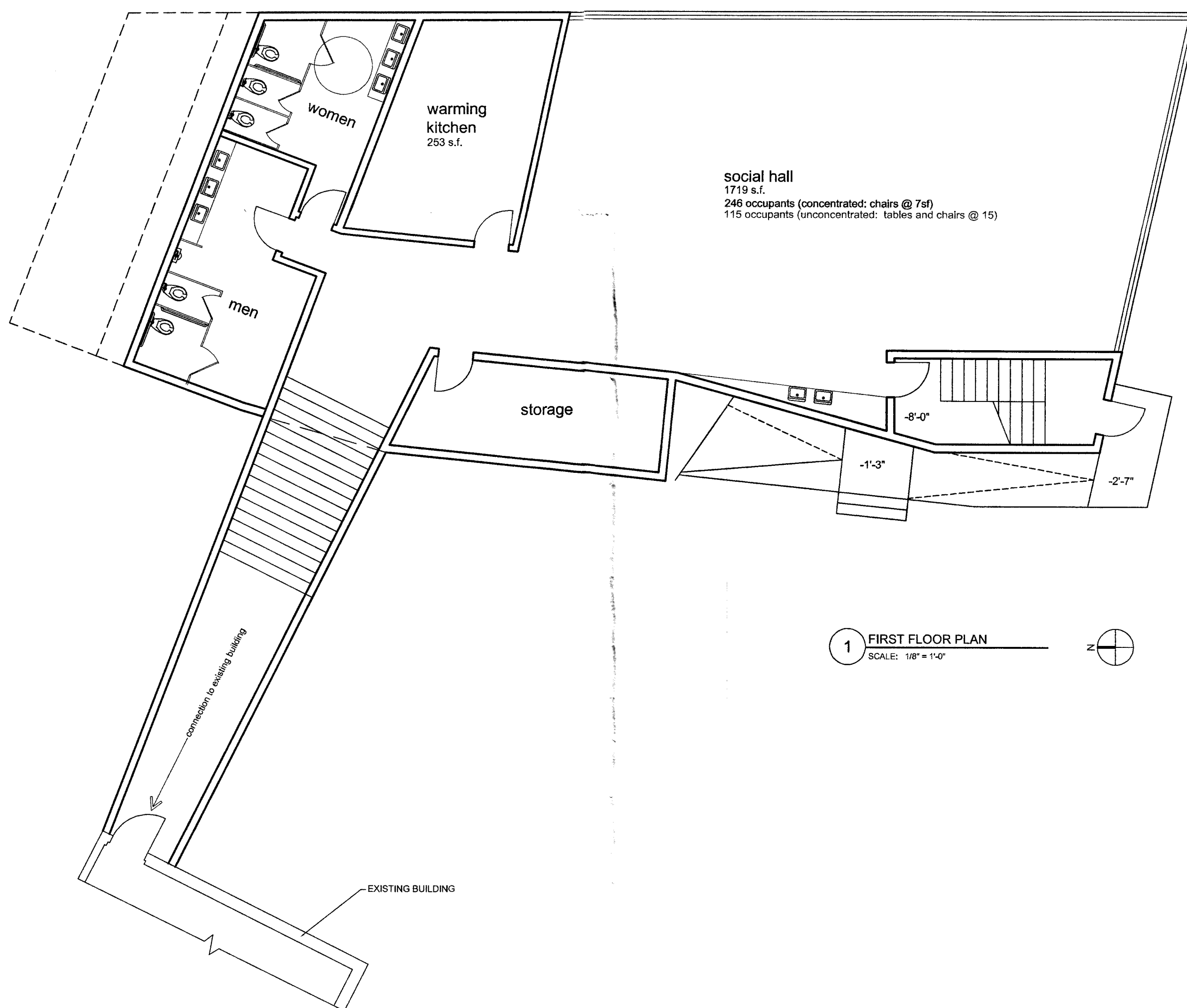
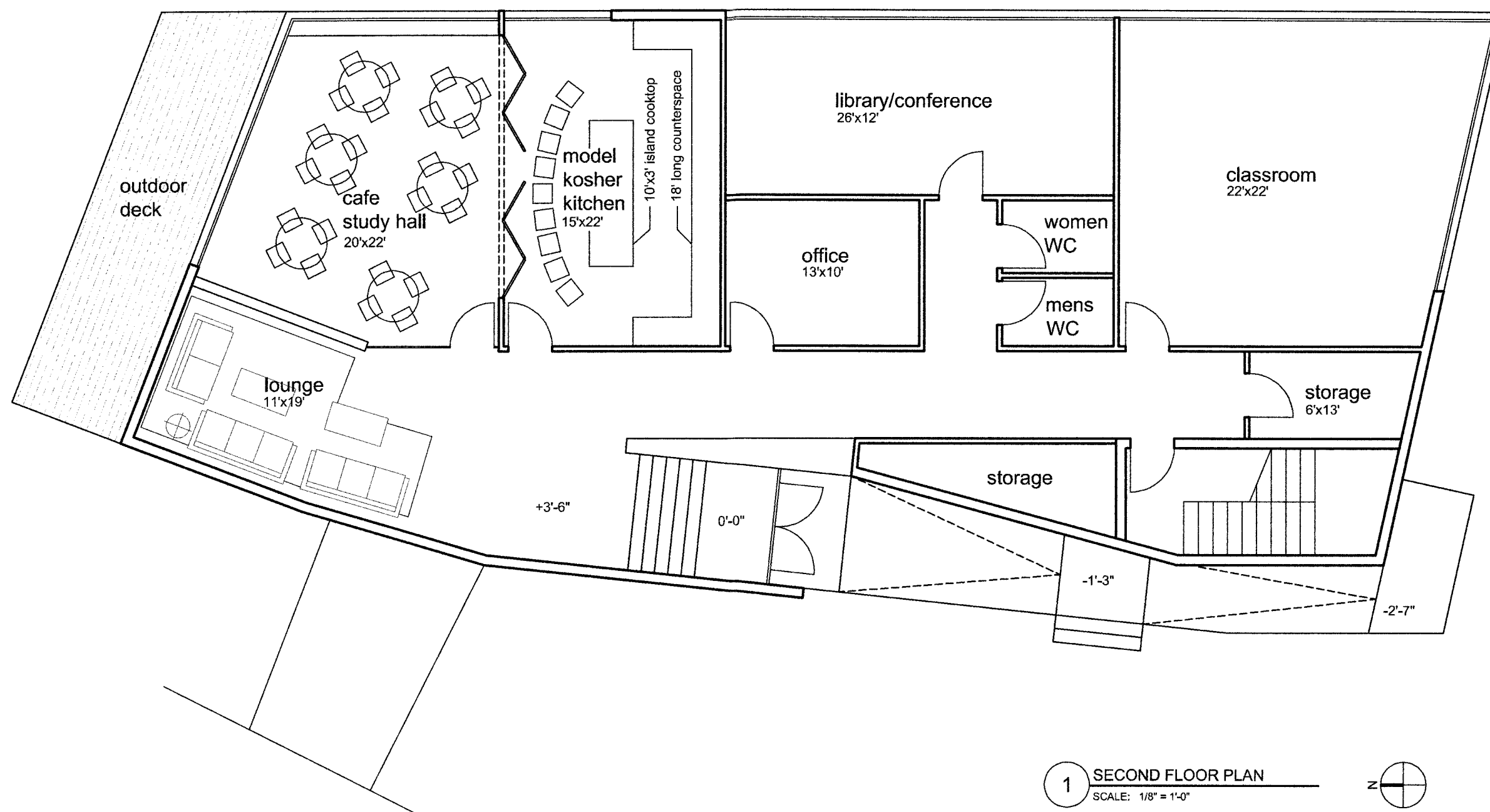
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Suite 550
Bethesda, Maryland
20814

