

4/20/10

RE: PETITION FOR VARIANCE
5050 King Avenue; E/S of Babikow Road,
150' N of King Avenue
14th Election & 6th Councilmanic Districts
Legal Owner(s): Boumi Temple Corp.
Petitioner(s)

* BEFORE THE COUNTY
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* 09-265-A

* * * * *

OPINION AND ORDER

On April 8, 2009, Petitioner Boumi Temple Corporation ("BTC"), a nonprofit corporation, filed a petition for sign variances and to amend the site plan previously approved in Case No. 98-234-SPHXA for a temple at 5050 King Avenue. By way of introduction, the King Avenue site, also called a campus, is on 34 acres in the South Perry Hall residential area. It is now occupied by the completed Boumi Temple, a facility with 58,600 square feet divided between a main floor and a basement floor, and accessory storage buildings. There is a long driveway from the King Avenue entrance to the temple building. An existing freestanding sign is at the entrance. The zoning classification for the property has been and remains D.R. 5.5. (Density-Residential).

In the earlier case, on February 23, 1998, Deputy Zoning Commissioner (DZC) and Hearing Officer Timothy Kotroco approved a special exception for a community building devoted to civic and social use, variances from the Residential Transition Area standards, a determination of the adequacy of 406 parking spaces, a sign variance for a freestanding sign 10 feet height instead of the maximum 6 feet, and the accompanying development plan. The decision also reflects that BTC entered into a letter agreement with the South Perry Hall Boulevard Improvement Association (SPHBIA), which included various terms and conditions. SPHBIA was represented by counsel.

BTC did proceed to develop the site and build the temple. In 2009, after a decade in operation, BTC became concerned about the decline in membership. Believing this to

be due partly to difficulties in finding the site, BTC filed the present petition to add three (3) additional wall-mounted signs for increased visibility.

The Petition enumerates the sign variance relief now requested, as described in Zoning Commissioner ("ZC") William Wiseman's June 17, 2009 opinion, page 1,

"The Petitioner requests variance relief from Section 450.4.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit an existing freestanding ground-mounted identification sign (illuminated) with a sign face area of 18 square feet (Sign 4); (2) to allow three (3) illuminated wall-mounted building identification signs with a combined maximum sign face area of 213 square feet in lieu of the permitted one (1) wall-mounted identification sign (one per frontage) with a sign face of 25 square feet each (Signs 1,2 and 3), and (3) to amend the site plan approved in Case No. 98-234-SPHXA."

In his June 17, 2009 final order, entitled "Findings of Fact and Conclusions of Law," ZC Wiseman approved the variances and the modified site plan.

The case then came to this County Board of Appeals ("CBA") *de novo* upon People's Counsel for Baltimore County's timely appeal. Baltimore County has a comprehensive sign ordinance. Bill 89-97 was enacted in 1997 and is codified in Baltimore County Zoning Regulation ("BCZR") § 450. In defending the comprehensive zoning maps, People's Counsel scrutinizes sign variances. From time to time, his office has found it necessary to raise challenges or ask for limitations on such variances.

On April 20, 2010, this CBA panel convened a public hearing to review a proposed resolution of the case, approving the sign variances with site and sign lighting conditions. Vernon Boozer, Esquire represented BTC. Peter Max Zimmerman, People's Counsel, represented his office. They described the proposal and its background.

After the filing of People's Counsel's appeal, Mr. Boozer became the attorney for BTC. Charles L. Johnston, Jr., BTC's Chief Rabban, who prepared the site plan, carried forward as consultant and representative. They met with Mr. Zimmerman to see whether there could be a satisfactory legal resolution which would address, resolve, or ameliorate People's Counsel's concerns. As a result, they came to an agreement to propose approval of the aforesaid variances, subject to several new site and sign lighting conditions.

Mr. Boozer and Mr. Zimmerman both outlined the proposal. Mr. Johnston then testified in detail and presented an amended site plan, Exhibit 1A; a description of the sign elevations and dimensions, Exhibit 1B; a descriptive letter from Mr. Johnston to Mr. Zimmerman, Exhibit 1C; and a revised DMW consulting firm redline drawing dated August 4, 1999, revised March 12, 2010, Exhibit 1D.

The conditions are listed on the amended site plan dated March 12, 2010 under the General Notes as Notes 31-35. There was already Note 30, which required that fixtures illuminating the parking area must reflect light away from adjacent residential sites and public streets. The additional Note 31 enumerates the three new wall-mounted signs: #1, 194 square feet (4.3' x 45') on the front wall at the second level; #2, 2.64 square feet (0.66' x 4') on the door; and #3, 16 square feet (4' x 4') on the front of the canopy. Note 32 refers to the existing freestanding sign, #4, 18 square feet (3' x 6'), which will remain at the King Road entrance. Note 33 delineates that the variances, in combination, amount to 213 square feet for the three new wall-mounted signs, instead of the permitted 25 square feet, and 18 square feet for the existing sign, for a total of 231 square feet. Note 34 refers to the sign elevations and dimensions on Exhibit 1B. Note 35 refers to the site and sign lighting conditions described in Mr. Johnston's March 12, 2010 letter, Exhibit 1C, and drawn on the revised DMW plan, Exhibit 1D.

In the interest of brevity, we shall attach Mr. Johnston's letter to this opinion and order, and incorporate the site and sign lighting conditions as if fully set forth. Essentially, the conditions place time limits on the illumination, respectively, of the existing freestanding sign (#4), dusk to 10 PM; the nine (9) dual head light poles in the parking lot in the southeast part of the campus, dusk to 11:45PM; the furthest light pole on the southeast side of the parking area, dusk to daybreak; the light at the base of the eight (8) flag poles, dusk to 10PM; the one flagpole which flies the American flag, dusk to dawn; and the building lettering. Mr. Johnston's letter noted that the back lit lighting is LED or "going green." Mr. Johnston also states that there must be lighting on during functions and gatherings, which typically place in the evenings, but are over by midnight, except for New Year's Eve.

