

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

N/Side of Smith Avenue, 157' E of
Sanzo Road
(2808 Smith Avenue)

3rd Election District
2nd Council District

Congregation Ohel Moshe
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2009-0154-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Congregation Ohel Moshe, by its President, Azi Rosenblum, through its attorney, Deborah C. Dopkin, Esquire. Petitioner requests special hearing relief, in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine, pursuant to Section 1B01.1.B.1.g(6), that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; to approve a modified parking plan pursuant to Section 409.12.B; to approve a modification of landscaping standards pursuant to Section 409.8.A.1, and to affirm the relief granted in zoning Case No. 5652-SPH. Petitioner is also requesting variance relief from Section 1B01.2.C.1.a to permit a front non-residential building setback in a D.R.5.5 zone of 30 feet in lieu of 40 feet required, and from Section 1B01.2.C.1.a to permit side non-residential building setbacks in a D.R.5.5 zone of 8 (west side) and 12 feet (east side) in lieu of 20 feet required. The subject

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Date 5-4-09
By [Signature]

property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief were Azi Rosenblum, President of Congregation Ohel Moshe, property owner; Kenneth S. Colbert, P.E., with Colbert Matz and Rosenfelt, Inc., the engineering consultants who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. Also appearing were Ethan Schuchman and Jeremy Schnittman, members of the congregation. Appearing as an interested citizen was Adam Caine (also a member of the congregation), whose residence adjoins the subject property. In addition, Rabbi Howard Teichman appeared at the hearing. There were no Protestants or other interested persons who appeared; however, it is to be noted that letters (Petitioner's Exhibit 9) were received from all surrounding property owners who support the proposal, including from the neighbor immediately behind the site, noting the synagogue's agreement to provide additional landscaping on that property.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on Smith Avenue in Pikesville. The property contains 0.19 acres in area (8,274 square feet), more or less, zoned D.R.5.5, and is improved with a single-family dwelling. The dwelling fronts on Smith Avenue and access thereto is by way of a driveway that enters the property from that road. The Petitioner is desirous of adding to the house and utilizing the property for a synagogue. In this regard, testimony revealed that the Congregation is an orthodox Jewish congregation, and is used for religious services and studies. A series of photographs were submitted at the hearing as Petitioner's Exhibits 5A through 5F, depicting existing conditions on the subject property and in the surrounding neighborhood. Opposite the property on Smith Avenue are a community shopping center, multi-family garden apartments

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and the Wellwood Elementary School. The nearby corner of Sanzo Road and Smith Avenue is controlled by a traffic signal. The property adjoins other residences on three (3) sides (north, west and east).

As noted above, the subject property is zoned D.R.5.5, which is a residential zoning classification. It is to be noted that in addition to single-family dwellings, the D.R.5.5 zone permits by right, churches or other buildings for religious worship (*See* Section 1B01.1.A.1.3 of the B.C.Z.R.). Thus, the proposed use is expressly permitted on the subject property under these regulations.

Mr. Colbert appeared and testified. He described the nature of the congregation in detail and indicated that this is an orthodox Jewish congregation that was begun approximately two (2) years ago. Specifically, there are approximately 15-20 members who meet each morning, afternoon and evening for daily services, after sunset on Fridays and on the Sabbath. There are also occasional study classes held during the week. The families that are members of the congregation live in the immediate area because of the prohibition of driving on the Sabbath. Thus, most of the people live in the neighborhood and walk to the facility. Finally, it is to be noted that there is no children's school or day care provided. Moreover, there will be no public rental of the facility. No signs are proposed other than a conforming identification sign. The property is well maintained by the congregants.

In addition to the conversion of the existing dwelling to a synagogue, the Petitioner also proposes a two-story addition to the side and rear of the structure. The proposed addition will add approximately 12 feet to the rear and 8 feet on one side of the house. Finally, it is to be noted that the Petitioner has arranged for the lease of parking spaces from the Greenspring Shopping Center, located directly opposite on Smith Avenue. A copy of that lease agreement

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was submitted into evidence as Petitioner's Exhibit 10. Zoning Case No. 5652-SPH approved parking on the shopping center property, which is in a D.R. zone, and according to Mr. Colbert, is so zoned to impose limitations on development of that site.¹ More than sufficient excess parking now exists on the shopping center lots. The off-site parking is considered a modification to a conventional parking plan, since it is not on the synagogue site.

Mr. Colbert presented schematic architectural drawings (Petitioner's Exhibit 8) as well as a photographic image of the proposed improvements in relation to adjoining residences (Exhibit 5D). He presented photographs of a number of residences in the immediate area which have been enlarged by additions, in order to demonstrate that the size, style and materials proposed are in keeping with the character of the neighborhood.

A landscape plan was also entered. Mr. Colbert indicated that Avery Harden had reviewed the plan prior to the hearing. Specific treatments are proposed (both on-site and on an adjoining property) to provide buffers and fencing to protect adjoining properties since strict compliance with the Baltimore County Landscape Manual cannot be achieved. Mr. Colbert asserted, and I agree, that the unique location and difficulty involved if the existing improvements had to be replaced for a permitted use, distinguish this property from others in the area, and render strict conformance impracticable. Mr. Colbert also explained how the proposed use would not adversely impact the locality, addressing each of the criteria set forth in Section 502.1 of the B.C.Z.R.

Following Mr. Colbert's testimony, Mrs. Dopkin proffered testimony on behalf of Mr. Rosenblum. Mrs. Dopkin entered into evidence letters of support from adjoining property owners and from the two (2) community associations near the property's location.

¹ Mr. Colbert testified based on his personal knowledge of the center because his office is located there and he is familiar with the zoning of the site and the availability of parking.

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Special hearing relief is requested as it relates to the RTA requirements. The RTA requirements are found within the D.R. zoning regulations and are designed to insure that land uses of a different character (i.e., dwellings v. churches/institutional uses) are compatible. Additionally, variance relief is requested from certain of the RTA setback requirements and to permit no dedicated parking on the subject site. Although there will be a handicap parking space on the parking pad/driveway area, no specific spaces are delineated thereon and all other parking is to be off-site at the shopping center.

With proper restrictions, I believe that relief should be granted. It is clear that this property's small size and location within a residential neighborhood limits the extent of development on the site. The proposed addition appears to be designed in such a manner so as to be architecturally compatible with the residential character of the neighborhood. The building elevation drawings that were submitted as Petitioner's Exhibit 8 indicate that the proposed addition has been designed in such a way so as to be architecturally and aesthetically compatible with the existing dwelling and other residences in the area.

However, it is to be noted that the Office of Planning recommended certain restrictions be imposed upon any approval. These include the requirement that a landscape plan be submitted to Avery Harden, the County's Landscape Architect, for review and approval prior to the issuance of any permits. In addition, they request that elevation drawings of the proposed building be submitted for their review and approval prior to the issuance of any permits. I will incorporate these suggestions as conditions to the approval granted.

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 4th day of May 2009 that the Petition for Special Hearing seeking approval, in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine, pursuant to Section 1B01.1.B.1.g(6), that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; to approve a modified parking plan pursuant to Section 409.12.B; to approve a modification of landscaping standards pursuant to Section 409.8.A.1, and to affirm the relief granted in zoning Case No. 5652-SPH, be and is hereby GRANTED; and

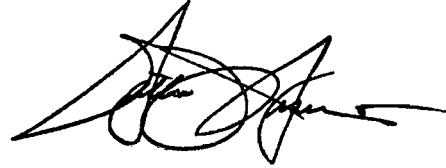
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front non-residential building setback in a D.R.5.5 zone of 30 feet in lieu of 40 feet required; and from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side non-residential building setback in a D.R.5.5 zone of 8 (west side) and 12 (east side) in lieu of 20 feet required, be and are hereby GRANTED, subject to the following restrictions:

1. Petitioner is advised that it may apply for any required building 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 the 30-day appeal period from the date of 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. The Petitioner shall submit a landscape plan to Avery Harden, the County's Landscape Architect, and building elevation drawings of the existing dwelling and proposed addition to the Office of Planning for review and approval prior to the issuance of any permits.

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

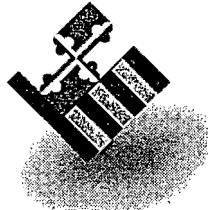
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 5-4-09
By [signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 4, 2009

Deborah C. Dopkin, Esquire
409 Washington Avenue
Towson, MD 21204

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

N/Side of Smith Avenue, 157' E of Sanzo Road
(2808 Smith Avenue)
3rd Election District - 2nd Council District
Congregation Ohel Moshe - *Petitioner*
Case No. 2009-0154-SPHA

Dear Mrs. Dopkin:

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

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Azi Rosenblum, President, Congregation Ohel Moshe, 2608 Summerson Road,
Baltimore, MD 21209
Kenneth S. Colbert, P.E., Colbert Matz and Rosenfelt, Inc., 2835 Smith Avenue,
Baltimore, MD 21209
Ethan Schuchman, 5914 Bland Avenue, Baltimore, MD 21215
Jeremy Schnittman, 6514 Sanzo Road, Baltimore, MD 21209
Adam Caine, 2810 Smith Avenue, Baltimore, MD 21209
Rabbi Howard Teichman, 2610 Summerson Road, Baltimore, MD 21209
People's Counsel; Avery Harden, DPDM; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 2808 Smith Avenue

which is presently zoned DR-5.5

Deed Reference 25922 / 329

Tax Account # 0302086800

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

See attached.

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:

Deborah C. Dopkin, Esq.

Name – Type or Print

Signature

Law Offices of Deborah C. Dopkin

Company

409 Washington Avenue, Suite 1000

410-821-0200

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Congregation Ohel Moshe Azi Rosenblum, President

Name – Type or Print

Signature

Name – Type or Print

Signature

2808 Smith Avenue

Address.

Baltimore

City

410-484-0010

Telephone No.

MD 21209

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

Baltimore

City

410-653-3838

Telephone No.

MD 21209

State Zip Code

Case No. 2009 0154 SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL Date 11/25/08

NOT REVIEWED FOR FILING

Date 5-4-09

By ISW

Attachment to Special Hearing Petition – 2808 Smith Avenue

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

To approve a modified parking plan, pursuant to Section 409.12.B, BCZR.

To approve a modification of landscaping standards, pursuant to Section 409.8.A.1, BCZR.

To affirm the relief granted in Zoning Case No. 5652-SPH.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2808 Smith Avenue

which is presently zoned DR-5.5

Deed Reference 25922 / 329 Tax Account # 0302086800

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)

Reasons 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:

Deborah C. Dopkin, Esq.

Name - Type or Print

Signature

Law Offices of Deborah C. Dopkin

Company

409 Washington Avenue, Suite 1000

410-821-0200

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Congregation Ohel Moshe Azi Rosenblum, President

Name - Type or Print

Signature

Name - Type or Print

Signature

2808 Smith Avenue

410-484-0010

Address.

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, 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 - 0154 SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 11/25/08

OFFICE RECEIVED FOR FILING

Date 5-4-09

By [Signature]

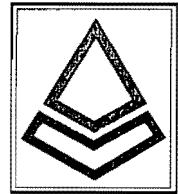
Attachment to Variance Petition – 2808 Smith Avenue

Variance from Section 1B01.2.C.1.a, BCZR, to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required;

Variance from Section 1B01.2.C.1.a, BCZR, to permit side non-residential building setbacks in a DR-5.5 zone of 8 and 12 feet in lieu of 20 feet required

Colbert Matz Rosenfelt, Inc.

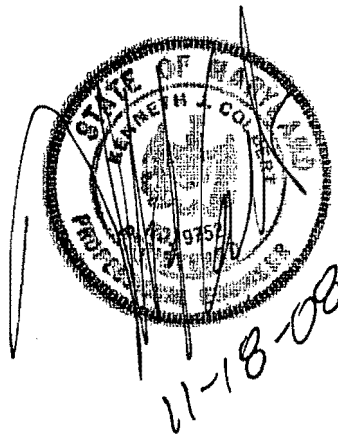
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 2808 SMITH AVENUE

Beginning at point on the north side of Smith Avenue, which is 90 feet wide, at a distance of 157 feet, more or less, east of the centerline of Sanzo Road, which is 60 feet wide.

Being Lot 5 in Section 1, Block H of the subdivision of Wellwood. As recorded in Baltimore County Plat Book, Book 23, Page 35, and containing 8,260 square feet (0.19 ac. +/-). Also known as 2808 Smith Avenue and located in the 3rd Election District, 2nd Councilmanic District.



0154

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

0154
 JK

No. 23950
 Date: 11/25/08

PAID RECEIPT

11/25/08 11/25/2008 14:41:10
 REC: WALKIN
 RECEIPT # 377627 11/25/2008
 023939
 Recpt Tot 650.00
 650.00 CX 6.00 (2)
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				650.00

Total: 650.00

Rec From: CHEL MASHE
 For: NON REC SPHA 2808 SMITH AVE

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**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 # 2009-0154-SPHA

2808 Smith Avenue

W side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s) Congregation Ohel Moshe Azriel Rosenblum

President

Special Hearing: to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5652-SPH. **Variance:** to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required.

Hearing: Tuesday, February 10, 2009 at 9:00 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 accommodations. Please Contact the Zoning Commissioner's Office at: (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at: (410) 887-3391.

JT-1/747 Jan. 27

192931

CERTIFICATE OF PUBLICATION

1/29/2009

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 1/27/2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 01/28/09

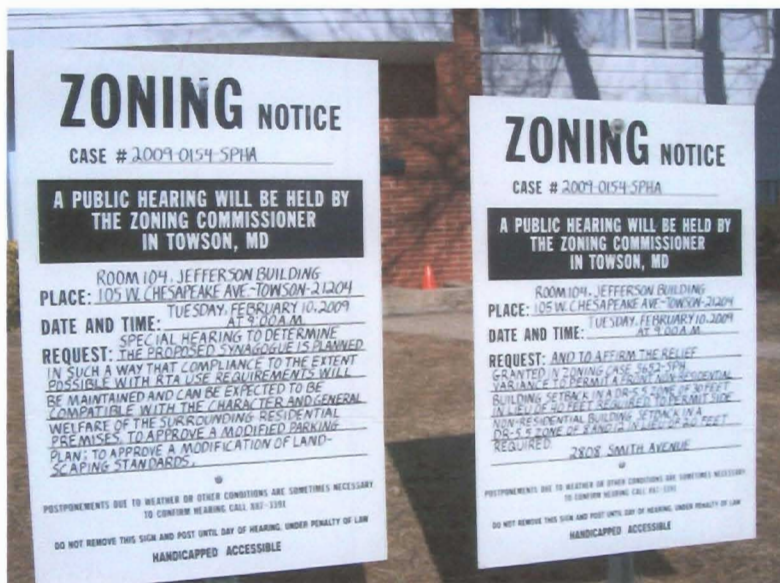
Case Number: 2008-0154-SPHA

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~AZI ROSENBLUM~KENNETH COLBERT, OF COLBERT, MATZ & ROSENFELT, INC.

Date of Hearing (Closing): FEBRUARY 10, 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:
2808 SMITH AVENUE

The sign(s) were posted on: JANUARY 25, 2009



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)

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: # 2009-0154-SPHA

2808 Smith Avenue

N/side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Congregation Ohel Moshe, Azi Rosenblum, President

Special Hearing: to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5642-SPH. **Variance:** to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required.