301.652.8550 tel
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Old Pimlico Adult Education Center

6701 Old Pimlico Road | Baltimore, MD 21209

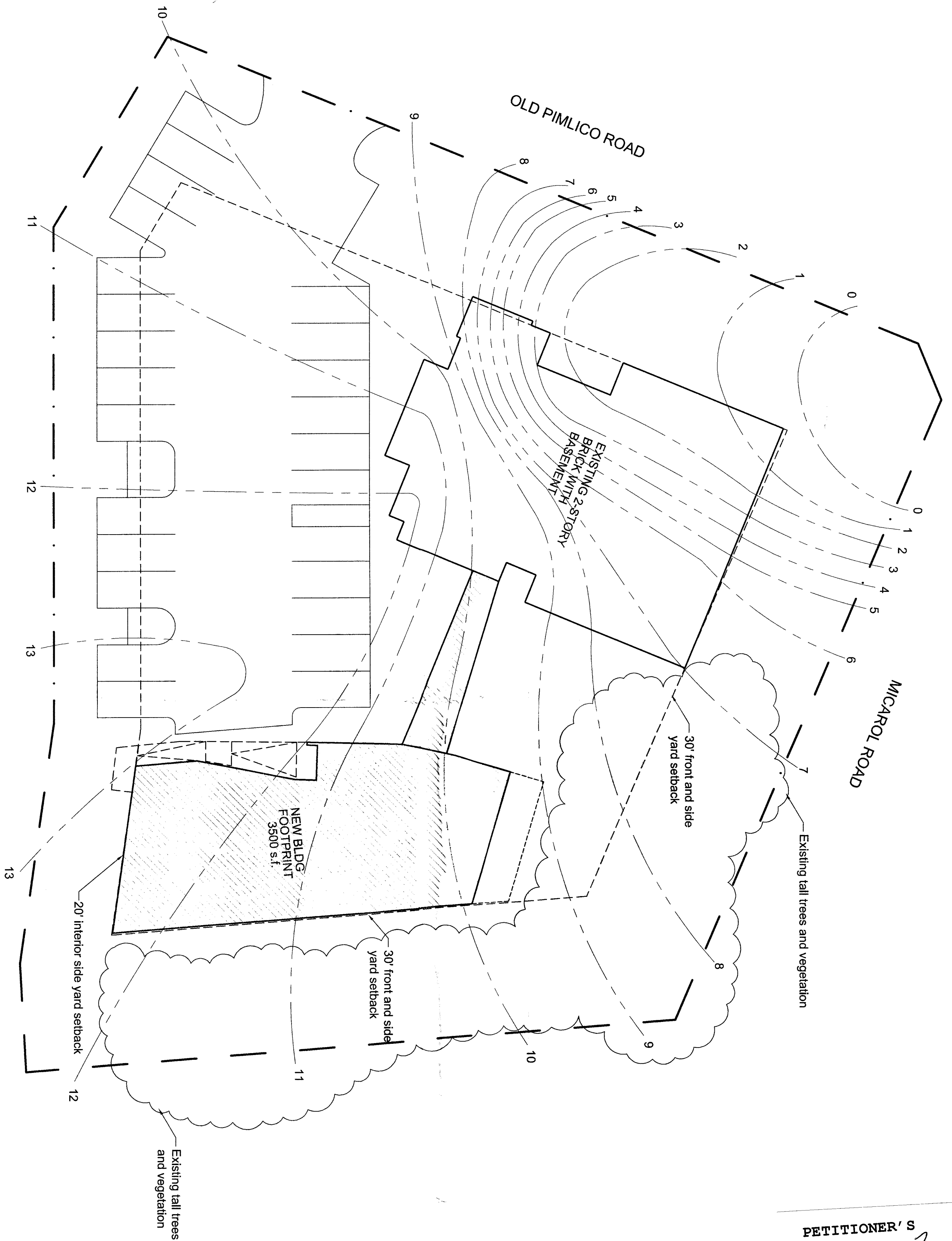
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PETITIONER'S
EXHIBIT NO. 3