Mr. Johnston testified to his opinion, based on a decade of experience, that the proposed additional signs would be important in providing some additional visibility on King Avenue. The property is not on a main arterial road, and is not in close proximity to any interstate highway exit. At the same time, the location and size of the signage do not appear to have any significant impact on the nearby residential community. Indeed, the site and sign lighting conditions will probably effectuate a measurable improvement.

BTC had hoped to provide visibility to motorists on I-95. This was one of People's Counsel's major concerns. The office has made it a priority to prevent or limit excessive signage oriented to interstate highways, both freestanding and wall-mounted. Such signs usually have detrimental aesthetic and traffic impacts. See Trinity Assembly of God v. People's Counsel for Baltimore County 407 Md. 53 (2008).

Upon further review here, Mr. Zimmerman made a site inspection and reviewed aerial photography, also introduced as an exhibit. It appears that the temple building is about 1000 from the interstate highway. This distance, the building angle, and a forested area on the east side of the campus situate the site so that BTC's new signs will not have a problematic or significant visual impact on I-95 or the traveling public.

Based upon the entire record, Mr. Johnston's testimony, the exhibits, and the agreed conditions, the County Board of Appeals finds that the petition for variances should be granted in accordance with the criteria of BCZR § 307.1. The singular location of the property does cause particular visibility issues and practical difficulty. The experience of BTC suggests that additional signage is warranted as a reasonable use which will do justice to BTC and will not cause any injustice to adjacent property owners or to the public, safety, health, and welfare. The main additional sign consists of wall-mounted sign letters fabricated from non-reflective brushed stainless steel installed on the second level façade on the front wall of the temple. While large, it will be at a substantial distance from King Avenue. As noted, because of the particular geography, it will likely not have any significant visible impact on I-95. The South Perry Hall Boulevard Improvement Association did not appear or register any objection. Indeed, the record reflects that BTC communicated with and obtained the approval of several area residents.

The addition of the new site and sign lighting conditions on the revised plans provides important support and reinforcement for this Board's grant of the variances. It should be underlined that BCZR Section 450.8.A.1 requires a strict construction of the law, unless the demonstrable effect is to reduce confusion and clutter. Under all the circumstances, the Board is satisfied that the proposed additional signage, combined with the lighting conditions imposed on the site as well as the signs, will serve this beneficial purpose. This finding is applicable to this case alone. Each case must be reviewed according to the circumstances.

To the extent that the sign variances modify the special exception plan and development plan approved in Case No. 98-234-SPHXA, the Board is also satisfied that the proposed signs will not have a particular adverse effect on the public safety, health, and welfare in the locality and otherwise meets the criteria of BCZR § 502.1 and the development law.

For the foregoing reasons, the Board hereby enters the following Order.

ORDER

Therefore, it is this 20th day of April, 2010, ORDERED by the County Board of Appeals of Baltimore County, that the Amended Petition for Sign Variances, and for Modification of the Special Exception, Sign Variance and Site Plan approved in Case No. 98-234-SPHXA be, and hereby is GRANTED, subject to the following simultaneous approvals and conditions:

1. The approval is for three additional wall-mounted signs described in the revised site plan and other exhibits. (Exhibits 1A, 1B, 1C, and 1D). These are, respectively, 194 square feet (4.3' x 45') on the front wall façade, second level; 2.64 square feet (.66' x 4') on the front door; and 16 square feet (4' x 4') on the front of the canopy. The approval of the existing freestanding monument sign of 18 square feet (3' x 6') remains in force.

1. Petitioner Boumi Temple Corporation shall comply with the amended site plan, described above and identified as Exhibit 1A; the sign dimensions and elevation plan, Exhibit B; Charles Johnston's letter dated March 12, 2010, Exhibit 1C; and the revised DMW drawing, Exhibit 1D.

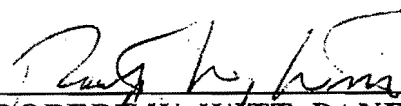
2. In particular, for the purpose of the present case, Petitioner shall comply with the site and sign lighting conditions on the revised site plan, Notes 30-35, as further elaborated in Charles Johnston's letter dated March 12, 2010. Mr. Johnston's letter is attached and incorporated in this Order as if fully set forth.

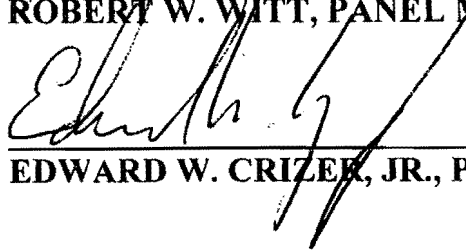
3. Except insofar as amended by this Order, Deputy Zoning Commissioner/Hearing Officer Timothy Kotroco's decision in Case No. 98-234-SPHXA remains in full force.

Any petition for judicial review shall be filed within 30 days of the date of this Order.

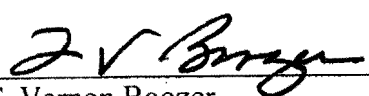
**COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY,**

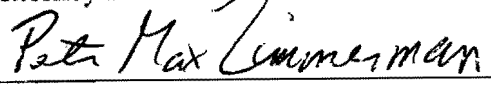

ANDREW M. BELT, CHAIRMAN


ROBERT W. WITT, PANEL MEMBER


EDWARD W. CRIZER, JR., PANEL MEMBER

Approved as to Form:


F. Vernon Boozer,
Attorney for Petitioner


Peter Max Zimmerman,
People's Counsel for Baltimore County

Boumi Temple
5050 King Avenue
Baltimore, MD 21237

March 12, 2010

Peter Max Zimmerman
People's Counsel for Baltimore County
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Dear Mr. Zimmerman,

In reference to your request concerning the parking lot lighting, flag pole lighting and the proposed building identification sign, I was able to find a final "Red Line Drawing" which I would like to identify as project number 97063-A1 which replaced project number 97036.0. With this drawing is a letter from the engineering company Daft, McCune, Walker, Inc. who did the final "Red Line Drawing" which was prepared on August 4, 1998. I propose the contents of this letter be made part of this now existing drawing which you have a copy of. The following changes which we discussed in your office on February 9, 2010, with Vernon Boozer, myself, and you, have been listed below for your final consideration regarding the lighting.