Hearing: Friday, April 24, 2009 at 9:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/220 April 9

198394

CERTIFICATE OF PUBLICATION

4/9/2009

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 4/9/2009.

- ☒ 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: 04/06/09

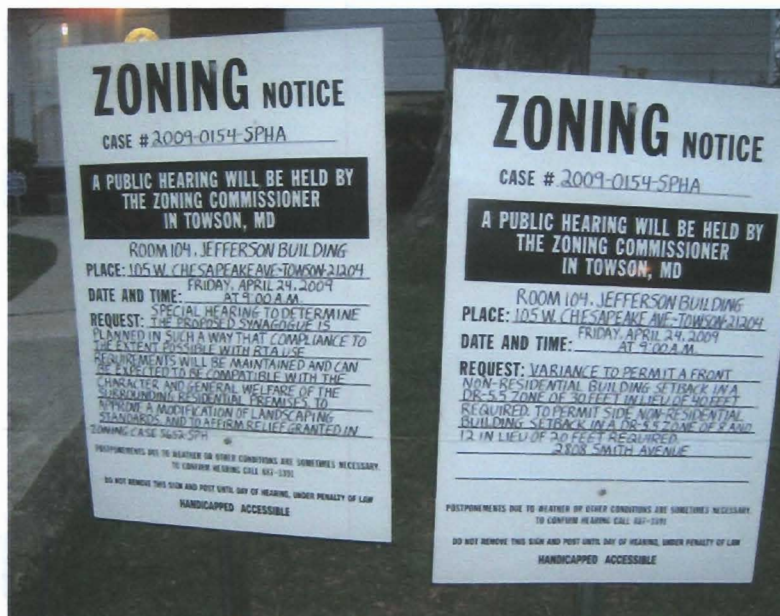
Case Number: 2009-0154-SPHA

Petitioner / Developer: DEBORAH DOPKIN, ESQ.~AZI ROSENBLUM~
KENNETH COLBERT, COLBERT, MATZ & ROSENFELT INC.

Date of Hearing (Closing): APRIL 24, 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:
2808 SMITH AVENUE

The sign(s) were posted on: APRIL 5, 2009



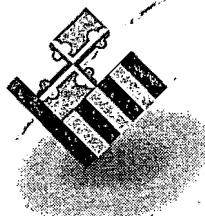
Linda O'Keefe
(Signature of Sign Poster)

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
MARYLAND

January 6, 2009

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: 2009-0154-SPHA

2808 Smith Avenue

N/side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Congregation Ohel Moshe, Azi Rosenblum, President

Special Hearing to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5652-SPH. Variance to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required,

Hearing: Tuesday, February 10, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204

Azi Rosenblum, 2808 Smith Avenue, Baltimore 21209

Kenneth Colbert, Colbert, Matz & Rosenfelt, 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 MONDAY, JANUARY 26, 2009.**
- (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, January 27, 2009 Issue - Jeffersonian

Please forward billing to:

Azi Rosenblum
Congregation Ohel Moshe
2808 Smith Avenue
Baltimore, MD 21209

410-484-0010

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: 2009-0154-SPHA

2808 Smith Avenue

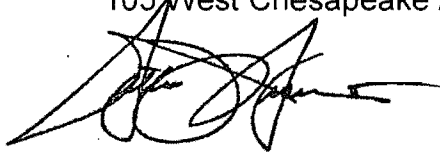
N/side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Congregation Ohel Moshe, Azi Rosenblum, President

Special Hearing to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5652-SPH. Variance to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required,

Hearing: Tuesday, February 10, 2009 at 9:00 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.

**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: 2009-0154-SPHA
Petitioner: Congregation Ohel Moshe
Address or Location: 2808 Smith Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Congregation Ohel Moshe - Azi Rosenblum
Address: 2808 Smith Avenue
Baltimore Md 21208

Telephone Number: 410-484-0010

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 9, 2009 Issue - Jeffersonian

Please forward billing to:

Azi Rosenblum
Congregation Ohel Moshe
2808 Smith Avenue
Baltimore, MD 21209

410-484-0010

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: 2009-0154-SPHA

2808 Smith Avenue

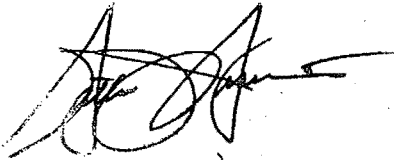
N/side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Congregation Ohel Moshe, Azi Rosenblum, President

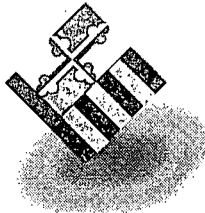
Special Hearing to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5652-SPH. Variance to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required,

Hearing: Hearing: Friday, April 24, 2009 at 9:00 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

March 16, 2009

JAMES T. SMITH, JR.
County Executive

NEW 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: 2009-0154-SPHA

2808 Smith Avenue

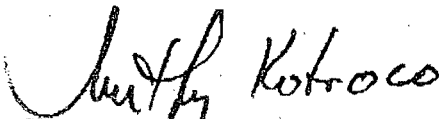
N/side of Smith Avenue, 157 feet east of Sanzo Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Congregation Ohel Moshe, Azi Rosenblum, President

Special Hearing to determine the proposed synagogue is planned in such a way that compliance to the extent possible with RTA use requirements will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises. To approve a modified parking plan; to approve a modification of landscaping standards, and to affirm the relief granted in zoning case 5652-SPH. Variance to permit a front non-residential building setback in a DR-5.5 zone of 30 feet in lieu of 40 feet required. To permit side non-residential building setback in a DR-5.5 zone of 8 and 12 in lieu of 20 feet required,

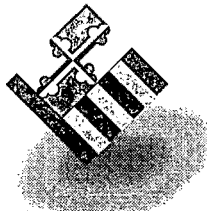
Hearing: Friday, April 24, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Azi Rosenblum, 2808 Smith Avenue, Baltimore 21209
Kenneth Colbert, Colbert, Matz & Rosenfelt, 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 THURSDAY, APRIL 9, 2009.**
- (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.



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
February 4, 2009

Deborah C. Dopkin, Esq.
Law Office of Deborah C. Dopkin
409 Washington Ave., Ste. 1000
Towson, MD 21204

Dear: Deborah C. Dopkin, Esq.

RE: Case Number 2009-0154-SPHA, 2808 Smith Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 25, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Congregation Ohel Moshe; 2808 Smith Ave.; Baltimore, MD 21209
Kenneth J. Colbert, P.E.; 2835 Smith Ave., Ste. G; Baltimore, MD 21209

TB 2/10
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 4, 2009

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

SUBJECT: 2808 Smith Avenue

RECEIVED

INFORMATION:

FEB 06 2009

Item Number: 9-154

Petitioner: Congregation Ohel Moshe

ZONING COMMISSIONER

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

The property in question is improved with a single family dwelling in the community of Smith Greenspring/Midfield. The applicant requested a limited exemption, DRC 112408a, for the 2-story addition, which has been tabled pending the outcome of this hearing. The instant case involves conversion of the existing dwelling and a new 2 story rear and side addition to a 100 seat synagogue. A special hearing is requested to determine pursuant to 1B01.1B.1.g(6) of the BCZR that the proposed synagogue is planned that compliance to the extent possible with residential transition area (RTA) requirements will be maintained. Building setbacks, landscape buffer and parking setback need relief. A parking lease has been obtained with the Greenspring Shopping Center on the south side of Smith Avenue for the 30 required parking spaces.

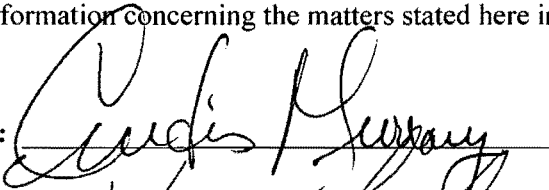
SUMMARY OF RECOMMENDATIONS:

The Office of Planning is supportive of the shared parking arrangement with the shopping center. The Office is in need of additional information in order to make a recommendation to the Zoning Commissioner concerning the instant case.

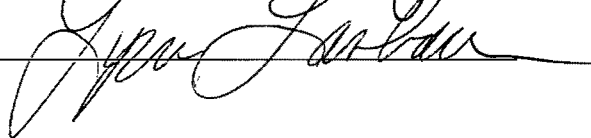
Provide architectural elevation drawings and a detailed landscape plan to the office for review and comment prior to rescheduling the next hearing.

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

Prepared by:



Division Chief:
AFK/LL: CM



13W 4/24
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 9, 2009

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

RECEIVED

APR 13 2009

SUBJECT: 2808 Smith Avenue

ZONING COMMISSIONER

INFORMATION:

Item Number: 9-154 (*revised comments*)

Petitioner: Congregation Ohel Moshe

Zoning: DR 5.5

Requested Action: Variance and Special Hearing

The property in question is improved with a single family dwelling in the community of Smith Greenspring/Midfield. The applicant requested a limited exemption, DRC 112408A, for the 2-story addition, which was tabled pending the outcome of this hearing. The instant case involves conversion of the existing dwelling and a new 2 story rear and side addition to a 100 seat synagogue.

A special hearing is requested to determine pursuant to 1B01.1B.1.g(6) of the BCZR that the proposed synagogue is planned that compliance to the extent possible with residential transition area (RTA) requirements will be maintained. Building setbacks, landscape buffer and parking setback need relief. A parking lease has been obtained with the Greenspring Shopping Center on the south side of Smith Avenue for the 30 required parking spaces.

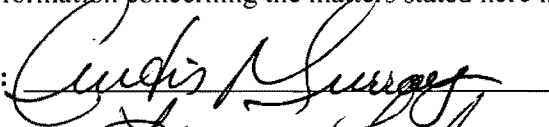
SUMMARY OF RECOMMENDATIONS:

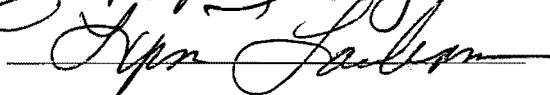
The Office of Planning supports the requested relief in the subject case. The shared parking with the shopping center is a reasonable arrangement. The applicant has worked closely with the local community association on this request.

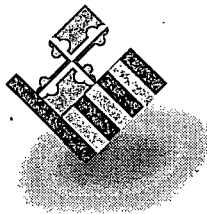
The Office has reviewed preliminary architectural elevation drawings, site plan and landscape plan. Prior to issuance of any building permit, the applicant should submit the following for review and approval:

1. A full set of final architectural elevation drawings and floor plans.
2. A detailed landscape plan.

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

Prepared by: 

Division Chief: 
AFK/LL: CM



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

December 15, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 15, 2008

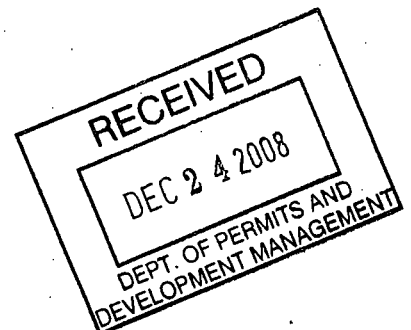
Item Numbers 0541, 0121, 0146, 0147, 0149, 0150, 0151, 0152, 0154, 0155, 0156, 0157

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 10, 2008

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2008
Item No.: 2009-149, 150, 151, 152,
154, 156 & 157

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

DAK:CEN:cab
cc: File

ZAC-12152008-NO COMMENTS



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: 12/16/2008

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

RE: Baltimore County
Item No 2009-0154-SPHA
2808 SMITH AVE
CONGREGATION CHEL MOSE
VARIANCE -
SPECIAL EXCEPTION

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. 2009-0154-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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

2808 Smith Avenue; N/S Smith Avenue,
157' E of Sanzo Road
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Congregation Ohel Moshe
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-154-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.

RECEIVED

DEC 09 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 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Patricia Zook
To: Matthews, Kristen
Date: 2/10/2009 3:35:04 PM
Subject: Case No. 2009-0154-SPHA - Congregation Ohel Moshe (hearing postponed)

Kristen -

Please see Tom's attached memo to the case file regarding this matter.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

MEMORANDUM

DATE: February 10, 2009

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: Case No. 2009-0154-SPHA - Congregation Ohel Moshe

This matter came before the undersigned on February 10, 2009 at 9:00 AM in Room 104 of the Jefferson Building. Petitioner, Congregation Ohel Moshe, is seeking zoning relief to construct an addition to their existing Synagogue.

Their attorney, Deborah Dopkin, contacted this office two weeks before the hearing indicating she would likely be requesting a postponement. On the hearing date, prior to the opening of the case, Ms. Dopkin did request a postponement. She indicated that architectural drawings were still incomplete as of the date of the hearing, and that these drawings were needed by the Office of Planning for their review and evaluation. Rather than move forward with the hearing during this process, Ms. Dopkin felt it would be more beneficial to continue the case.

There were no Protestants or interested persons in attendance (though this might have been due in part to the fact that Petitioner made it known in the community that they would be requesting a postponement of the hearing). I granted the postponement request. Because the case was not opened for evidence by me, it can be rescheduled in the normal course on any docket. I also indicated to Ms. Dopkin that when she obtained a new hearing date, the property would need to be re-posted and re-published at her client's expense.

c: Kristen Matthews, Zoning Review Office

4/24 @ 9am
KML/04

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

Reschedule
for above
date

DEBORAH C. DOPKIN

March 6, 2009

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 2009-0154-SPHA
2808 Smith Avenue

Dear Mr. Bostwick:

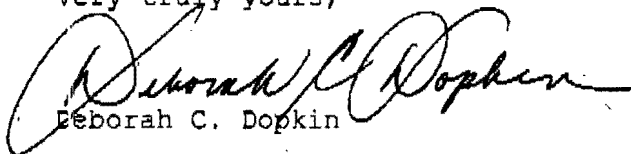
This office represents Congregation Ohel Moshe. As you may recall, I appeared before you on Tuesday, February 10, 2009 and requested a continuance so as to refine the plans for the proposed synagogue on the property.

I am writing you to request that this matter be set in for a hearing at the earliest possibility. It is my understanding that the matter will have to be both re-advertised and re-posted.

There are certain dates on which my client (and I) have conflicts. Therefore, I am copying Kristen Matthews of the Zoning Office so as to avoid scheduling anything on those dates. They are April 2nd, April 8th - 16th, April 20th, May 9th, May 12th and May 28th.

Thank you for your prompt attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Kristen Matthews, Zoning Office
Mr. Azi Rosenblum
Mr. Ken Colbert

C:\docs\KMC\KMC\DCD\Letters 2009\bostwick thomas 03 06 09.wpd

DEBORAH C. DOPKIN, P.A.
1000 MERCANTILE - TOWSON BUILDING
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

FAX TRANSMISSION LEAD SHEET

NOTICE

The information contained in the following pages is PRIVILEGED AND CONFIDENTIAL and belongs to Deborah C. Dopkin, P.A., and/or its clients. The information is intended solely for the use of the person or entity named below to whom it is addressed. Deborah C. Dopkin, P.A. expressly preserves and asserts all privileges and immunities applicable to this transmission. If you are not the intended recipient or an agent or employee of the intended recipient, then you have received this transmission in error -- READ ONLY THIS COVER SHEET, immediately call the phone number below to explain that you have received this transmission in error, and return all pages to us by mail. If you are not the intended recipient, any review, examination, use, disclosure, reproduction, or distribution of this transmission or the information contained herein is PROHIBITED.