Old Pimlico Adult Education Center
6701 Old Pimlico Road | Baltimore, MD 21209

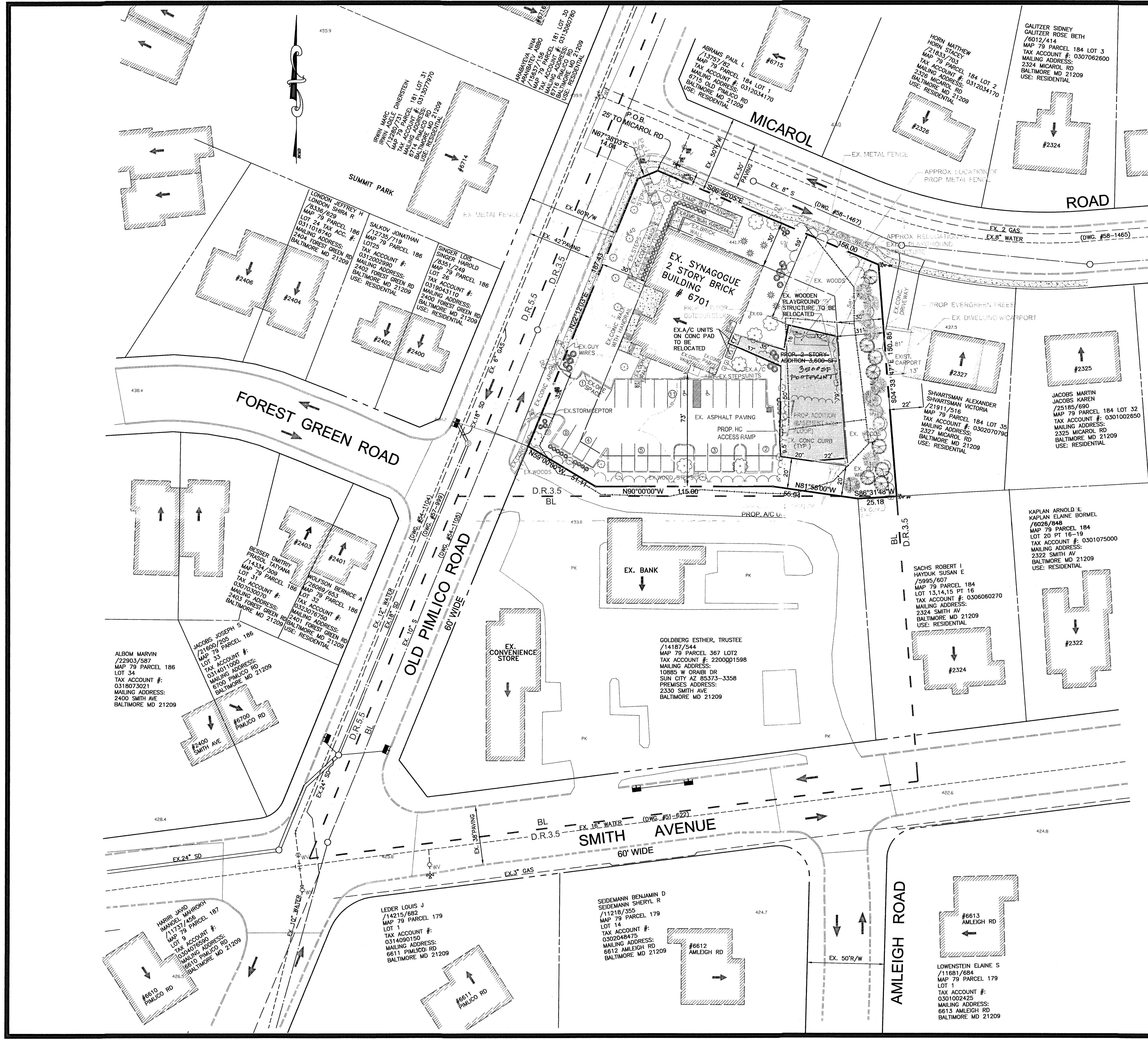
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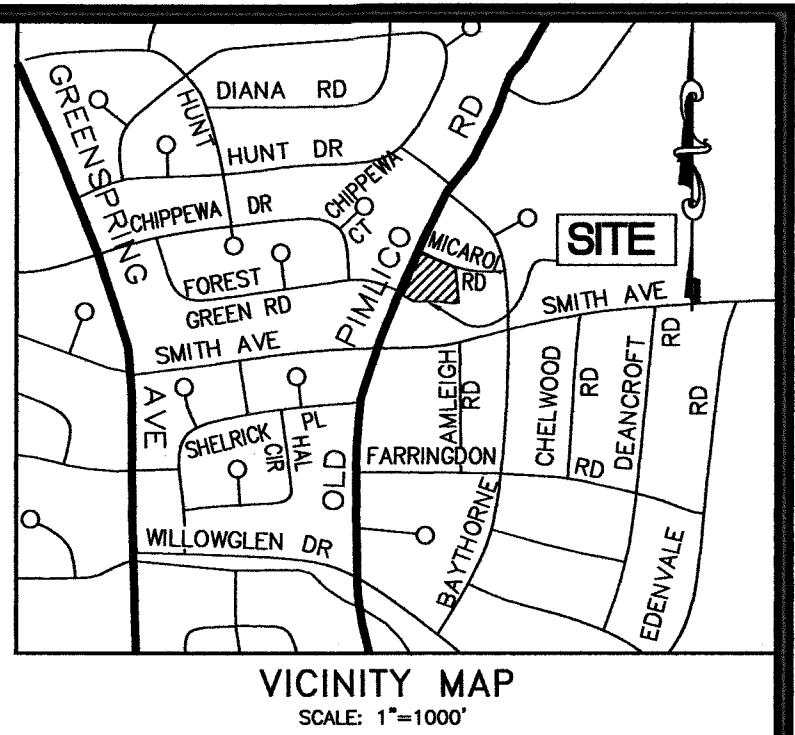
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LEGEND:

- EXISTING PAVING
- EXISTING BUILDING
- PROPOSED ADDITION
- PROPERTY LINE
- SETBACK LINE



- ZONING NOTES:**
- OWNER/DEVELOPER: FRIENDS OF LUBAVITCH INC. 6509 DEANCROFT RD. BALTIMORE, MD 21209
 - SITE DATA: TAX MAP 79, GRID 1, PARCEL 367 TAX ACCOUNT No. 2200001597 DEED REFERENCE: 11239/700 PLAT No. 61/121, LOT 1 NET AREA: 36,348 SQ. FT. (0.834 ±AC.) GROSS AREA: 46,999 SQ. FT. (1.079 ±AC.)
 - ZONING: D.R. 3.5, MAP No. 79A1
 - EXISTING AND PROPOSED USE: SYNAGOGUE - 104 SEATS
 - OFF-STREET PARKING CALCULATIONS: REQUIRED PARKING: 26 SPACES @ 1 SPACE/4 SEATS EXISTING PARKING: 26 SPACES, INCLUDING 2 HANDICAP SPACES NO ADDITIONAL PARKING REQUIRED OR PROPOSED.
 - ZONING HISTORY: CASE No. 90-483-SPHA: REQUEST FOR USE OF THE SITE AS A SYNAGOGUE AND FOR VARIANCES TO REQUIRED FRONT AND SIDEYARD SETBACKS DENIED. APPROVED IN BOARD OF APPEALS CASE BOA-90-116. BOA APPROVAL UPHOLD IN CIRCUIT COURT CASE No. 91CG3102.
 - CRG APPROVAL GRANTED ON 2/22/90, CRG FILE No. 89333. SECOND AND THIRD AMENDED CRG PLANS WERE APPROVED IN 1996.
 - PREVIOUS COMMERCIAL PERMIT: E383154
 - ALL SIGNS FOR THIS SITE WILL MEET THE REQUIREMENTS OF SEC. 450, BCZR.
 - THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN OR THE CHESAPEAKE BAY CRITICAL AREA.
 - THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
 - PROPOSED ADDITION: 3,600 SQ. FT. ON TWO FLOORS PURPOSE: ADULT EDUCATION (ACCESSORY TO SYNAGOGUE).