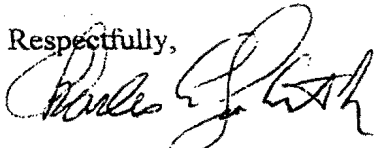
For reasons of clarification, we will call this revision 2-A and make it part of the "Red Line Drawing". By using the directional indicator on the drawing we will refer to the entrance off of King Avenue as being South. The now existing sign left of the driveway will come on at dusk and go off at ten o'clock (10:00pm). The driveway coming in from King Avenue referencing the parking lot to your right which would still be in the South East part of the complex, there are nine (9) dual head light poles. We propose to time them to come on at dusk and go off at eleven forty-five (11:45 pm). The furthest light pole on the South East side of that parking area will remain on until daybreak.

2-B. The lights now at the base of the eight (8) flag poles will come on at dusk and be timed out at ten o'clock (10:00pm). The one flag pole which fly's the American Flag will be lit from dusk to dawn.

2-C. Building identification lettering will be lit from dusk until eleven thirty (11:30pm). It should be noted that the back lit lighting is LED which is referred to in today's energy management as going green. It should also be noted that once this signage is installed, we will no longer burn the twelve halogen lights that are now installed on the building.

In order to justify the times mentioned our building is open for use seven days a week and most of the functions and gatherings take place in the evening hours, primarily from seven until twelve at night. Our insurance carrier has advised us that we have a responsibility for the safety of our patrons and members. They are telling us that we cannot darken the parking areas when functions are in process. We have a standing rule in the temple that all functions end at twelve o'clock (12:00pm), with the exclusion of New Year's Eve. I would hope the efforts put forth in the above statement would be satisfactory to all concerned.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles L. Johnston Jr.", written over the word "Respectfully,".

Charles L. Johnston Jr.
Chief Rabban



Daft McCune Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410 296 3333 FAX 296-4705
email: rcampanile@dmw.com

Memorandum

To: Charlie Main
From: Roma Campanile
Date: August 4, 1998
Re: Boumi Temple - Landscape/Lighting Revisions
Project No. ~~97036.0~~
97063.01

Enclosed is the red-line mark up of the revised lighting plan you submitted to me. I have noted on the plan the following trees to be deleted since they are in conflict with the proposed light locations:

2 ZSGV
3 PAB
1 ARRS

The other lighting revisions don't appear to be in conflict. I am assuming that the flag pole will be deleted unless the client wants to retain it somewhere else on site.

I have also noted alternate locations for the proposed planting at the front entrance which will be displaced by the addition of parking. Please let me know if you need additional clarification on the above.

Daft McCune Walker, Inc.

A handwritten signature in black ink, appearing to read "Roma Campanile", is written over the typed name.

Roma Campanile
rcampanile@dmw.com



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 20, 2010

Vernon Boozer, Esquire
Covahey, Boozer, Devan & Dore, P.A.
606 Baltimore Avenue, Ste 302
Towson, MD 21204

Peter M. Zimmerman, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Boumi Temple Corporation-Legal Owners/Petitioners*
Case No.: 09-265-A

Dear Counsel:

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

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

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Boumi Temple Corporation
Charles Johnson, Jr.
Nicholas Commodari
Timothy Kotroco, Director/PDM
Nancy C. West, Assistant County Attorney

James Davis, III
Ronald Carlson
William J. Wiseman, III, Zoning Commissioner
Arnold "Pat" Keller, III, Director/Planning
John E. Beverungen, County Attorney

6/17/09
IN RE: **PETITION FOR VARIANCE**

E/S Babikow Road, 150' N of

King Avenue

(5050 King Avenue)

14th Election District

6th Council District

Boumi Temple Corporation

Petitioner

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0265-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the property, Boumi Temple Corporation, by and through its attorney, Jay Irwin Block, Esquire. The Petitioner requests variance relief from Section 450.4.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit an existing freestanding ground-mounted identification sign (illuminated) with a sign face area of 18 square feet (Sign 4); (2) to allow three (3) illuminated wall-mounted building identification signs with a combined maximum sign face area of 213 square feet in lieu of the permitted one (1) wall-mounted identification sign (one per frontage) with a sign face of 25 square feet each) (Signs 1, 2 and 3), and (3) to amend the site plan approved in Case No. 98-234-SPHXA. The property and requested relief are more particularly described on the site plan and signage detail¹, marked and accepted into evidence as Petitioner's Exhibits 1A and 1B.

¹ It is important to note that Sign 2 is the word "Boumi" that is 2.64 square feet and will be placed over the main entrance doorway; Sign 3, a "Shrine Medallion" is to be placed on the canopy face of the portico that extends from the building front over the driveway entrance. Neither of these signs (2 or 3) are to be illuminated nor are they visible from any "highway". They are therefore exempt from the requirements of B.C.Z.R. Section 450 - See 450.2.C - *Exemptions*. Sign 4 is not being changed and has existed in its present state for ten (10) years having been previously approved in Case No. 98-234-SPHXA. In other words, at issue before this Commission is proposed Sign 4 - a 194 square foot LED backlit "Boumi Shriners" wall-mounted identification sign and the legitimization of the other identification signs on the same frontage.