DATE: March 6, 2009

NAME: **Attention: Kristen**

COMPANY: Zoning Office

FAX: (410) 887-3048

RE: Case No. 2009-0154-SPHA
2808 Smith Avenue

SENDER: Deborah C. Dopkin, Esquire

1000 Mercantile - Towson Building
409 Washington Avenue
Towson, Maryland 21204

Please contact (410) 821-0200 should you experience any problem with this transmission.

Fax Number: (410) 823-8509

Number of Pages, Including This Lead Sheet: 2

Hard Copy to Follow? no

Comments to Recipient:

TB 2/10/09

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 1000

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200

FACSIMILE 410-823-8509

e-mail ddopkin@dopkinlaw.com

RECEIVED

MAR 09 2009

DEBORAH C. DOPKIN

March 6, 2009

ZONING COMMISSIONER

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

**RE: Case No. 2009-0154-SPHA
2808 Smith Avenue**

Dear Mr. Bostwick:

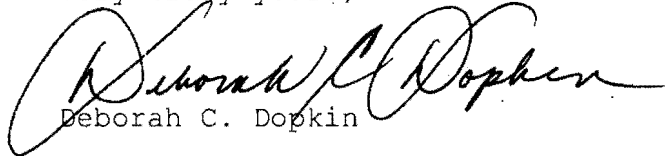
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Thank you for your prompt attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Kristen Matthews, Zoning Office

Mr. Azi Rosenblum

Mr. Ken Colbert

C:\docs\KMCKMC\DCD\Letters 2009\bostwick thomas 03 06 09.wpd

20090306 10:10 AM C:\docs\KMCKMC\DCD\Letters 2009\bostwick thomas 03 06 09.wpd
FILED
MAR 10 2009
TOWSON, MD
CLERK OF DISTRICT COURT

CASE NAME Ohel Moshe
CASE NUMBER 2009-0154
DATE 4-24-09

[illegible]

Case No.: 2009-0154-SPHA

2808 SMITH AVE.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Amended Site Plan with updated Architectural drawing	
No. 2	Aerial Photo of neighborhood	
No. 3	Close-up Aerial - Showing Property -	
No. 4	ZONING MAP	
No. 5	A - Collection of Photos 5B - Looking SW towards Apartment use 5C - Looking SW towards Shopping Center 5D thru 5F - Existing Similar Structures in Area	
No. 6	SETBACK REQUIREMENT EXHIBIT	
No. 7	LANDSCAPE PLAN	
No. 8	PROPOSED BLDG ELEVATIONS	
No. 9	LETTERS OF SUPPORT FROM COMMUNITY FROM "ALL OF" SURROUNDING NEIGHBORS	
No. 10	OFF SITE PARKING AGREEMENT	
No. 11		
No. 12		



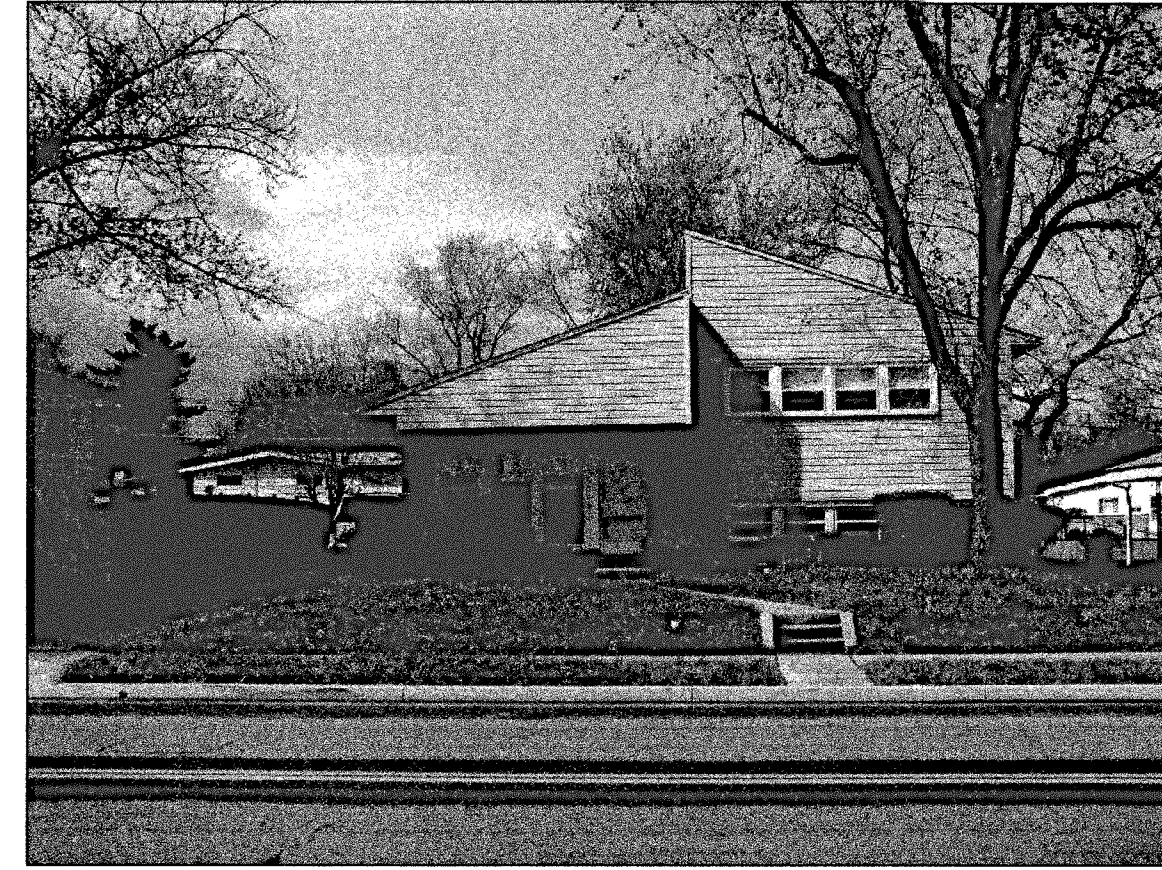
① #3115 SMITH AVE.



② #2720 SMITH AVE.



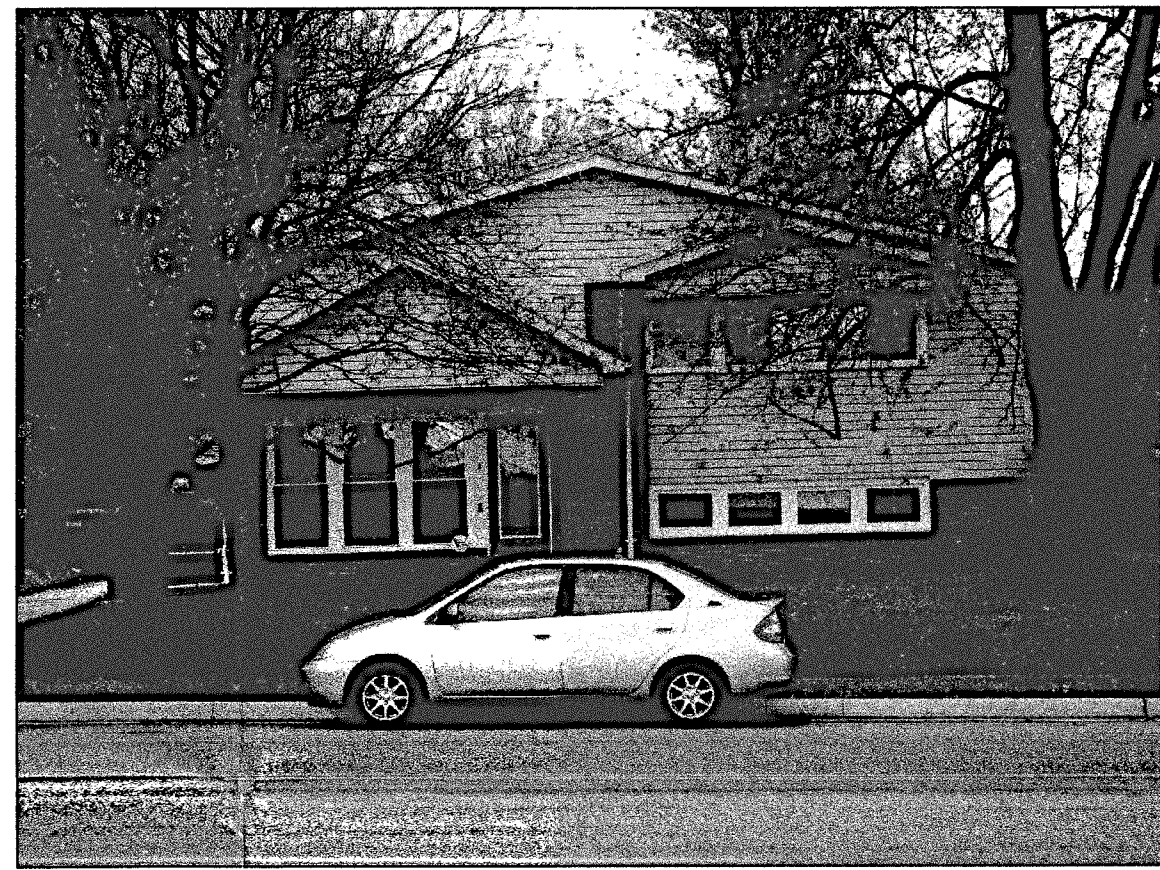
③ #2704 SMITH AVE.



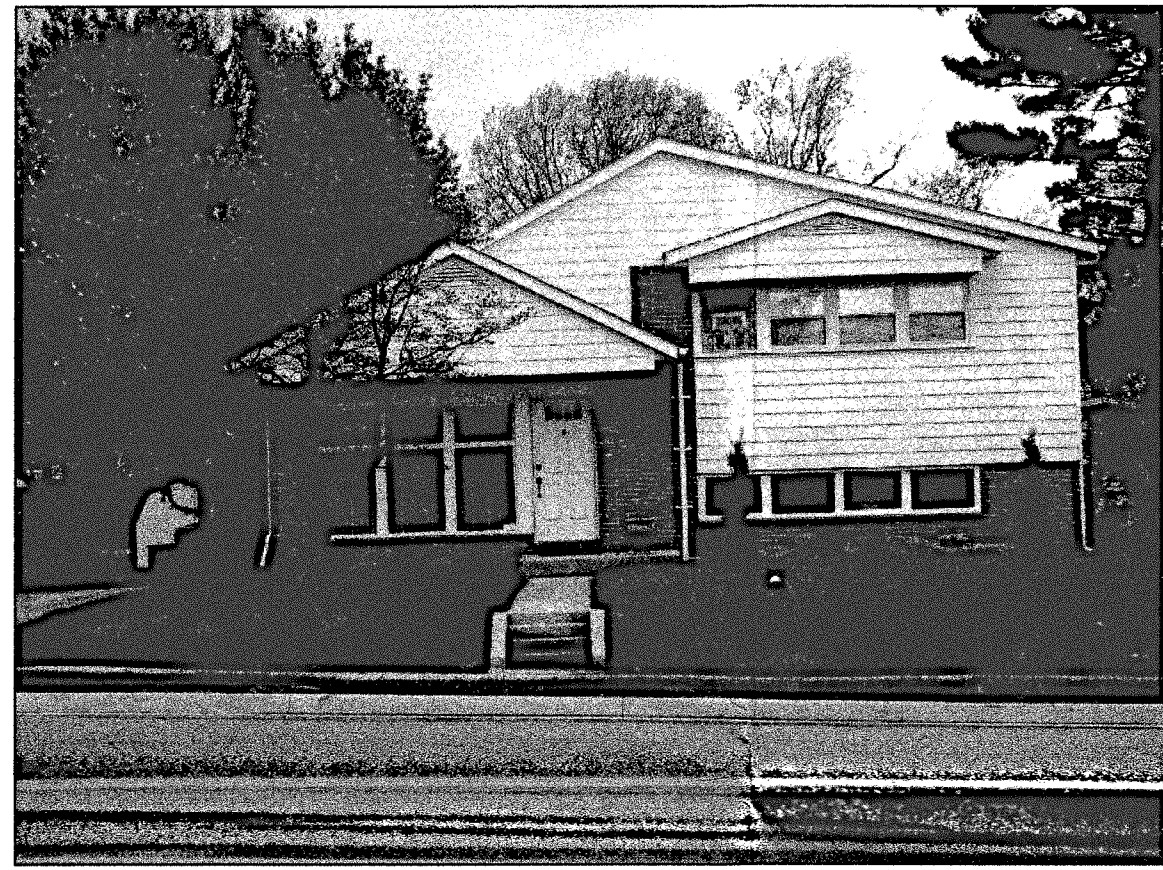
④ #2706 SMITH AVE.



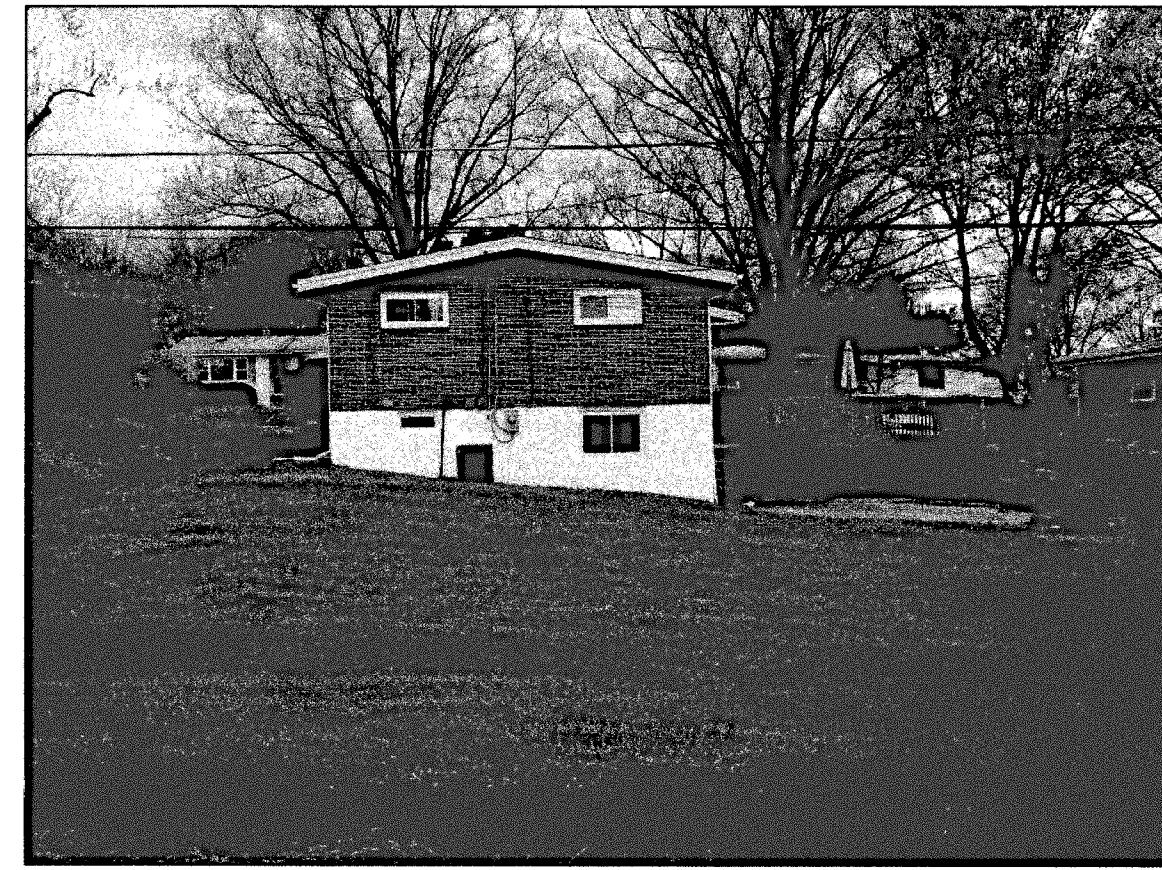
⑤ #2710 SMITH AVE.