Landscape Key

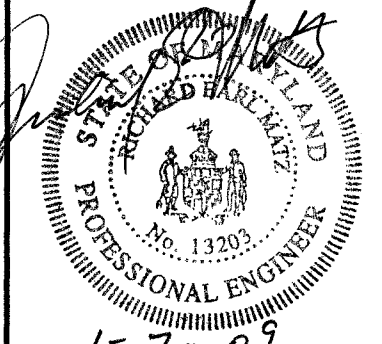
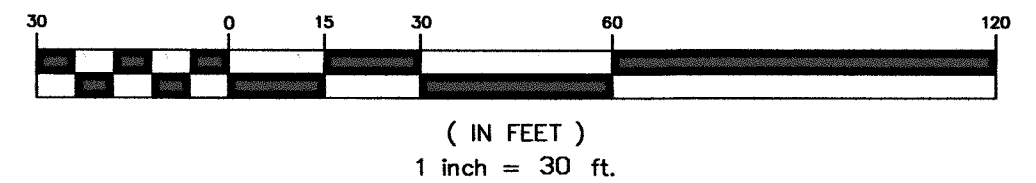
PROP. EVERGREEN TREE

Note

PROP. EVERGREEN TREES SHALL BE A MIXTURE OF NEEDED AND BROADLEAVED EVERGREEN TREES. QUANTITY AND LOCATIONS SHOWN ARE APPROXIMATE. FINAL NUMBER AND LOCATIONS OF PROP. TREES TO BE DETERMINED BY OWNER AND LANDSCAPE ARCHITECT. SUBJECT TO APPROVAL OF BAL TO CO. LANDSCAPE ARCHITECT.

REDLINE

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
OLD PIMLICO SYNAGOGUE
6701 OLD PIMLICO ROAD
MAP 79 - GRID 1 - PARCEL 367
DEED REF: LIBER 11239 FOLIO 700
BALTIMORE COUNTY, MD.
3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
GRAPHIC SCALE

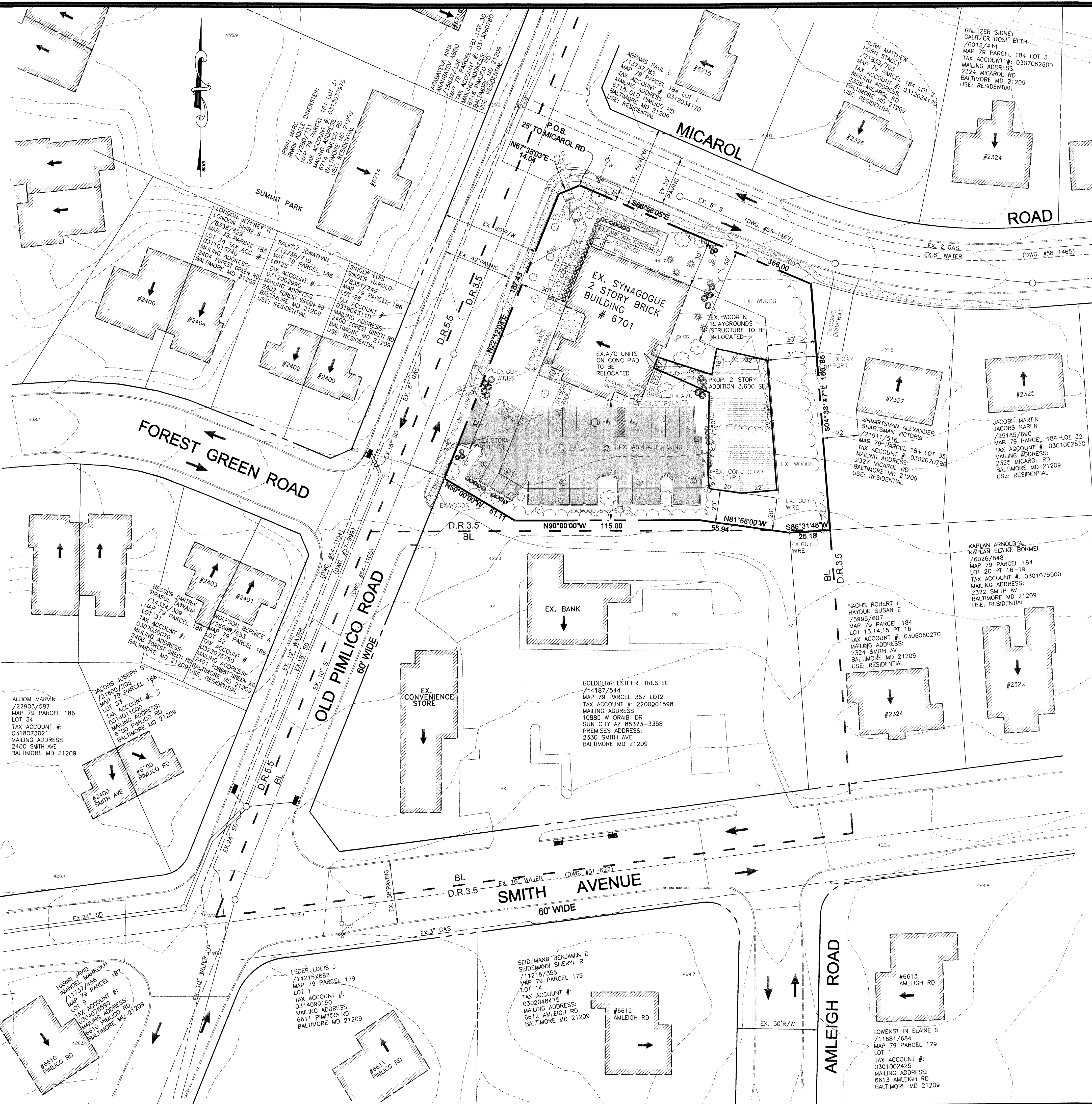


Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1"=30' DATE: SEPTEMBER 29, 2008 JOB NO.: 94118 DESIGNED: CHECKED: JMF/REM FILE: 94118/ZONING PLAN.DWG DRAWING NUMBER:	
License No.	13203	Expiration Date:	11-02-10
1	1/06/09	REDLINE	
NO.	DATE	REV	