COPIES RECEIVED FOR FILING
Date 9-17-09
By [Signature]

At the requisite public hearing, Jay Irwin Block, Esquire of Stahl & Block, LLC appeared as attorney for Petitioner. Appearing in support in support of the new signage were James L. Davis, III, Potentate, Charles L. Johnson, Jr., Assistant Rabbin, and Ronald F. Carlson, Chief Rabbin, with Boumi Temple, and Nicholas B. Commodari, a zoning consultant assisting the Petitioner through the building permitting process. There were no Protestants or other interested persons present at the hearing. The case proceeded informally with a proffer from Mr. Block which was supplemented by testimony of Messrs. Davis and Johnson and the Petitioner's consultant, Mr. Commodari.

By way of background, after many years at 4900 North Charles Street in Roland Park, the Boumi Temple moved to its current 34-acre site located on the east side of Babikow Road, not far from the John F. Kennedy Memorial Highway (I-95) and Essex Community College in the Rosedale/White Marsh area of the County. After receiving development plan approval on February 23, 1998, a new 58,600± square foot Temple with associated parking was constructed along with an 11,000± square foot accessory storage building. They relocated the 10-foot high freestanding identification sign (*See* Petitioner's Exhibit 2) from the Charles Street address to their new campus. To the extent applicable, the findings, conclusions and conditions set forth in this Commission's approved Order(s) (Case Nos. XIV-369 and 98-234-SPHXA) are adopted by reference and incorporated herein. On June 12, 2009, a new hearing was held before the undersigned on the instant petition and for the reasons set forth below, the relief requested will be granted.

This case arises from Petitioner's desire to now provide needed visibility, especially from I-95, to assist individuals interested in coming to the property by the placement of the building's name ("Boumi Shriners") on the second floor level of the building to help provide direction. In

RECEIVED FOR FILING
9-17-09
Date
By

this regard, Mr. Johnson testified that membership has declined from 8,000 to 3,600 members over the past ten (10) years since their moving to the County. The loss of members and decline in the number of people who use the facility for its various affairs have resulted in economic hardship. He attributes this to the inability of many people not being able to find their building. Despite the installation of twelve (12) halogen lights installed years ago to light the entire building frontage, complaints are continuously received from new members, visitors, and people intending to come to the property for specific purposes, i.e., weddings, formal dinners, bull roasts, meetings, etc. He explains that the previous Roland Park facility was within a residential area and easily seen from Charles Street compared to the subject rural setting with the new building set back some 700 feet from its entranceway at King Avenue. The only sign providing the public with information of the Temple's location is from King Avenue. The building is not readily apparent given the topography of the land and it is proving to be hard to use the property for its approved purpose. While recognition from King Avenue and Babikow Road exists (many people however drive past the existing signage), there is a greater difficulty in recognizing the building from I-95 and visitors coming to the site from White Marsh Boulevard (Md. Route 43), Philadelphia Road (Md. Route 7) or the Baltimore Beltway (I-695). These factors warrant signage that will serve as an identification that "we are here" and also to serve as recognition that the Shriners exist at this location rather than the public seeing a building that would otherwise appear to be a shoe factory or other industrial use. Messrs. Carlson and Davis discussed the Temple's need to continue in its mission in helping handicapped children and to raise money to take care of its hospital and burn center. The Boumi Temple Corporation allows the election board, community, and neighbors to use the facility for meetings and their parking lot for such

MAILED
Date 6-17-09
BY [signature]

things as flea markets and a site for dumpsters to be located on during spring clean-up programs, etc.

As set forth above, the requested variance relief pertains primarily to signage for identification and directional purposes to the Boumi Temple campus. The exhibits made clear, the wall-mounted sign will help identify the Shriners location from the surrounding roadways. Details of each sign are shown on Petitioner's Exhibit 1B and on the color sign elevation submitted into evidence as Petitioner's Exhibit 4. The new sign letters (Sign 1) will be fabricated from non-reflective brushed stainless steel and installed into the building's block façade. The letters and Shrine Medallion will be 4'-3" high x 45' in length and are well designed and aesthetically pleasing. The letters will be backlighted by using light-emanating diodes (LED) from dusk to 11:00 PM. This will be an improvement to the residential community as was pointed out by Mr. Johnson. The backlighted LED sign will be less expensive to operate and will not be as stark and bright as the current twelve (12) halogen lights that illuminate the total building frontage. The use of these halogen lights will be discontinued when the new sign is installed.

There was an adverse Zoning Advisory Committee (ZAC) comment received on the day of the hearing from the Office of Planning. The community planner, Laurie Hay, stated in pertinent part:

"The Office of Planning is of the opinion that the proposed signage is not appropriate for a residentially zoned community. The size and method of illumination exceeds that which was agreed upon at the time that the special exception was granted in case #98-234-SPHXA, such agreement was considered to be residential in character, the current freestanding identification sign is sufficient, and compatible with the residential community". (Emphasis Added)

APPROVED FOR PLANNING
Date 6-17-09
By [Signature]

Following the hearing, I discussed with Ms. Hay the testimony and evidence presented at the hearing. She was satisfied that the new LED lighted sign proposal at the second floor building level would be an improvement to existing conditions and is in no way in conflict with the special exception approval or imposed conditions found in Case No. 98-234-SPHXA.

It is clear that the signage, as shown on Petitioner's Exhibits 1 through 4, is appropriate in the locations proposed and, having met the standards set forth in B.C.Z.R. Section 307, should be granted. This 34±-acre campus is unique by virtue of its overall size, irregular shape, and topographic features. These unique features of the site, along with the relationship of the building to the public roadway on which it has frontage not only limit visibility into the property but also drives the need for the amount of signage requested in order to provide adequate guidance for members and visitors. It has been established that strict compliance with the B.C.Z.R. would result in a practical difficulty and unreasonable hardship for Petitioner. Requiring Petitioner to adhere to the number and size limitations for signage required under the B.C.Z.R. would make it quite difficult for visitors and users of the facility to utilize the Shriners' services in an efficient manner. This fact has been made painfully clear over the past ten (10) years of operation since relocating to Baltimore County.