⑥ #2802 SMITH AVE.



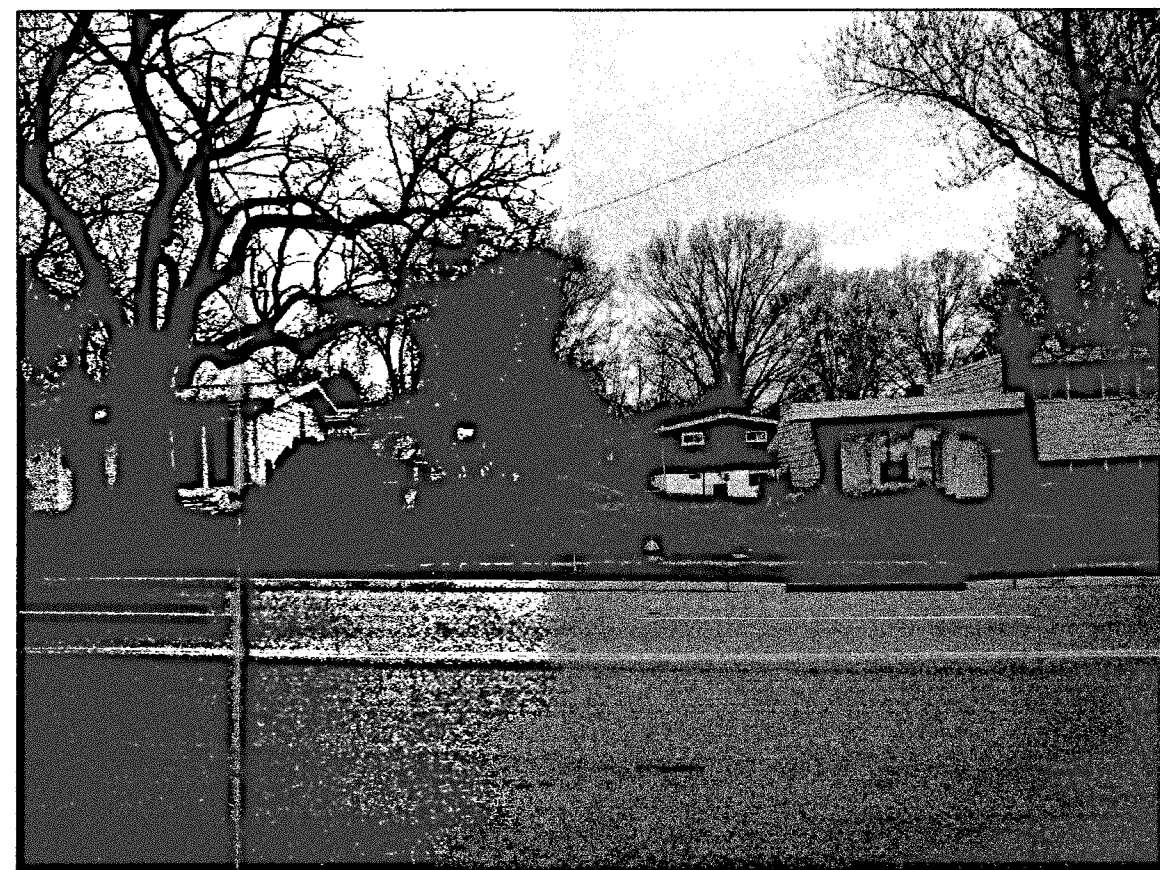
⑦ #2806 SMITH AVE.



⑧ #2809 LAURELWOOD COURT
(VIEW OF REAR) (BEHIND SUBJECT PROPERTY)



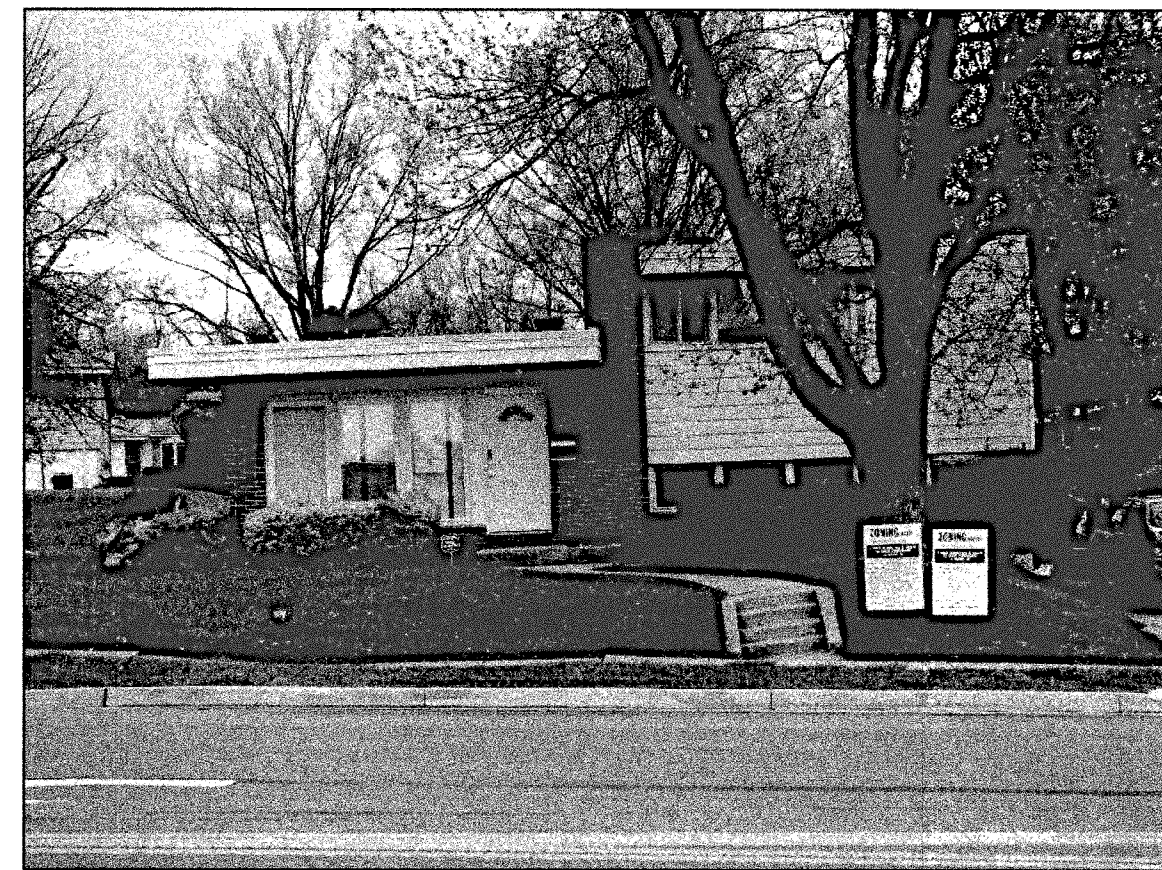
⑨ #2810 SMITH AVE.
(VIEW OF SIDE)



⑩ #2808 & #2810 SMITH AVE.
(VIEW BETWEEN BUILDINGS)



⑪ SUBJECT PROPERTY
(VIEW OF REAR)



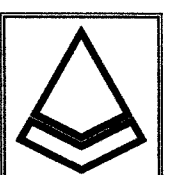
⑫ SUBJECT PROPERTY
(VIEW OF FRONT)

PETITIONER'S
EXHIBIT NO. 5A

NEIGHBORHOOD PHOTO EXHIBIT
OHEL CONGREGATION
2808 SMITH AVENUE
MAP 78 - GRID 5 - 464
BALTIMORE COUNTY, MD.

Colbert Matz Rosenfelt, Inc.

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

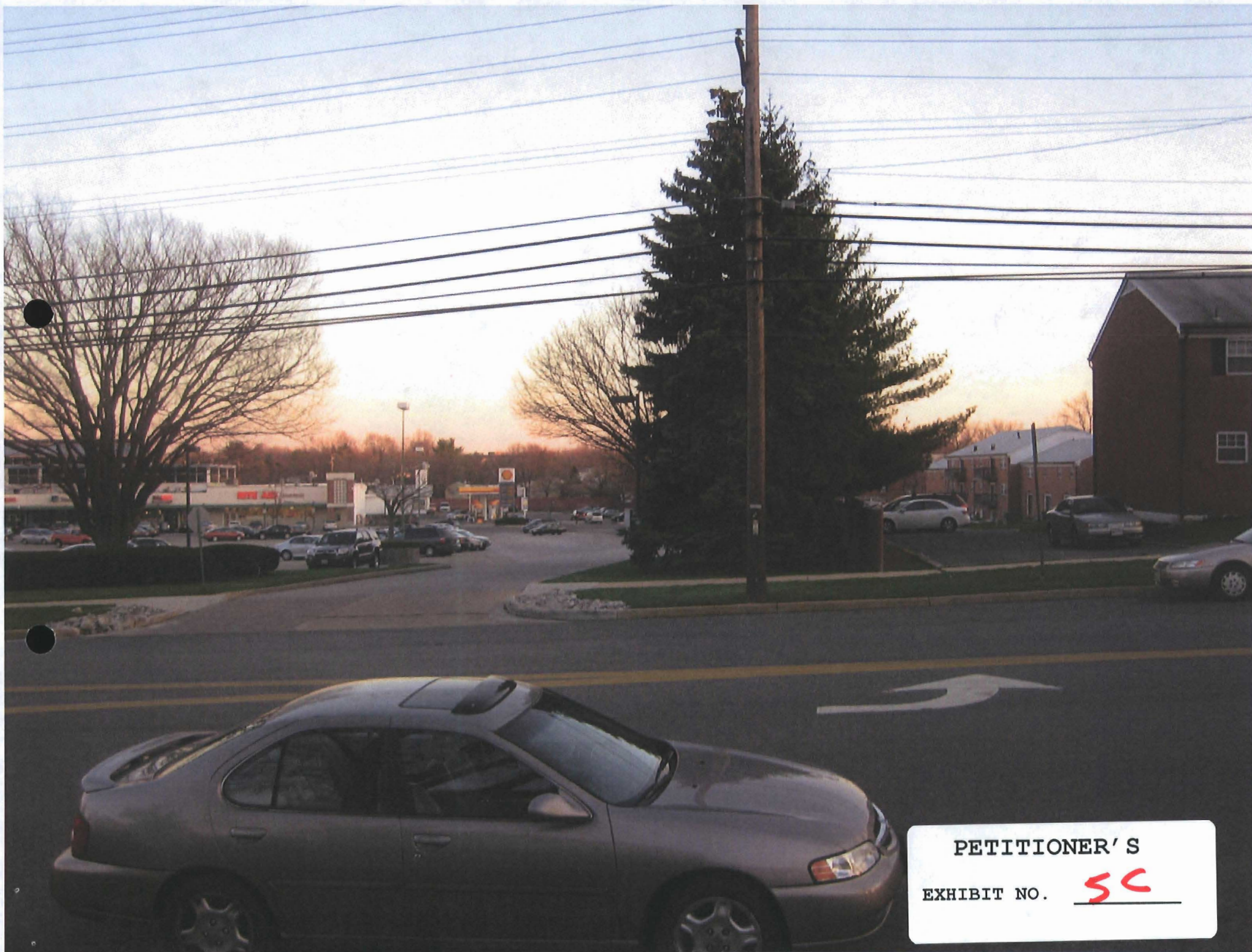


SCALE: 1" = 100'
DATE: 04/22/09
JOB NO.: 2008-016
DESIGNED:
DRAWN: AKC
CHECKED: CMR
FILE: AERIAL EXHIBIT.dwg
DRAWING NUMBER:
SHEET OF