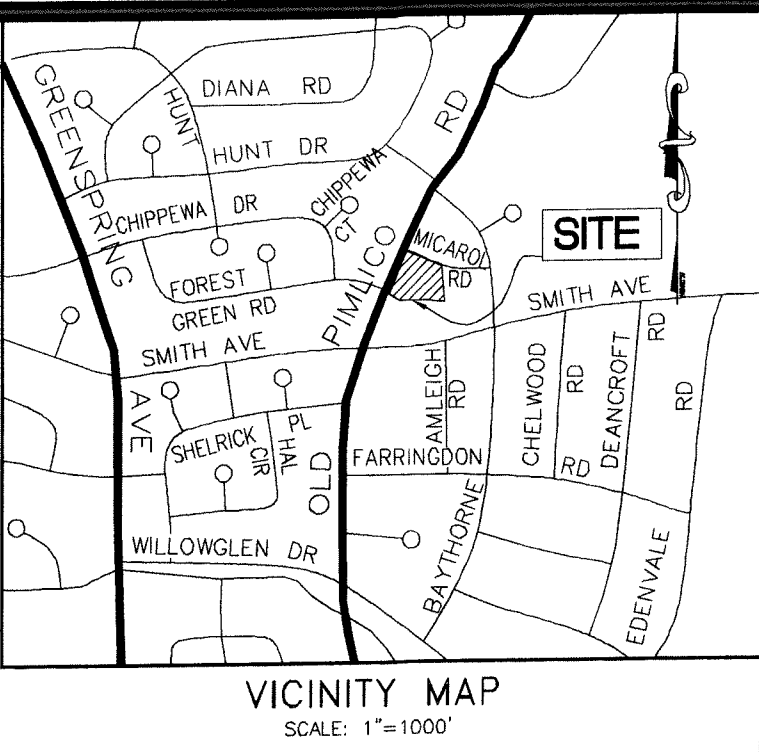
PETITIONER'S
EXHIBIT NO. *J*

N:\122\project\94-95\94-118\Proj\DWG\94-118 REDLINE ZONING PLAN.dwg 1/6/2009 4:21:30 PM EST



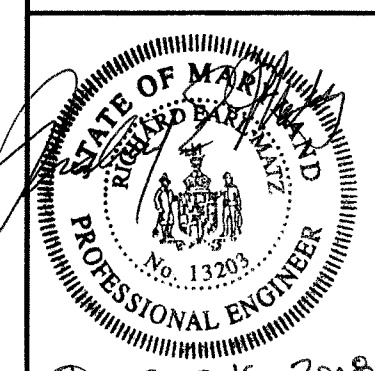
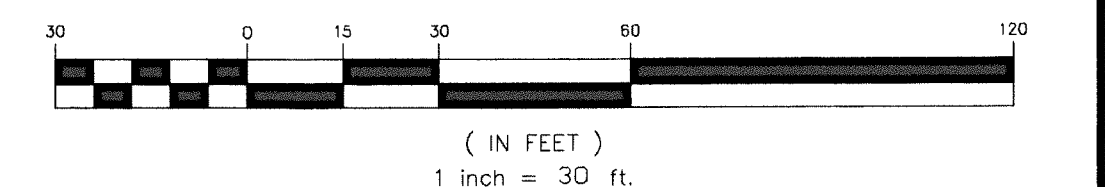
LEGEND:

- EXISTING PAVING
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GRAPHIC SCALE