Finally, there is no evidence that the grant of the relief would be detrimental to the surrounding area – the proposed signage is reasonable given the size of the Boumi Temple and campus, the number of visitors and services provided and the need to provide adequate guidance to those visitors. The neighboring community and the South Perry Hall Boulevard Improvement Association have expressed no objections to the proposal. Therefore, I am persuaded to grant the requested relief.

COPIES RESERVED FOR FILING
Date 9-17-09
By [Signature]

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of June 2009 that the Petition for Variance seeking relief from Section 450.4.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing 18 square foot freestanding, previously approved, monument sign 10 feet in height and to approve an additional wall-mounted identification sign of 194 square feet on the same frontage in lieu of the permitted one sign per frontage at 25 square feet, both to be illuminated, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED subject to the following:

1. The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If, for whatever reason this Order is reversed, the relief granted herein shall be rescinded.
2. The hours of operation for all illuminated signage (freestanding or wall-mounted identification signs) approved in this Order shall be limited in use from dusk until 11:00 PM, Monday through Sunday, without a public hearing and obtaining additional requisite approval.

IT IS FURTHER ORDERED that the previous site plan(s) filed for Development Plan approval and Special Exception relief in Case Nos. XIV-369 and 98-234-SPHXA, are hereby amended and modified, in accordance with this Order and Petitioner's Exhibits 1A and 1B.

ORDER RECORDED FOR FILING
Date 6-17-09
By 193

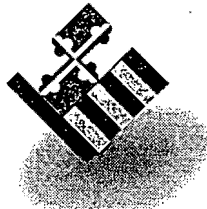
Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

APPROPRIATELY RECEIVED FOR FILING
Date 9-17-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 17, 2009

Jay Irwin Block, Esquire
Stahl & Block, LLC
66 Painters Mill Road, Suite 202
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE
E/S Babikow Road, 150' N of King Avenue
(5050 King Avenue)
14th Election District - 6th Council District
Boumi Temple Corporation – Petitioner
Case No. 2009-0265-A

Dear Mr. Block:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions, 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 circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: James L. Davis, III, 366 Cinnabar Lane, Bel Air, MD 21015
Charles L. Johnson, Jr., 9500N Amberleigh Lane, Perry Hall, MD 21128
Ronald F. Carlson, 11B Perry Hall Garden, Perry Hall, MD 21128
Nicholas B. Commodari, 1553 Doxbury Road, Towson, MD 21286
People's Counsel; Office of Planning; DPR; File



TAX ACCOUNT

2300001995

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5050 KING AVENUE

which is presently zoned D.R. 3.5 + 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 450.4 #6

To permit an existing (1834) free standing and 3 BUILDINGS identification signs on the same frontage, ALL to be illuminated, in lieu of the one or the other (only 1 is allowed) per frontage for an institutional structure and to permit the BUILDINGS signs to be 2175 square feet, the total square footage of illuminated signage on the property will be 237 square feet in lieu of the maximum 25 square feet non illuminated signage. AND TO AMEND THE PREVIOUS PLAN & ORDER IN CASE # 98-234-SPNXX

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty). Due to the topography of the land. The now existing sign at the driveway entrance is very hard to see. By placing the building identification signage on the front of the building as indicated, would give us much needed visibility especially from I95.

We are apart of the Shriners Hospital and view this as identification more so than a sign.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Bowmi Temple Organization / CORPORATION

Name - Type or Print

Signature

James L. Davis III, Potentate

Name - Type or Print

Signature

5050 King Avenue

Address

410-391-6400

Telephone No.

Baltimore, MD 21237

City

State

Zip Code

Representative to be Contacted:

Charles L. Johnston JR.

Name

5050 King Avenue

Address

443-465-8717

Telephone No.

Baltimore, MD 21237

City

State

Zip Code

OFFICE USE ONLY

Case No. 2009-0265-A

REV 9/15/98

RECEIVED FOR FILE

Date 6-17-09

By [Signature]

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date 4/8/09

Description
to Accompany Petition for

VARIANCE

34.209 Acre Parcel

Northwest of John F. Kennedy Memorial Highway

East of Babikow Road

North of King Avenue

Fourteenth Election District, Baltimore County, Maryland

Beginning for the same at a point in the centerline of Babikow Road, said point being North 11 degrees 58 minutes 50 seconds East 150 feet, more or less, from the intersection of the centerline of Babikow Road with the centerline of King Avenue, thence with the centerline of Babikow Road (1) North 11 degrees 58 minutes 50 seconds East 311.66 feet, thence leaving the centerline of said road the five following courses and distances, viz: (2) South 86 degrees 14 minutes 10 seconds East 204.50 feet, thence (3) North 11 degrees 58 minutes 50 seconds East 382.17 feet, thence (4) South 86 degrees 14 minutes 10 seconds East 15.50 feet, thence (5) North 11 degrees 58 minutes 50 seconds East 110.00 feet, and thence (6) North 86 degrees 14 minutes 10 seconds West 220.00 feet to intersect the centerline of Babikow Road, thence with the centerline of Babikow Road (7) North 11 degrees 58 minutes 50 seconds East 114.62 feet, thence leaving the centerline of said road the seven following courses and distances, viz: (8) South 86 degrees 38 minutes 35 seconds East 286.32 feet, thence (9) South 84 degrees 14 minutes 35 seconds East 99.92 feet, thence (10) North 83 degrees 23 minutes 04 seconds East 114.62 feet, thence (11) North 74 degrees 48 minutes 38 seconds East 132.00 feet, thence (12) South 61 degrees 26 minutes 22 seconds East 428.69 feet,