PETITIONER' S

EXHIBIT NO. 5B



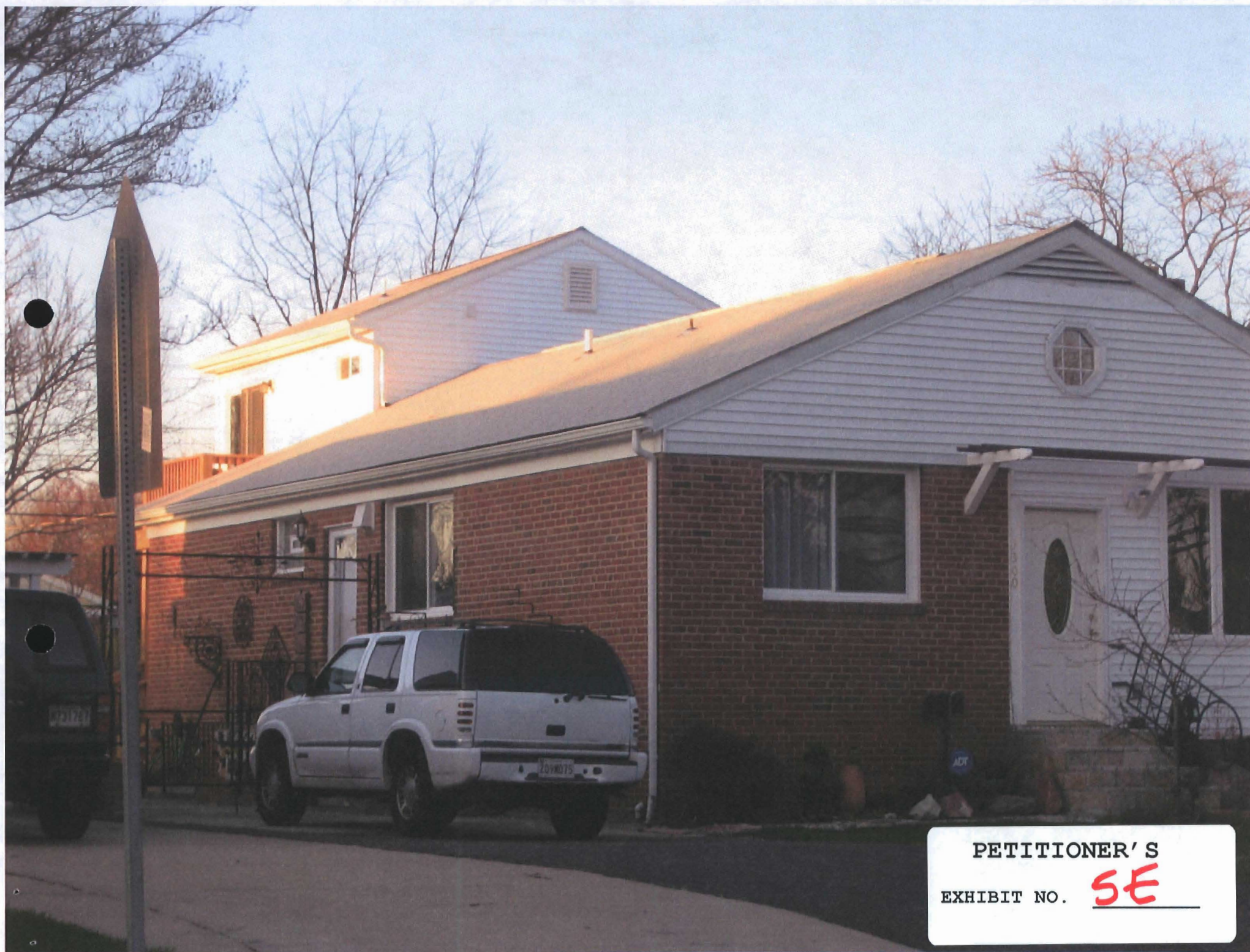
PETITIONER' S

EXHIBIT NO. SC



PETITIONER'S

EXHIBIT NO. **5D**



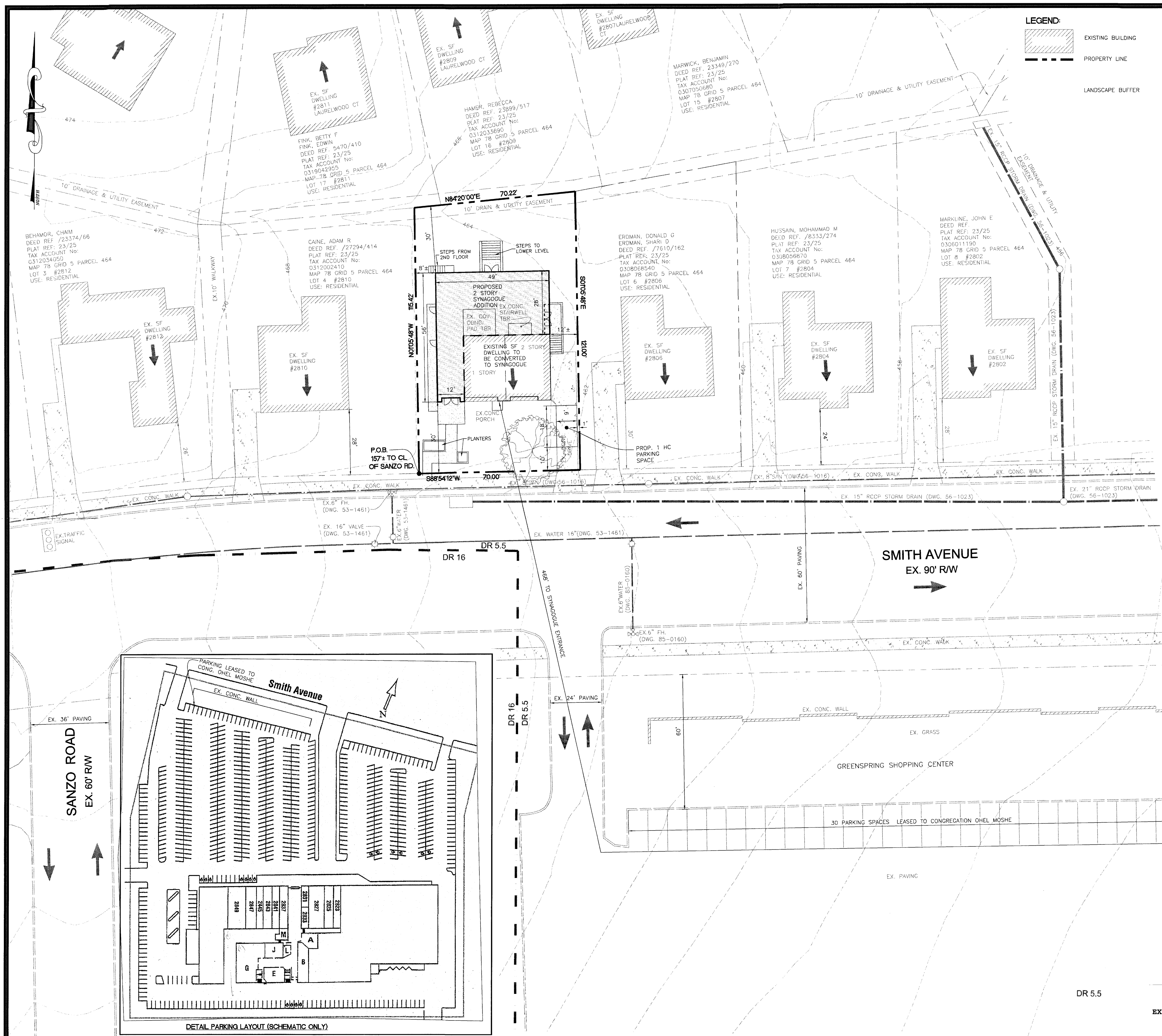
PETITIONER'S

EXHIBIT NO. SE



PETITIONER'S

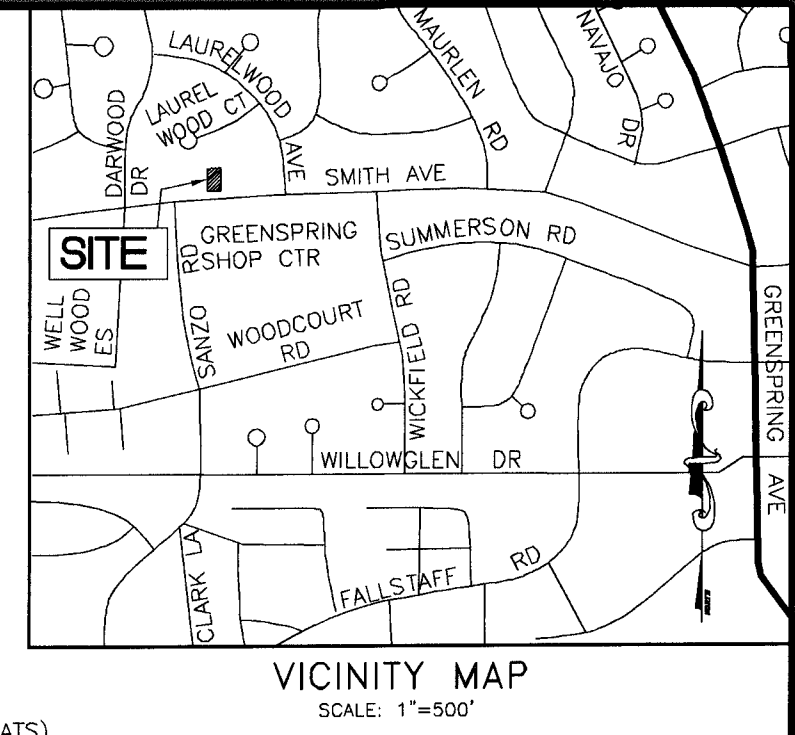
EXHIBIT NO. 5F



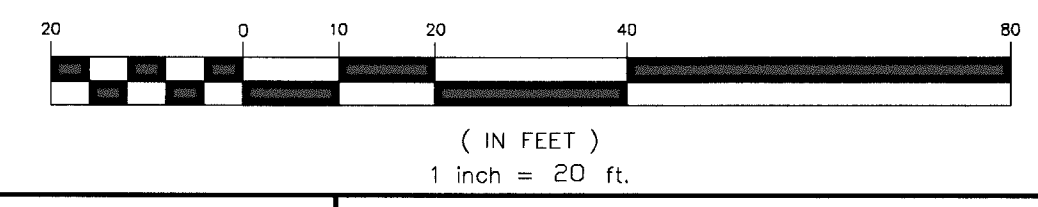
LEGEND:

- EXISTING BUILDING
- PROPERTY LINE
- LANDSCAPE BUFFER

- NOTES:**
- OWNER: CONGREGATION OHEL MOSHE
2808 SMITH AVE
BALTIMORE MD 21209-1427
 - SITE DATA:
TAX MAP 78, GRID 5, PARCEL 464
TAX ACCOUNT No. 0302088800
DEED REFERENCE: 25922/329
NET AREA: 8,273.79 SF (0.19 ± AC.)
GROSS AREA: 10,374.60 SF (0.24 ± AC.)
PLAT REFERENCE: 23/35; LOT 5
 - ZONING: DR 5.5., MAP No.78C1
 - FORMER SF DWELLING
PROPOSED USE: SYNAGOGUE (WITH ADDITION) - 100 SEATS
 - OFF-STREET PARKING CALCULATIONS:
SYNAGOGUE PARKING CALCULATION:
REQUIRED PARKING: 25 SPACES (100 SEATS @ 1 SPACE/4 SEATS)
PROPOSED PARKING: 30 SPACES PARKING PROVIDED BY LEASE IN GREENSPRING SHOPPING CENTER
SHOPPING CENTER PARKING CALCULATION: (SEE DETAIL)
TOTAL GROSS LEASABLE AREA- 109,049 SF
REQUIRED PARKING @ 5 SPACES/1,000SF= 545 SPACES
REQUIRED PARKING FOR SERVICE STATION -
4 SERVICE BAYS @ 3 SPACES/BAY=12 SPACES
5 EMPLOYEES @ 1 SPACE/EMPLOYEE= 5 SPACES
TOTAL REQUIRED PARKING: 562 SPACES
TOTAL PARKING PROVIDED: 668 SPACES
PARKING FOR SYNAGOGUE: 30 SPACES
REMAINING PARKING PROVIDED: 668 SPACES
 - THERE IS NO ZONING HISTORY FOR THIS SITE.
 - PREVIOUS COMMERCIAL PERMIT: NONE.
 - THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR ANY 100-YEAR FLOODPLAIN.
 - THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
 - SETBACKS: REQUIRED PROVIDED
FRONT 40 FT 30 FT
SIDE 20 FT 8 FT/12 FT
REAR 30 FT 30 FT
 - RTA REQUIREMENTS:
BUILDING SETBACK: REQUIRED - 75 FT
PROPOSED -
FRONT - 30 FT
SIDE - 8 FT
SIDE - 12 FT
REAR - 30 FT
LANDSCAPE BUFFER: REQUIRED - 50 FT
PROPOSED -
FRONT - 0 FT
SIDE - 4 FT
SIDE - 0 FT
REAR - 10 FT
PARKING SETBACK: REQUIRED - 75 FT/BUFFER 50 FT
PROPOSED - 1 FT SETBACK
0 FT BUFFER
 - SHOPPING CENTER ZONING HISTORY:
CASE No. 5484-SPH: TO PERMIT OFF-STREET PARKING WITHIN A RESIDENTIAL ZONE. GRANTED AND DENIED ON APPEAL.
CASE No.5652-SPH: TO PERMIT OFF-STREET PARKING WITHIN A RESIDENTIAL ZONE. GRANTED AND UPHOLD ON APPEAL.
SUBJECT TO FOLLOWING RESTRICTIONS:
a. 60-FOOT SETBACK FROM SMITH AVENUE FOR LAWN AREA.
b. 36-INCH HIGH MASONRY WALL ALONG SMITH AVENUE.
c. PARKING LIGHTS FOCUSED ON PARKING AREA.
d. INGRESS & EGRESS TO PARKING AREA SUBJECT TO APPROVAL OF THE COUNTY PLANNING BOARD.
ALL CONDITIONS STILL IN PLACE.
CASE No. 84-325-X: SPECIAL EXCEPTION TO PERMIT A MOVIE THEATER WITHIN THE PERIMETER OF AN EXISTING SHOPPING CENTER. GRANTED. MOVIE THEATER CLOSED.
CASE No. 66-38-X: SPECIAL EXCEPTION TO PERMIT A GASOLINE SERVICE STATION WITHIN AN EXISTING SHOPPING CENTER. GRANTED, WITH RESTRICTIONS. UPHOLD ON APPEAL. SERVICE STATION STILL IN PLACE.



PLAT TO ACCOMPANY
PETITION FOR VARIANCE & SPECIAL
HEARING
CONGREGATION OHEL MOSHE
2808 SMITH AVE BALTIMORE MD 21209-1427
MAP 78 - GRID 5 - PARCEL 464- LOT 5
DEED REF: LIBER 25922 FOLIO 329
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"=20' DATE: NOVEMBER 18, 2008 JOB NO: 2008016 DESIGNED: DRAWN: AVK CHECKED: JMF FILE: 2008016/DRC PLAN.DWG DRAWING NUMBER:	
License No. 9752	Expiration Date: 02/28/10	1	4/07/09 UPDATE BUILDING ADDITION: KJC
NO.	DATE	REVISIONS:	BY SHEET 1 OF 1

DR 5.5
PETITIONER'S
EXHIBIT NO. 1



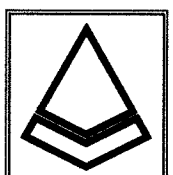
LEGEND
 ① → NUMBER OF PHOTO &
 DIRECTION IT WAS TAKEN

PETITIONER'S
 EXHIBIT NO. 2

AERIAL PHOTO EXHIBIT & PHOTO KEY
OHEL CONGREGATION
 2808 SMITH AVENUE
 MAP 78 - GRID 5 - 464
 BALTIMORE COUNTY, MD.

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
 2835 Smith Avenue, Suite G
 Baltimore, Maryland 21209
 Telephone: (410) 653-3838
 Facsimile: (410) 653-7953



SCALE: 1" = 200'
 DATE: 04/22/09
 JOB NO.: 2008-016
 DESIGNED:
 DRAWN: AKC
 CHECKED: CMR
 FILE: AERIAL EXHIBIT.dwg
 DRAWING
 NUMBER:
 SHEET OF



AERIAL PHOTO EXHIBIT
OHHEL CONGREGATION
2808 SMITH AVENUE
MAP 78 - GRID 5 - 464
BALTIMORE COUNTY, MD.