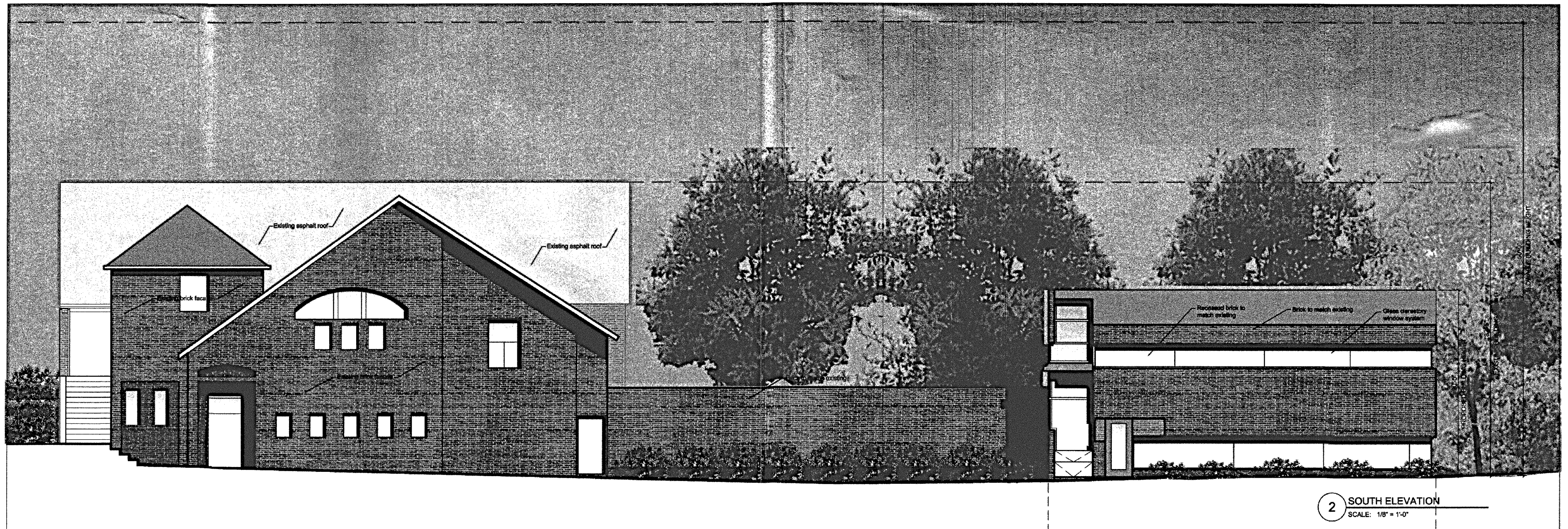


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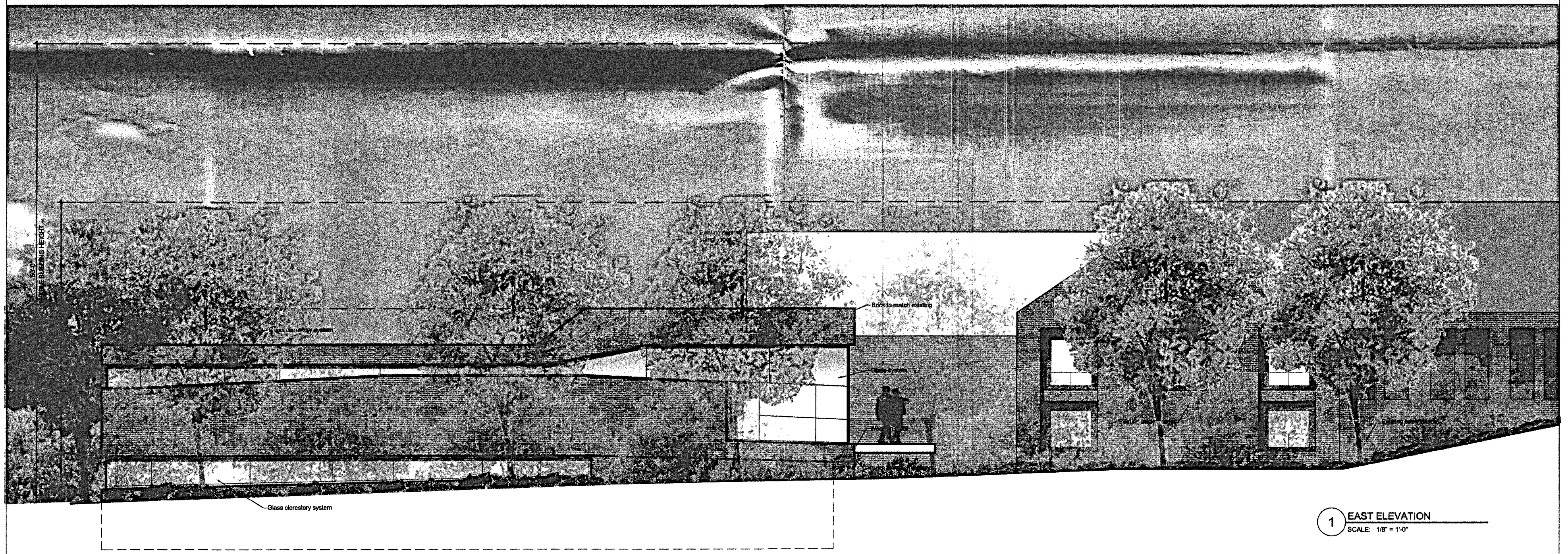
PETITIONER'S
EXHIBIT NO. 1

OCTOBER 16, 2008				SCALE: 1"=30'	
Professional Certification				DATE: SEPTEMBER 29, 2008	
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.				JOB NO.: 94118	
13293				DESIGNED: AVK	
Expiration Date: 11-02-10				CHECKED: JMF/REM	
R/S				FILE: 94118/ZONING PLAN.DWG	
				DRAWING NUMBER:	

2009-0115-SPN (PROP OFF-NO REVIEW)