2009-0265-A

thence (13) South 72 degrees 29 minutes 41 seconds East 126.34 feet, and thence (14) South 25 degrees 59 minutes 23 seconds East 827.99 feet to intersect the northwest right-of-way line of John F. Kennedy Memorial Highway (Interstate 95) as shown on the State Roads Commission Plat No. 24612, thence binding on the northwest right-of-way line of said highway the two following courses and distances, viz: (15) South 49 degrees 09 minutes 00 seconds West 306.90 feet to a point of curvature, and thence (16) by the line curving to the right having a radius of 5579.58 feet for a distance of 383.12 feet (the arc of said curve being subtended by a chord bearing South 51 degrees 07 minutes 02 seconds West 383.04 feet) to intersect the north right-of-way line of King Avenue as shown on State Roads Commission No. 24613, thence leaving said curve by a line of non-tangency and binding on the north right-of-way of said avenue the two following courses and distances, viz: (17) North 59 degrees 36 minutes 26 seconds West 187.16 feet, and thence (18) North 76 degrees 42 minutes 52 seconds West 565.16 feet, thence leaving said right-of-way lines and running the four following courses and distances, viz: (19) North 00 degrees 58 minutes 20 seconds East 178.97 feet, thence (20) North 69 degrees 27 minutes 40 seconds West 178.25 feet, thence (21) South 20 degrees 32 minutes 20 seconds West 55.00 feet, and thence (22) North 69 degrees 27 minutes 40 seconds West 269.12 feet to the point of beginning; containing 34.209 acres of land, more or less.

2009-0265-A

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

No. **37887**

Date: **4/8/09**

PAID RECEIPT

BUSINESS OFFICIAL DATE TIME

4/08/2009 4/08/2009 04:27:00 1

5 MDOT BALTIMORE JUNE 09

RECEIPT # 413745 4/08/2009 04:27

Dept 5 505 BRIDGE MAINTENANCE

NO. 000000

Receipt Amt 1125.00

4325.00 LG 2.00 LG

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: **Bowmi Temple**

For: **Variation - 5750 King Avenue**
2009-0265-A (Bowmi Temple Corporation)

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: # 2009-0265-A

5050 King Avenue

E/side of Babikow Road, 150 feet north of King Avenue

14th Election District - 6th Councilmanic District

Legal Owner(s): Boumi Temple, James L. Davis, Potentate

Variance: to permit an existing (18 ft) free standing and 3 building identification signs on the same frontage, all to be illuminated, in lieu of the one or the other (only 1 is allowed) per frontage for an institutional structure and to permit the building signs to be 231 square feet in lieu of the maximum 25 square feet non illuminated signage, and to amend the previous plan and order in case 98-234-SPHXA.

Hearing: Friday, June 12, 2009 at 11:00 a.m. in Room 106, County Office Building, 111 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.

5/4/11 May 28

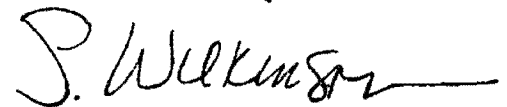
202306

CERTIFICATE OF PUBLICATION

5/28/, 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 5/28/, 2009.

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



LEGAL ADVERTISING

**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: 2009-0265-A

Petitioner: BOUMI TEMPLE ORGANIZATION CORPORATION

Address or Location: 5050 KING AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES JOHNSTON

Address: 9500 AMBERLEIGH LANE CONDO N
PERRY HALL 21128

Telephone Number: 443-465-8717

Revised 2/20/98 - SCJ

REVIEW AGENCIES:

Prior to preparing the required plat, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

- | | | |
|-----|---|--------------|
| 1. | Assessments | 410-512-4906 |
| 2. | Bureau of Capital Projects (traffic issues) | 410-887-3751 |
| 3. | Fire Department | 410-887-3998 |
| 4. | State Highway Administration | 410-545-5600 |
| 5. | County Roads | 410-887-3739 |
| 6. | Planning (design, screening, landscaping) | 410-887-3211 |
| 7. | Building Engineer (plans) | 410-887-3987 |
| 8. | Department of Environmental Protection
and Resource Management (DEPRM) | 410-887-3980 |
| 9. | <i>If floodplain</i> , Dept. of Natural Resources | 410-631-3902 |
| 10. | <i>If critical area</i> , Maryland Office of Planning | 410-767-4485 |

NOTE: The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA). A critical area map is available for reference in PDM. Should the site be located in this area, the petitioner is required to meet DEPRM critical area requirements regarding the site. PDM must have the DEPRM comments on the petitioner's request prior to the public hearing.

Also, floodplains and historic buildings should be identified. (See pages 16 and 17.)

William D. Gulick, Jr.
Baltimore County Approved Sign Poster
Notary Public
2944 Edgewood Avenue
Baltimore, MD 21234
410-530-6293

LETTER OF TRANSMITTAL

TO: ZONING OFFICE

DATE: May 28, 2009

JOB NO. 2009-017

ATTENTION: Ms. Kristen Matthews / Mr. Timothy Kotroco

RE: Case No. 2009-0265-A
5050 King Avenue

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover the following items:

☐ Copy of letter ☐ Prints ☐ Documents ☐ Other ☐

No. of Copies	Date	Description
1	May 28, 2009	Certificate Of Posting
3 *	May 28, 2009	Site Photos

TRANSMITTALS are as checked below:

☒ For approval ☒ For your use ☐ As requested ☐ For review & comment

☐ Other ☐

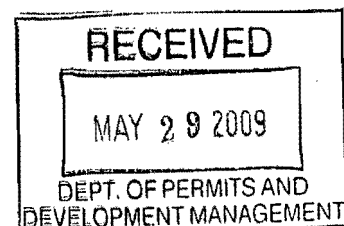
REMARKS:

SIGNED:

William D. Gulick, Jr.
WILLIAM D. GULICK, JR.