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. 3

SCALE: 1" = 100'
DATE: 04/22/09
JOB NO: 2008-016
DESIGNED:
DRAWN: AKC
CHECKED: CMR
FILE: AERIAL EXHIBIT.dwg
DRAWING
NUMBER:
SHEET OF



Plan Sheet: 078C1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- | | | | | | |
|--|-----------|--|---------|--|------------|
| | Buildings | | Streams | | Vegetation |
| | Zoning | | Roads | | Rail Lines |

Baltimore County Office of Planning and Zoning Official Zoning Map

068A3	068B3	068C3	069A3	069B3
078A1	078B1	078C1	079A1	079B1
078A2	078B2			

Scale

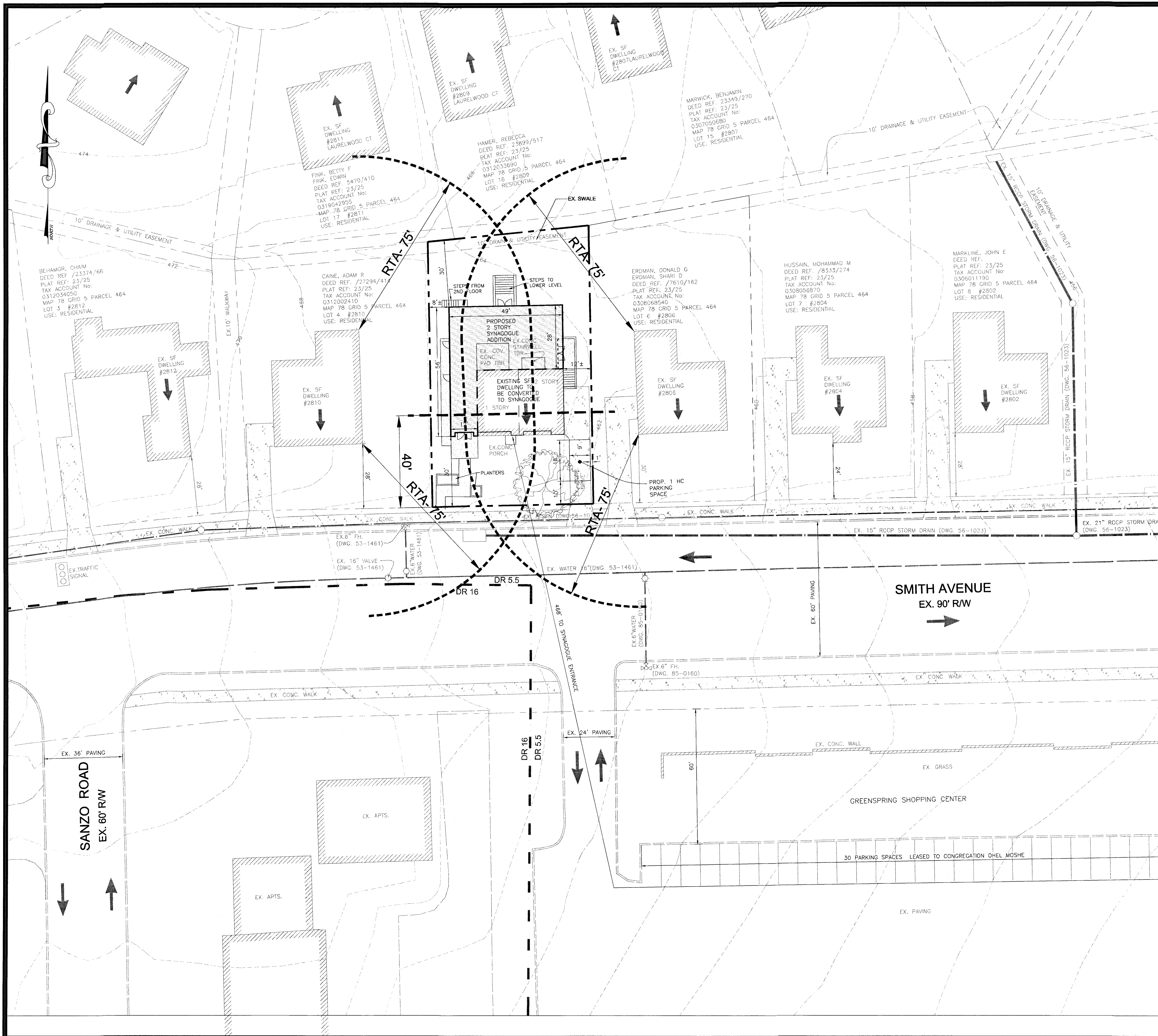
1" = 200'

0 100 200 400
Feet



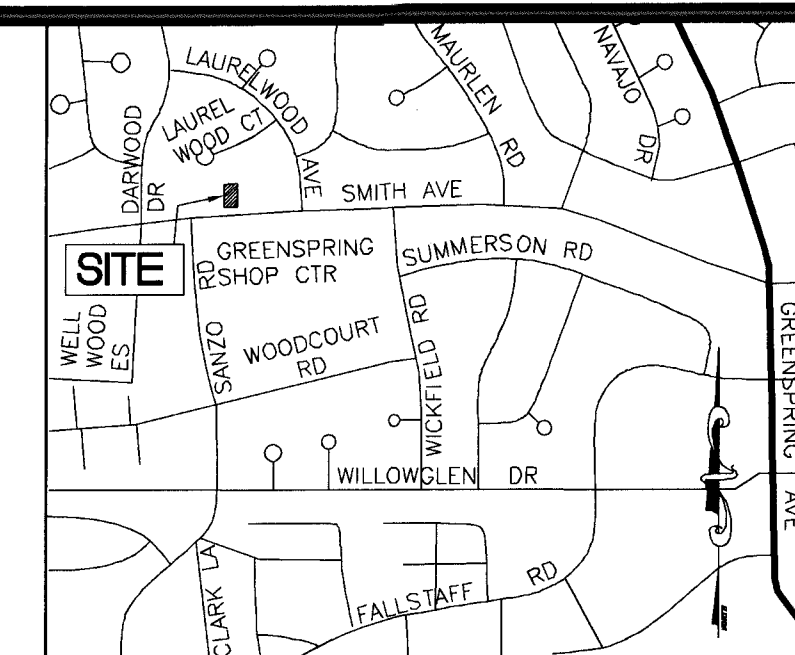
PETITIONER'S
EXHIBIT NO. 4

Data Sources
Planimetric Data: Baltimore County
GIS Services Unit
1:2400, from 1995/96 photography
Zoning: Baltimore County Office of Planning
1:2400, 2008



NOTES:

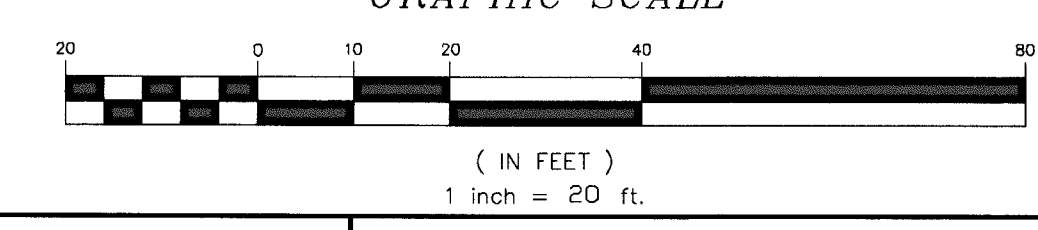
- OWNER:
CONGREGATION OHEL MOSHE
2808 SMITH AVE
BALTIMORE MD 21209-1427
- SITE DATA:
TAX MAP 78, GRID 5, PARCEL 464
TAX ACCOUNT No. 0302086800
DEED REFERENCE: 25922 FOLIO 329
NET AREA: 8,273.79 SF (0.19 ±AC.)
GROSS AREA: 10,374.60 SF (0.24 ±AC.)
PLAT REFERENCE 23/35; LOT 5
- ZONING: DR 5.5, MAP No.78C1
- FORMER SF DWELLING
PROPOSED USE: SYNAGOGUE (WITH ADDITION) - 100 SEATS
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SYNAGOGUE PARKING CALCULATION:
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PROPOSED PARKING: 30 SPACES PARKING PROVIDED BY LEASE IN GREENSPRING SHOPPING CENTER
SHOPPING CENTER PARKING CALCULATION: (SEE DETAIL)
TOTAL GROSS LEASABLE AREA- 109,049 SF
REQUIRED PARKING @ 5 SPACES/ 1,000SF= 545 SPACES
REQUIRED PARKING FOR SERVICE STATION = 4
4 SERVICE BAYS @ 3 SPACES/BAY=12 SPACES
5 EMPLOYEES @ 1 SPACE/EMPLOYEE= 5 SPACES
TOTAL REQUIRED PARKING: 562 SPACES
TOTAL PARKING PROVIDED: 698 SPACES
PARKING FOR SYNAGOGUE: 30 SPACES
REMAINING PARKING PROVIDED: 668 SPACES
- THERE IS NO ZONING HISTORY FOR THIS SITE.
- PREVIOUS COMMERCIAL PERMIT: NONE.
- THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA OR ANY 100-YEAR FLOODPLAIN.
- THIS BUILDING IS NOT IN A HISTORIC DISTRICT OR ON ANY HISTORIC BUILDINGS REGISTRY.
- SETBACKS: REQUIRED PROVIDED
FRONT 40 FT 30 FT
SIDE 20 FT 8 FT/12 FT
REAR 30 FT 30 FT
- RTA REQUIREMENTS:
BUILDING SETBACK: REQUIRED - 75 FT
PROPOSED - 30 FT
FRONT - 30 FT
SIDE - 8 FT
REAR - 12 FT
LANDSCAPE BUFFER: REQUIRED - 50 FT
PROPOSED - 0 FT
FRONT - 0 FT
SIDE - 4 FT
REAR - 10 FT
PARKING SETBACK: REQUIRED - 75 FT/BUFFER 50 FT
PROPOSED - 1 FT SETBACK
0 FT BUFFER
- SHOPPING CENTER ZONING HISTORY:
CASE No. 5484-SPH: TO PERMIT OFF-STREET PARKING WITHIN A RESIDENTIAL ZONE. GRANTED AND DENIED ON APPEAL.
CASE No.5652-SPH: TO PERMIT OFF-STREET PARKING WITHIN A RESIDENTIAL ZONE. GRANTED AND UPHOLD ON APPEAL.
SUBJECT TO FOLLOWING RESTRICTIONS:
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d. INGRESS & EGRESS TO PARKING AREA SUBJECT TO APPROVAL OF THE COUNTY PLANNING BOARD.
ALL CONDITIONS STILL IN PLACE.
CASE No. 84-325-X: SPECIAL EXCEPTION TO PERMIT A MOVIE THEATER WITHIN THE PERIMETER OF AN EXISTING SHOPPING CENTER. GRANTED. MOVIE THEATER CLOSED.
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SETBACK EXHIBIT

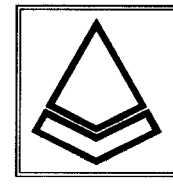
CONGREGATION OHEL MOSHE
2808 SMITH AVE BALTIMORE MD 21209-1427

MAP 78 - GRID 5 - PARCEL 464
DEED REF: LIBER 25922 FOLIO 329
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

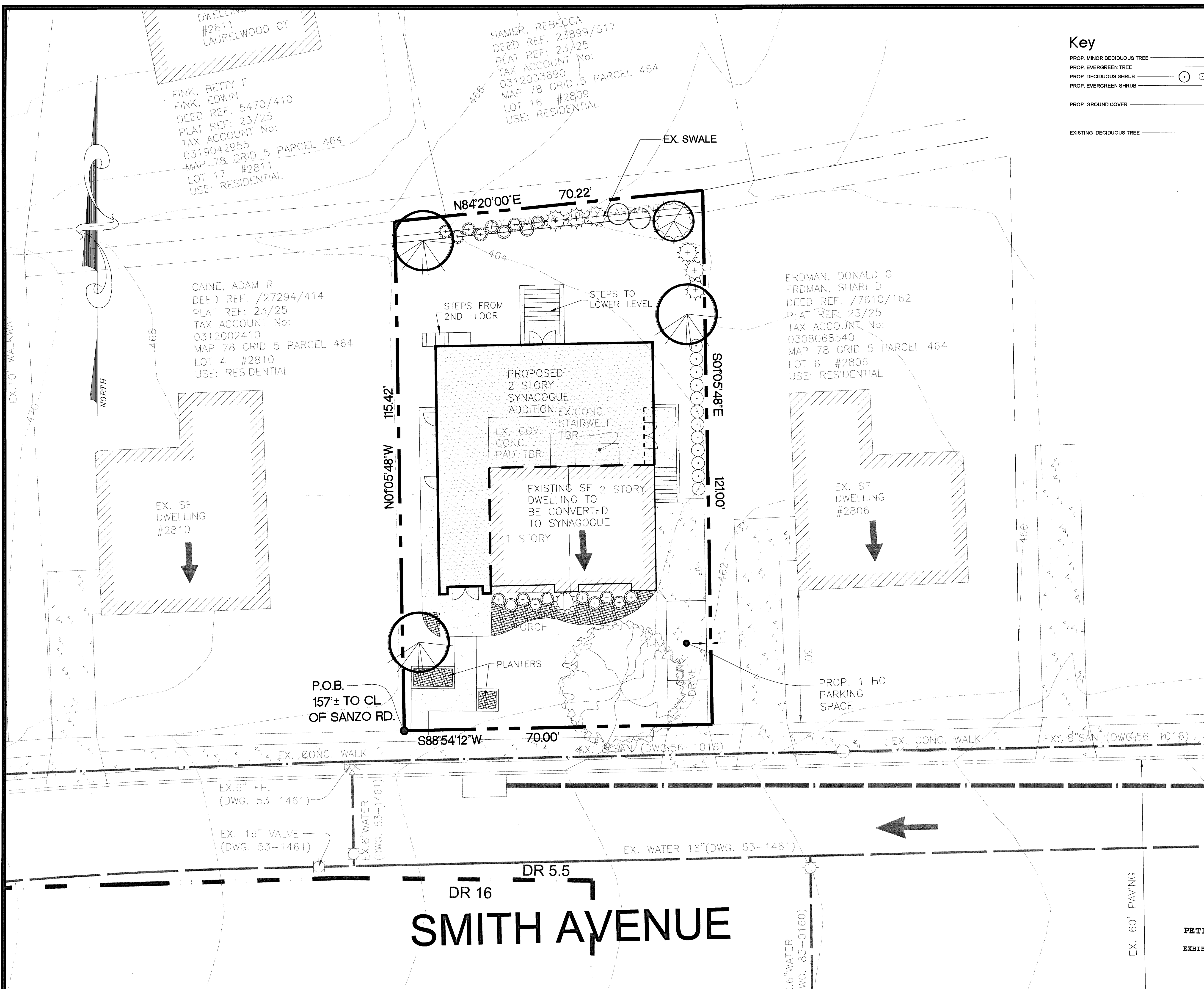


PETITIONER'S

EXHIBIT NO. 6

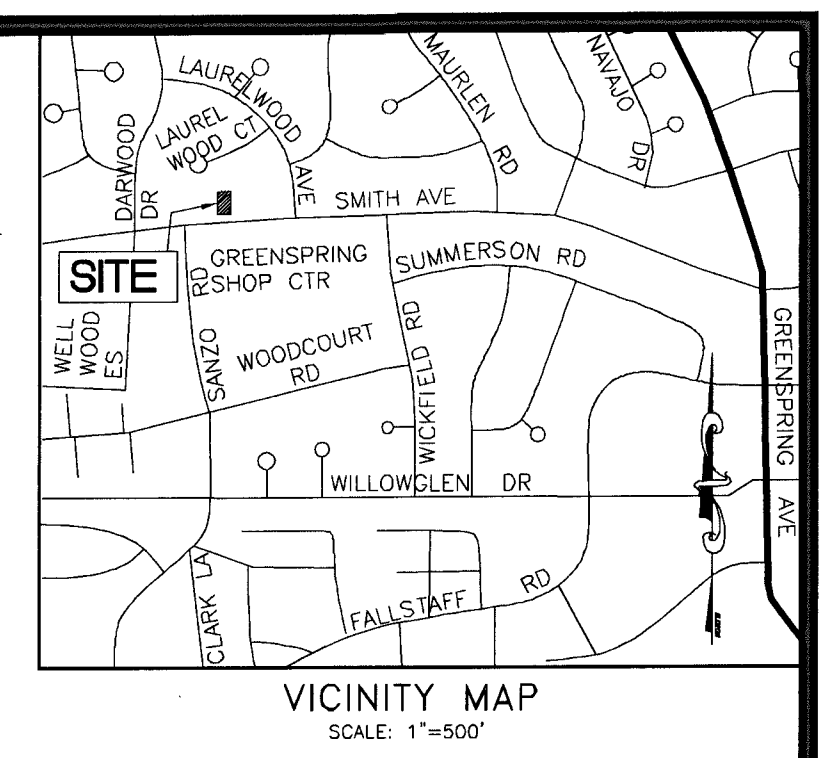
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JOB NO.: 2008-016
DESIGNED:
DRAWN: AVK/ AKC
CHECKED: CMR
FILE: 2008016 RTA SETBACK EXHIBIT.dwg
DRAWING NUMBER: RTA