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



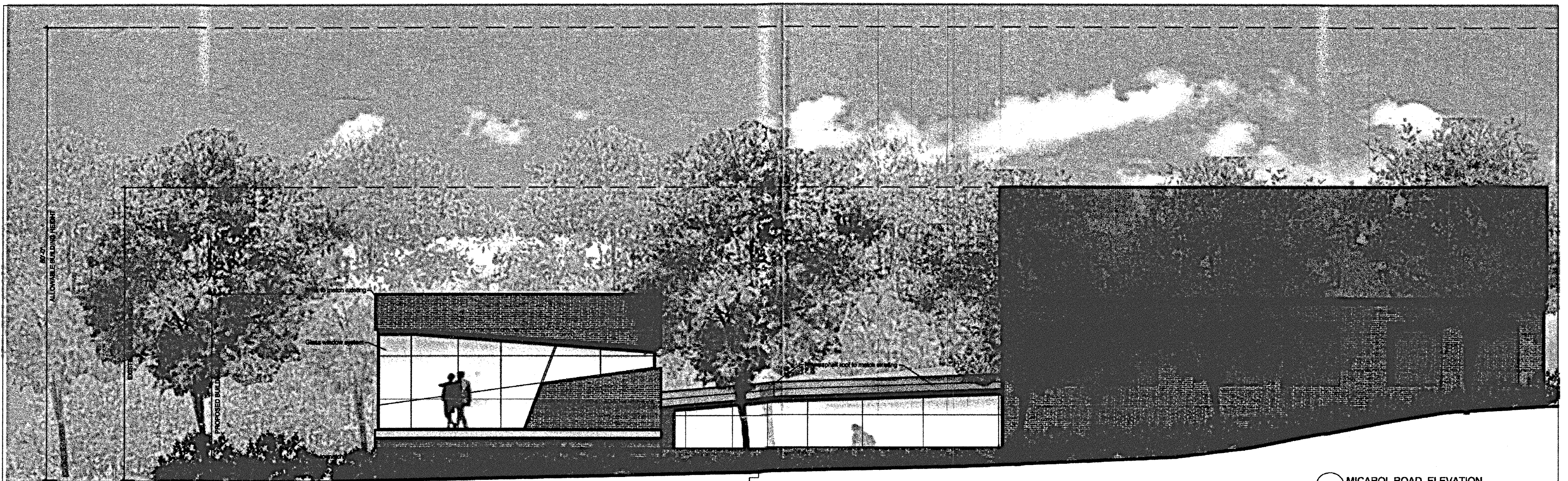
1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

Old Pimlico Adult Education Center
6701 Old Pimlico Road | Baltimore, MD 21209

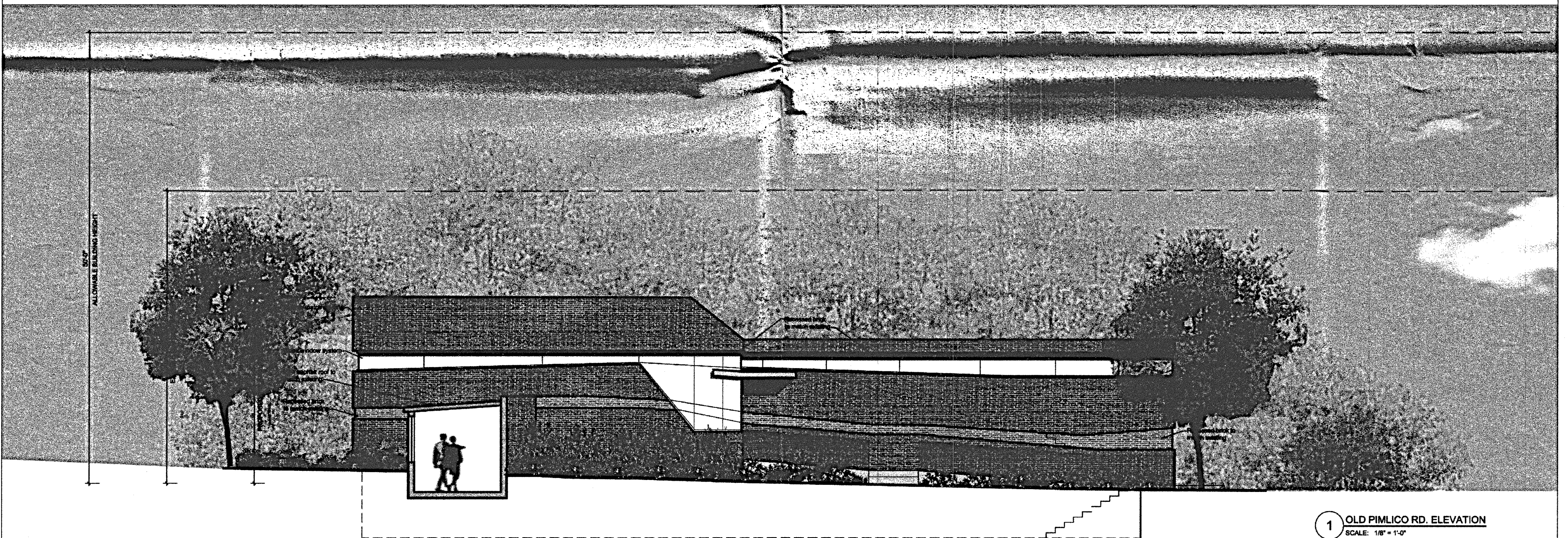
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2 MICAROL ROAD ELEVATION
SCALE: 1/8" = 1'-0"



1 OLD PIMLICO RD. ELEVATION
SCALE: 1/8" = 1'-0"

Old Pimlico Adult Education Center
6701 Old Pimlico Road | Baltimore, MD 21209

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