cc: Mr. Charles Johnston

File #



CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

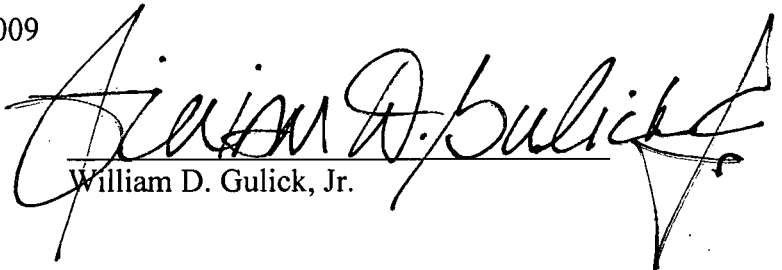
Date: May 28, 2009

Zoning Office
Attention: Ms. Kristen Matthews / Mr. Timothy Kotroco

Re: Case Number: 2009-0265-A
Petitioner/Developer: Boumi Temple, James L. Davis, Potentate
Date of Hearing/Closing: June 12, 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: 5050 King Avenue

The sign (s) were posted on: May 28, 2009



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS

RECEIVED

MAY 29 2009

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

ZONING NOTICE

CASE # 2009-0265-A

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

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVE. ROOM 106
PLACE: TOWSON, MD 21204

FRIDAY
DATE AND TIME: JUNE 12, 2009 @ 11:00 AM

REQUEST: VARIANCE

VARIANCE To permit an existing (18ft) free standing and 3 building identification signs on the same frontage, all to be illuminated, in lieu of the one or the other (only 1 is allowed) per frontage for an institutional structure and to permit the building signs to be 231 square feet in lieu of the maximum 26 square feet non illuminated signage, and to amend the previous plan and order in case # 98-234-SPHXA.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

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

HANDICAPPED ACCESSIBLE

KING

AVENUE



Requested: September 1, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-265-A

5050 King Avenue

14th ELECTION DISTRICT

APPEALED: 7/6/09

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-265-A

LEGAL OWNER: Boumi Temple

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

5050 KING AVENUE
E/S OF BABIKOW ROAD, 150' N OF KING AVENUE

RECEIVED
OCT 13 2009
BALTIMORE COUNTY
BOARD OF APPEALS

The sign was posted on 10-13-09, 200 .

By: M. Stuart Kelly
(Signature of Sign Poster)

M. Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORDS

Facility No.: _____

Record No.: _____

CASE # 09-265-A

Date of Photograph(s):

10-13-09

5050 KING AVE



I HEREBY CERTIFY that I took 3 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)



10.13.2009 14:43



10.13.2009 14:38

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 28, 2009 Issue - Jeffersonian

Please forward billing to:

Charles Johnston
9500 Amberleigh Lane, Condo N
Perry Hall, MD 21128

443-465-8717

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: 2009-0265-A

5050 King Avenue

E/side of Babikow Road, 150 feet north of King Avenue

14th Election District – 6th Election District

Legal Owners: Boumi Temple, James L. Davis, Potentate

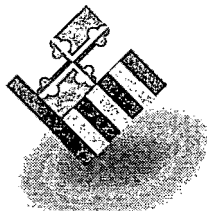
Variance to permit an existing (18 ft) free standing and 3 building identification signs on the same frontage, all to be illuminated, in lieu of the one or the other (only 1 is allowed) per frontage for an institutional structure and to permit the building signs to be 231 square feet in lieu of the maximum 25 square feet non illuminated signage, and to amend the previous plan and order in case 98-234-SPHXA.

Hearing: Friday, June 12, 2009 at 11:00 a.m. in Room 106, County Office Building,
441 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

May 13, 2009
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: 2009-0265-A

5050 King Avenue

E/side of Babikow Road, 150 feet north of King Avenue

14th Election District – 6th Election District

Legal Owners: Boumi Temple, James L. Davis, Potentate

free standing
ground-mounted identification sign with up to 231 sq. ft. sign face
to allow 3
and mounted
Variance to permit an existing (18 ft) free standing and 3 building identification signs on the same frontage, all to be illuminated, in lieu of the one or the other (only 1 is allowed) per frontage for an institutional structure and to permit the building signs to be 231 square feet in lieu of the maximum 25 square feet non illuminated signage, and to amend the previous plan and order in case 98-234-SPHXA.

Hearing: Friday, June 12, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Timothy Kotroco
Director

TK:klm

C: Jay Lewin Block, 66 Painters Mil Road, Ste. 202, Owings Mills 21117
James Davis, Boumi Temple, 5050 King Avenue, Baltimore 21237
Charles Johnston, Jr., 5050 King Avenue, Baltimore 21237

- with a sign face area of 231 square feet in lieu of the one*
- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 28, 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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

April 5, 2010

NOTICE OF ASSIGNMENT – SETTLEMENT ON THE RECORD

CASE #: 09-265-A **IN THE MATTER OF: Boumi Temple, Legal Owner/ Petitioners**
5050 King Avenue / 14th Election District; 6th Councilmanic District

Re: Petition for Variance seeking relief from Section 450.4.6 of the BCZR.

6/17/09 - Findings of Fact and Conclusions of Law issued by Zoning Commissioner, GRANTING the Petitioners' requested relief with restrictions..