NO.	DATE	REVISIONS:	BY	SHEET 1 OF 1
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Key

- PROP. MINOR DECIDUOUS TREE
- PROP. EVERGREEN TREE
- PROP. DECIDUOUS SHRUB
- PROP. EVERGREEN SHRUB
- PROP. GROUND COVER
- EXISTING DECIDUOUS TREE



SCHEMATIC LANDSCAPE PLAN

CONGREGATION OHEL MOSHE

2808 SMITH AVE BALTIMORE MD 21209-1427

MAP 78 - GRID 5 - PARCEL 464 - LOT 5

DEED REF: LIBER 25922 FOLIO 329

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

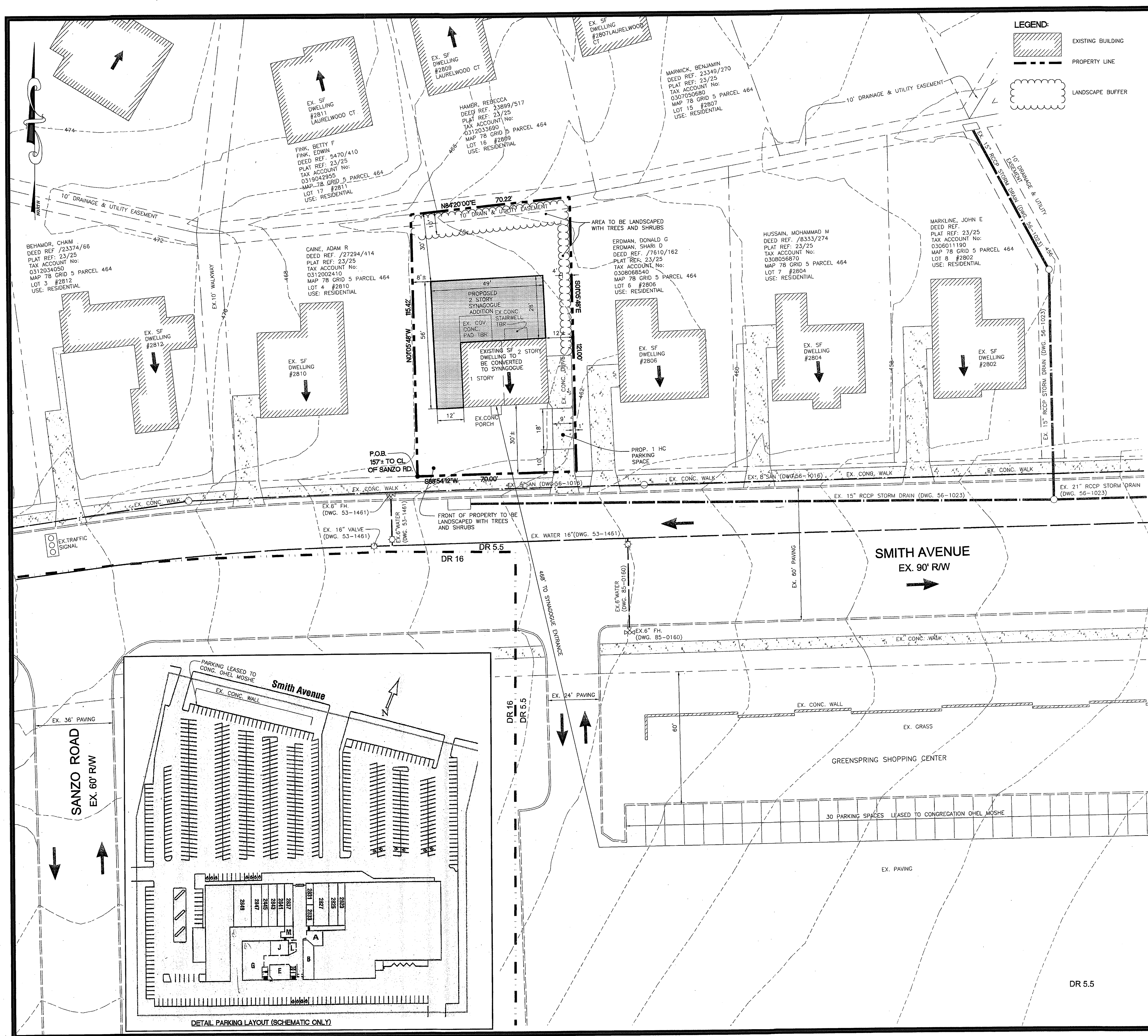
Telephone: (410) 653-3838

Facsimile: (410) 653-7953

PETITIONER'S	
EXHIBIT NO. 7	
NO.	DATE
REVISIONS:	
BY	SHEET 1 OF 1

Sch LAP	
DESIGNED: TNW	DATE: 4/08/09
DRAWN: TNW	JOB NO.: 2008016
CHECKED: KJC	FILE: 2008016/DRC PLAN.DWG
DRAWING NUMBER:	

N:\d2\project\2008\2008016\Project Directories\CMDRDC PLAN rev 040709.dwg, 4/23/2009 12:25:20 PM, ACrawford

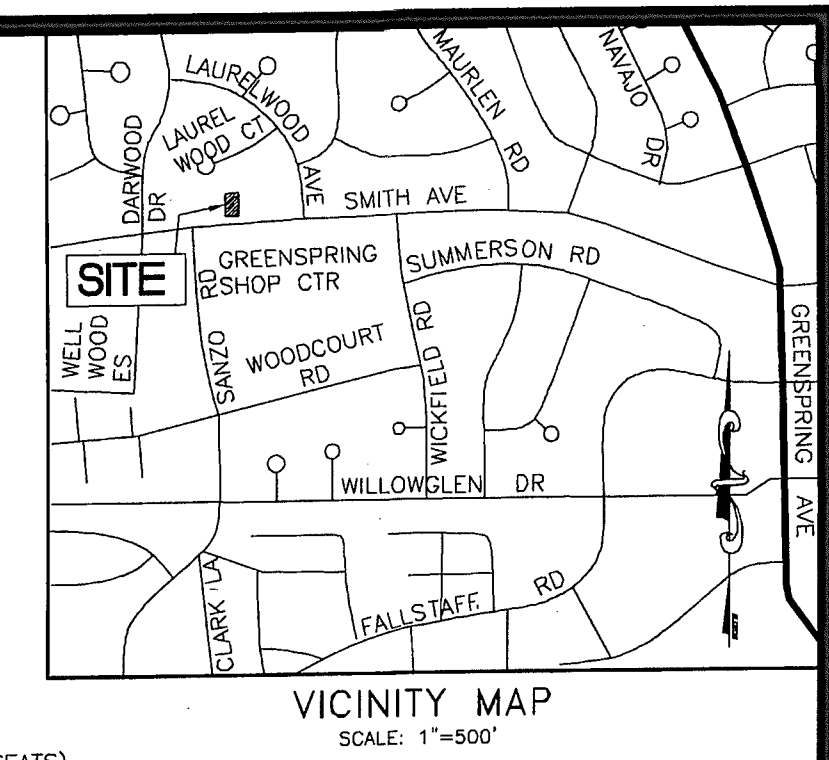


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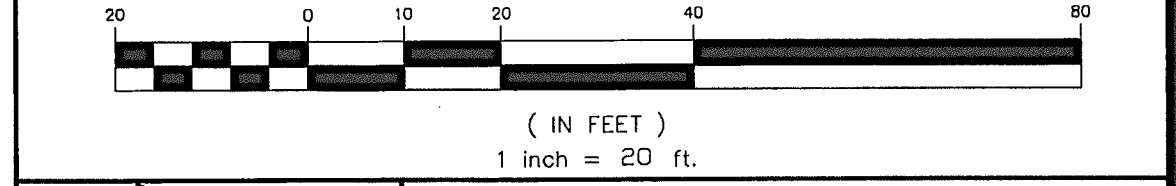
- EXISTING BUILDING
- PROPERTY LINE
- LANDSCAPE BUFFER

NOTES:

- OWNER: CONGREGATION OHEL MOSHE
2808 SMITH AVE
BALTIMORE MD 21209-1427
- SITE DATA:
TAX MAP 78, GRID 5, PARCEL 464
TAX ACCOUNT No. 030208800
DEED REFERENCE: 25922/329
NET AREA: 8,273.79 SF (0.19 ± ac.)
GROSS AREA: 10,374.60 SF (0.24 ± ac.)
PLAT REFERENCE 23/35; LOT 5
- ZONING: DR 5.5, MAP No. 78C1
- FORMER SF DWELLING
PROPOSED USE: SYNAGOGUE (WITH ADDITION) - 100 SEATS
- OFF-STREET PARKING CALCULATIONS:
SYNAGOGUE PARKING CALCULATION:
REQUIRED PARKING: 25 SPACES (100 SEATS @ 1 SPACE/4 SEATS)
PROPOSED PARKING: 30 SPACES PARKING PROVIDED BY LEASE IN GREENSPRING SHOPPING CENTER
SHOPPING CENTER PARKING CALCULATION: (SEE DETAIL)
TOTAL GROSS LEASABLE AREA- 109,049 SF
REQUIRED PARKING @ 5 SPACES/ 1,000SF= 545 SPACES
REQUIRED PARKING FOR SERVICE STATION - 4 SERVICE BAYS @ 3 SPACES/BAY=12 SPACES
5 EMPLOYEES @ 1 SPACE/EMPLOYEE= 5 SPACES
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- SETBACKS:
REQUIRED
FRONT 40 FT
SIDE 20 FT
REAR 30 FT
PROVIDED
FRONT 30 FT
SIDE 8 FT/12 FT
REAR 30 FT
- RTA REQUIREMENTS:
BUILDING SETBACK: REQUIRED - 75 FT
PROPOSED
FRONT - 30 FT
SIDE - 8 FT
REAR - 12 FT
LANDSCAPE BUFFER: REQUIRED - 50 FT
PROPOSED
FRONT - 0 FT
SIDE - 4 FT
REAR - 10 FT
PARKING SETBACK: REQUIRED - 75 FT/BUFFER 50 FT
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CASE No. 5652-SPH: TO PERMIT OFF-STREET PARKING WITHIN A RESIDENTIAL ZONE. GRANTED AND UPHOLD ON APPEAL.
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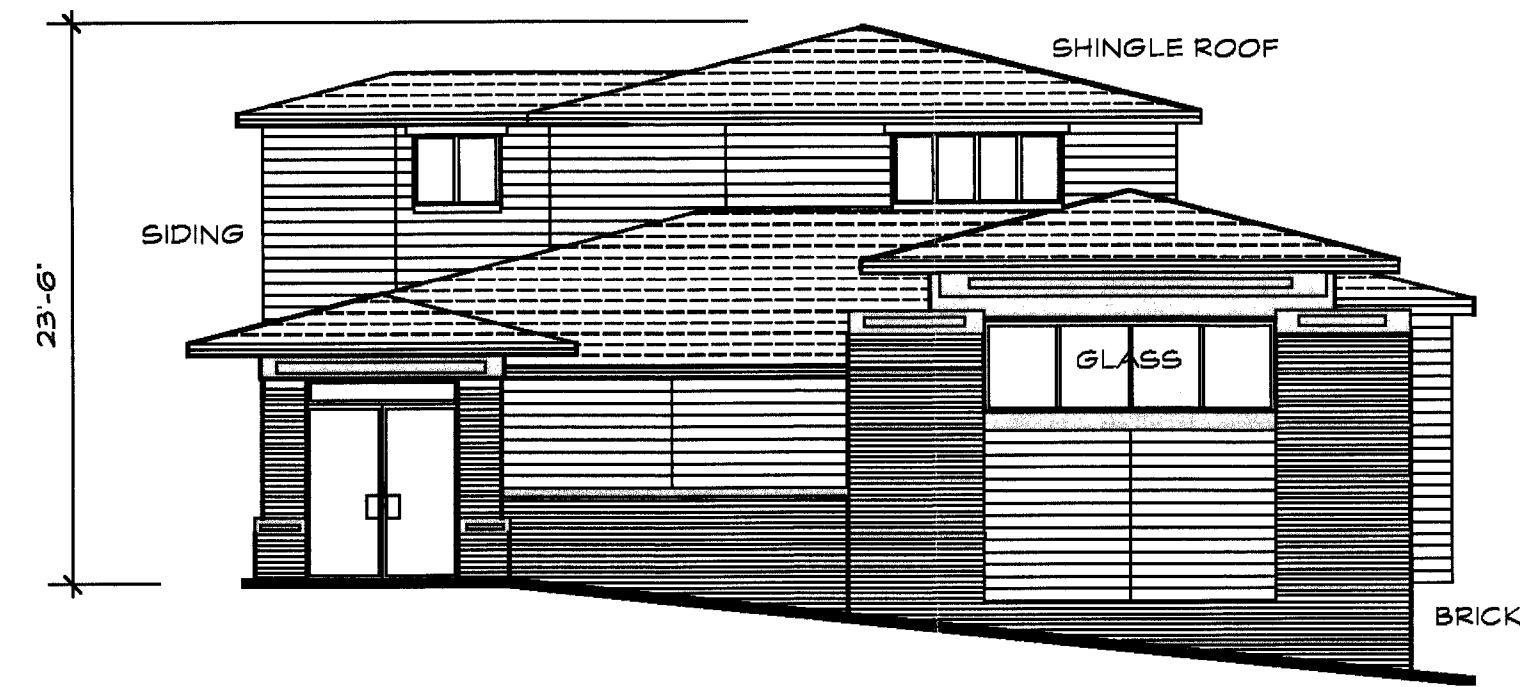


PLAT TO ACCOMPANY
PETITION FOR VARIANCE & SPECIAL
HEARING
CONGREGATION OHEL MOSHE
2808 SMITH AVE BALTIMORE MD 21209-1427
MAP 78 - GRID 5 - PARCEL 464- LOT 5
DEED REF: LIBER 25922 FOLIO 329
BALTIMORE COUNTY, MD.
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
GRAPHIC SCALE



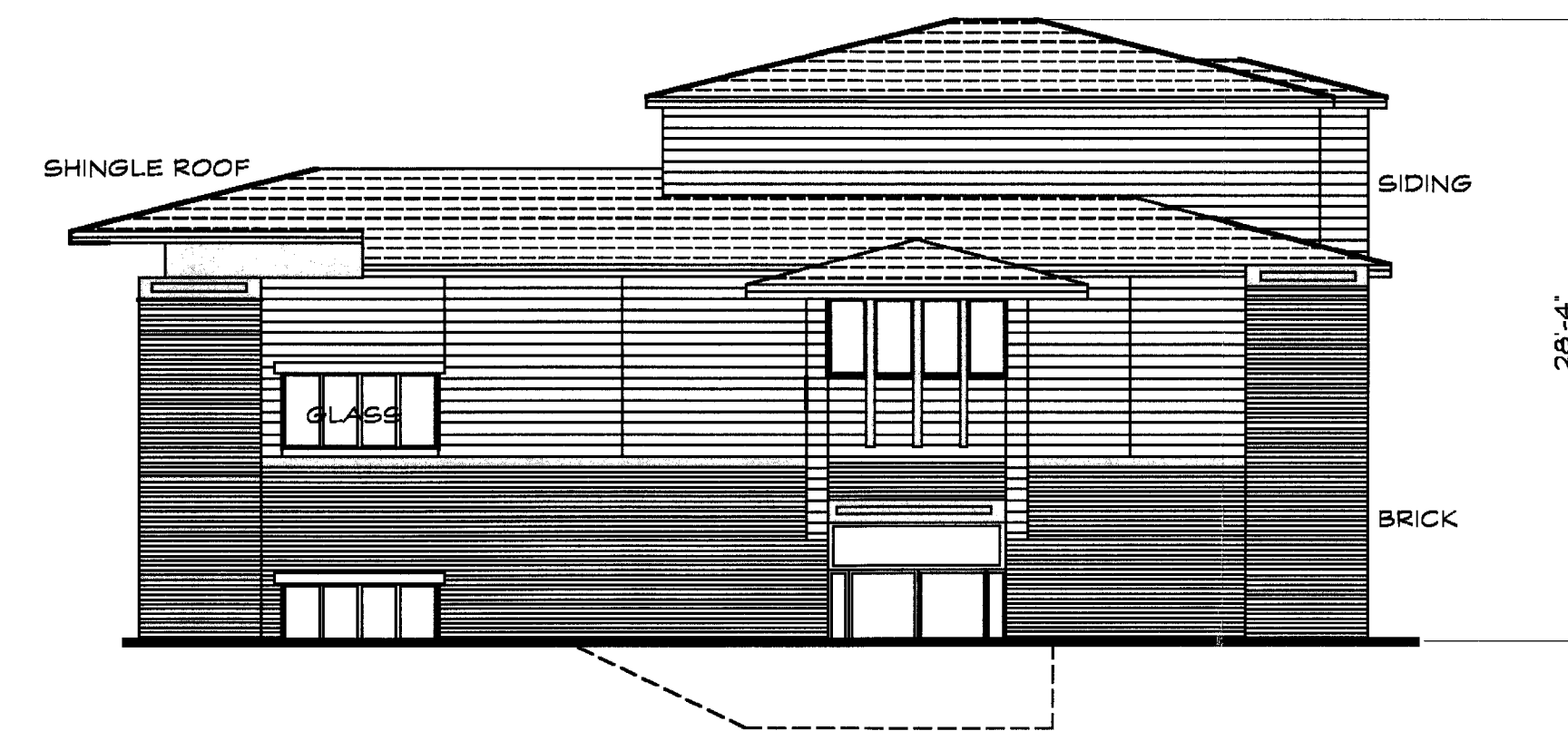
Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

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. License No. 9752 Expiration Date: 02/28/10				SCALE: 1"=20' DATE: NOVEMBER 18, 2008 JOB NO.: 2008016 DESIGNED: DRAWN: AVK CHECKED: JMF FILE: 2008016/DRG PLAN.DWG DRAWING NUMBER: SPEC HEARING	
NO.	DATE	REVISIONS:	BY	SHEET 1	OF 1

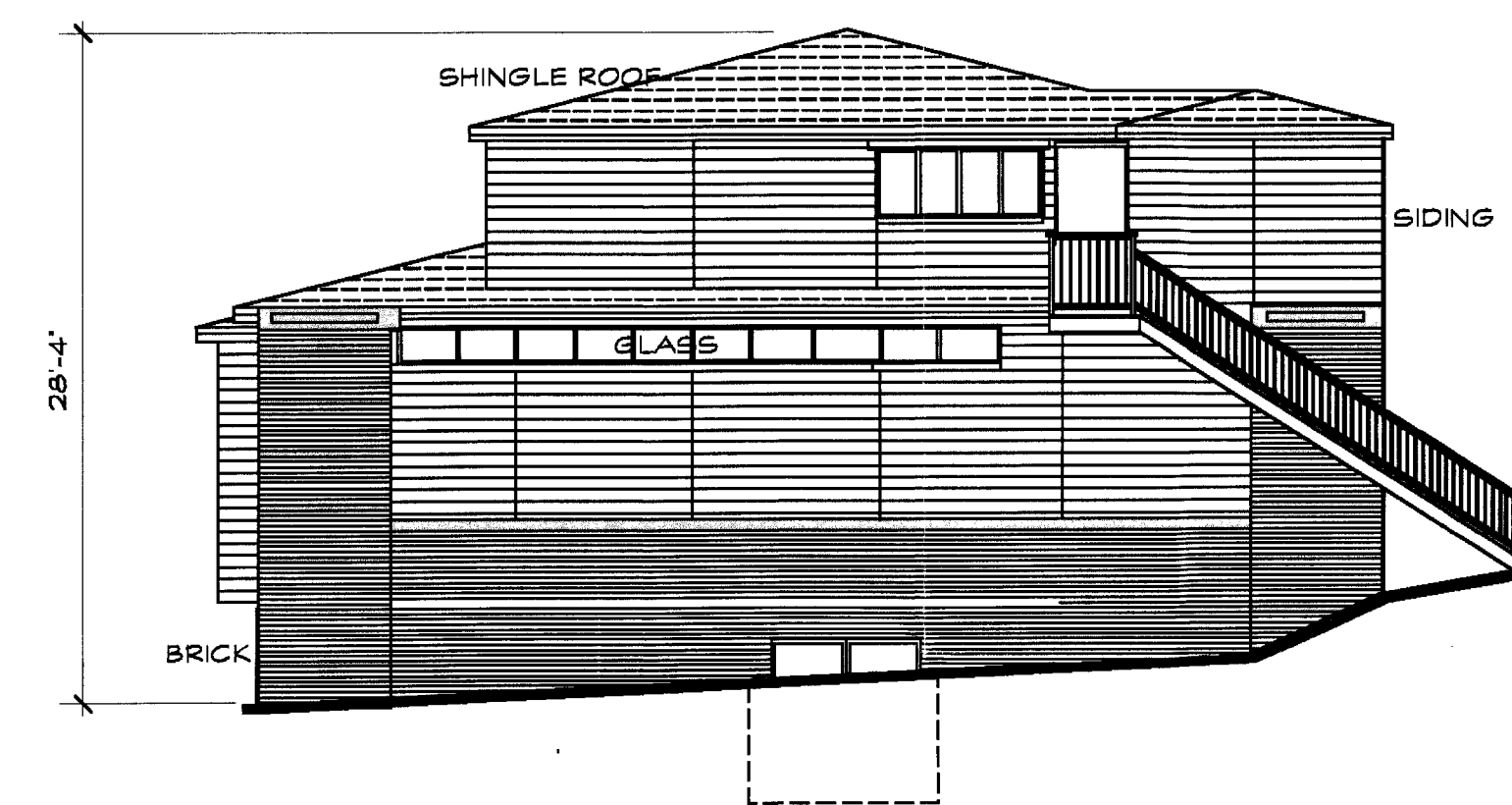


SMITH AVE. ELEVATION

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

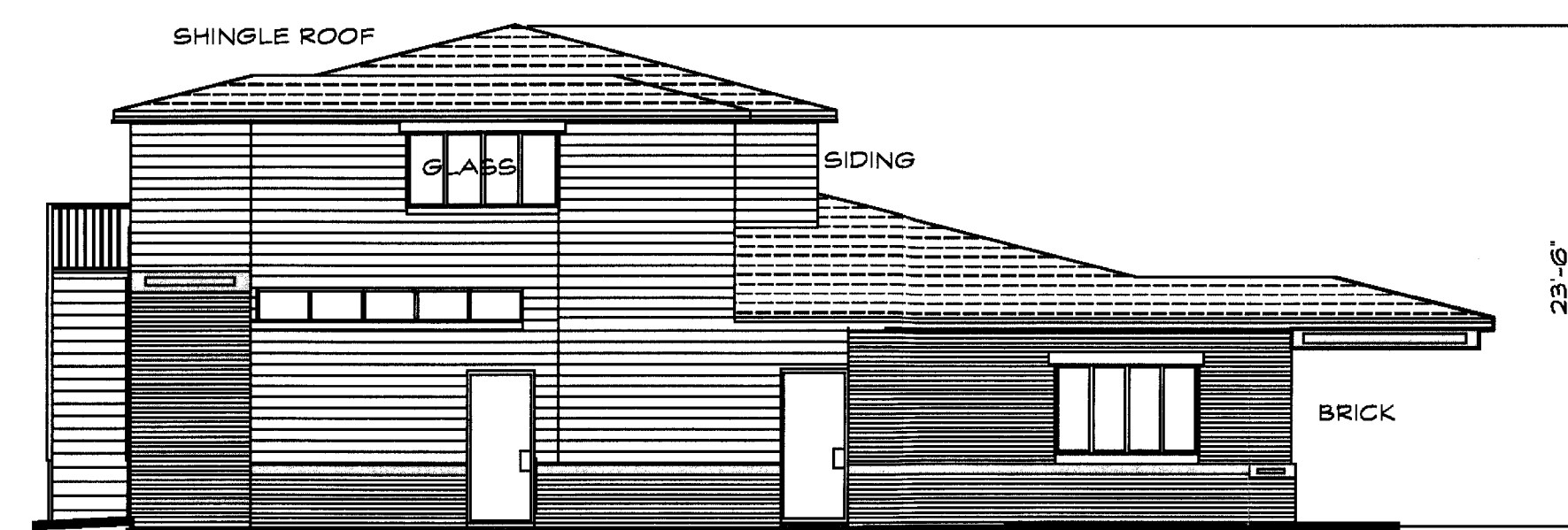


RIGHT SIDE ELEVATION



REAR YARD ELEVATION

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



LEFT SIDE ELEVATION

PETITIONER'S

EXHIBIT NO. 8

ZONING DOCUMENT

PROJECT:
ALTERATIONS & ADDITIONS TO THE
OHHEL MOSHE
SMITH AVE., BALTIMORE COUNTY, MD.

ARCHITECT:
STUART J. MACKLIN, ARCHITECT
3406 BANCROFT ROAD
BALTIMORE, MD 21215

REVISIONS:

ENGINEER: THE WATKINS PARTNERSHIP- STRUCTURAL

DATE:
3/08
DRAWN BY:
SJM

JOB NUMBER:
O-1.

SEAL:

SEAL:

SHEET NUMBER:
A-1.

Adam and Chaya Caine
2810 Smith Ave. Baltimore, MD 21209
410-415-0632

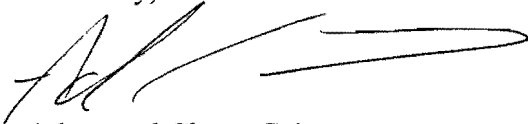
November 12, 2008

To Whom It May Concern:

As neighbors of Congregation Ohel Moshe we have the opportunity to be a part of a dynamic supportive community. They are respectful of the neighborhood, maintain the property and are sensitive to the requests and needs of the other property owners.

The president of the congregation- Mr. Rosenbloom- informed us, that the congregation is looking to expand the current building. We have no objections to those plans.

Sincerely,



Adam and Chaya Caine

PETITIONER'S

EXHIBIT NO. 9

EXHIBIT.
2009 0154 SPHA

PARTING LEASE
AGREEMENT.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "License Agreement") dated as of the 1st day of August, 2008, between **GREENSPRING MALL LLLP**, a Maryland limited liability limited partnership ("Licensor") and **CONGREGATION OHEL MOSHE**, a Maryland non-profit corporation ("Licensee"), located at 2808 Smith Ave., Baltimore, MD 21209.

WITNESSETH

The parties hereto, intending to be legally bound, hereby covenant with each other as follows:

1. Licensor is the owner of the shopping center and related amenities located at 2801 Smith Avenue, Baltimore, Maryland 21208 and commonly known as Greenspring Shopping Center (the "Shopping Center"). Licensor hereby grants to Licensee a non-exclusive license to use, in common with others, a portion of the parking lot at the Shopping Center consisting of a maximum of thirty (30) parking spaces, at the northwest corner of the parking lot shown on Exhibit A attached hereto and made a part hereof (the "Licensed Premises"), to be used only for overflow parking of Licensee's congregants and the parking of such congregant's cars on the Licensed Premises and for no other purpose. Licensor may designate a different location for the Licensed Premises from time to time in its sole discretion. Licensor makes no representations to Licensee with respect to the right of Licensee to operate its business on the Licensed Premises.

2. The term of this License Agreement (the "Term") shall commence on September 1, 2008 and shall expire on August 31, 2012 (unless sooner terminated as herein provided), provided, however, that this License Agreement may be terminated by either party, on giving ninety (90) days prior written notice of termination. Upon giving such written notice, if Licensee has not vacated the Licensed Premises, Licensor shall be entitled to immediately or at any time thereafter, re-enter the Licensed Premises and remove all persons and all or any property therefrom by any suitable action or proceeding at law or otherwise (including, but not limited to self-help) without being liable for any prosecution therefor or damage resulting therefrom, and repossess and enjoy the Licensed Premises, together with all additions, alterations and improvements, to which remedies and acts the Licensee specifically consents.

3. Licensee agrees to pay Licensor for the use of the Licensed Premises an annual fee of Five Dollars (\$5.00), and other good and valuable consideration for its use of the licensed premises.

4. Licensee covenants: that no waste or damage shall be committed upon or to the Licensed Premises; that the Licensed Premises shall be used for only the purpose hereinabove stated; that the Licensed Premises shall not be used for any unlawful purpose and no violations of law or ordinance or duly constituted authority shall be committed thereon. Throughout the Term hereof, Licensee, at Licensee's own cost and expense, shall take good care of the Licensed Premises; promptly pay the expense of any repairs and installations necessitated by Licensee's use of the License Premises; give prompt notice to Licensor of any damage that may occur; execute and comply with all laws, rules, orders, ordinances and regulations at any time issued or in force,

{00026783 v. 1}

MAP NO. 78C1
1"=200'

DR-3.5

0154



CHOKEBERRY CT

OAKTON CT

LAURELWOOD AVE

LAURELWOOD CT

SITE

MAURLEEN CT

GEARTNER RD

SMITH AVE

DR-3.5

DR-16

GREENSPRING
SHOPPING
CENTER