ASSIGNED FOR: TUESDAY, APRIL 20, 2010, AT 9:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

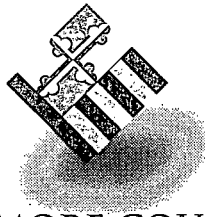
: Jay I. Block, Esquire
: Boumi Temple

Appellant

: Peter Max Zimmerman
People's Counsel for Baltimore County

James Davis, III
Charles Johnson, Jr.
Ronald Carlson
Nicholas Commodari

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



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
June 5, 2009\

Jay Lewin Block
Law Office of Stahl & Block, LLC
66 Painters Mill Rd.
Owings Mill, MD 21117

Jay Lewin Block:

RE: Case Number 2009-0265-A , 5050 King Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2009. 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
James Davis III: Boumi Temple; 5050 King Ave.; Baltimore, MD 21237
Charles L. Johnston Jr.; 5050 King Ave.; Baltimore, MD 21237

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 27, 2009
Item Nos. 2009-261, ~~265~~ 266, 267,
268 and 272

DATE: April 24, 2009

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

DAK:CEN:cab
cc: File
ZAC-04272009 -NO COMMENTS

BW 6/12
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 9, 2009

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

SUBJECT: 5012 King Avenue

INFORMATION:

Item Number: 9-265

Petitioner: Boumi Temple Corporation

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

JUN 10 2009

ZONING COMMISSIONER

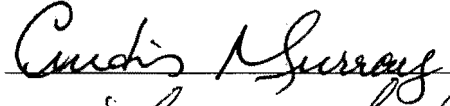
From Section 450.5.B.4 of the BCZR to permit an 18 square foot free standing identification sign, and three building identification signs on the same frontage, all to be illuminated, and to permit the buildings signs to be 213 square feet, the total square footage of illuminated signage on the property to be 231 square feet in lieu of the 25 feet non illuminated signage allowed and to amend the previous and plan and order of case #98-234 SPXA.

SUMMARY OF RECOMMENDATIONS:

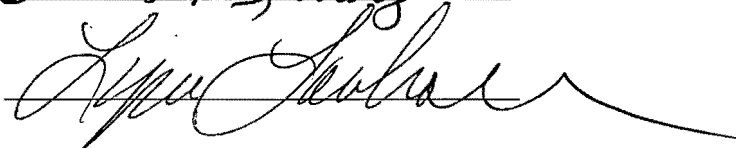
The Office of Planning has reviewed the subject request and recommends that the request be **denied**. The Office of Planning is of the opinion that the proposed signage is not appropriate for a residentially zoned community. The size and method of illumination exceeds that which was agreed upon at the time that the special exception was granted in case #98-234SPXA, such agreement was considered to be residential in character, the current freestanding identification sign is sufficient, and compatible with the residential community.

However, this office would not object to installing ground-mounted up lighting to illuminate the existing entrance sign for evening functions.

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

Prepared by: 

Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 08 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: May 4, 2009
SUBJECT: Zoning Item # 09-265-A
Address 5050 King Avenue
(Boumi Temple Corporation)

Zoning Advisory Committee Meeting of April 20, 2009.

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

Reviewer: JWL

Date: 5/4/2009

RE: PETITION FOR VARIANCE * BEFORE THE
5050 King Avenue; E/S of Babikow Road, * ZONING COMMISSIONER
150' N of King Avenue *
14th Election & 6th Councilmanic Districts *
Legal Owner(s): Bomi Temple Corp. * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-265-A

* * * * *

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

MAY 01 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

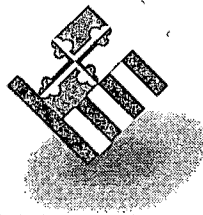
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to Charles Johnston, Jr., 5050 King Avenue, Baltimore, MD 21237 and Jay L. Block, Esquire, Stahl & Block, LLC, 66 Painters Mill Road, Suite 202, Owings Mills, MD 21117, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

August 28, 2009

Jay Irwin Block, Esq.
Stahl & Block, LLC
66 Painters Mills Road, Ste. 202
Owings Mills, MD 21117

Dear Mr. Block:

RE: Case: 2009-0265-A, 5050 King Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on July 6, 2009 by the Office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
James Davis, III, 366 Cinnabar Lane, Bel Air 21015
Charles Johnson, Jr., 9500N Amberleigh Lane, Perry Hall 21128
Ronald Carlson, 11B Perry Hall Garden, Perry Hall 21128
Nicholas Commodari, 1553 Doxbury Road, Towson 21286



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 6, 2009

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR VARIANCE
E/S Babikow Road, 150' N of King Avenue
(5050 King Avenue)
14th Election District; 6th Council District
Boumi Temple Corporation - Petitioner
Case No.: 09-265-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated June 17, 2009 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

RECEIVED

JUL 06 2009

Roe

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Jay I. Block, Esquire

APPEAL

Petition for Variance
5050 King Avenue
E/side of Babikow Road, 150 feet north of King Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Boumi Temple

Case No.: 2009-0265-A

- ✓ Petition for Variance (April 8, 2009)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (May 13, 2009)
- ✓ Certification of Publication (The Jeffersonian – May 28, 2009)
- ✓ Certificate of Posting (May 28, 2009) by William Gulick, Jr.
- ✓ Entry of Appearance by People's Counsel (May 1, 2009)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Site Plan
- ✓ 2. Existing Identification Sign
- ✓ 3. Existing Conditions (a thru c)
- ✓ 4. Proposed Building Signage

Protestants' Exhibits:

- ✓ None in file

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. CD-R in relation to case
- ✓ 2. Previous Order (98-234-SPHXA)

- ✓ Zoning Commissioner's Order (GRANTED – June 17, 2009)
- ✓ Notice of Appeal received on July 6, 2009 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Jay Irwin Block
James Davis, III
Charles Johnson, Jr.
Ronald Carlson
Nicholas Commodari

date sent August 28, 2009, klm

RECEIVED

AUG 31 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

Address List

Jay I. Block, Esquire
Stahl & Block, LLC
66 Painters Mill Road, Ste 202
Owings Mills, MD 21117

(MEMBER OF LARRY STAHL'S LAW FIRM)

Boumi Temple Corporation
5050 King Avenue
Baltimore, MD 21237

James Davis, III
366 Cinnabar Lane
Bel Air, MD 21015

Charles Johnson, Jr.
9500 N. Amberleigh Lane
Perry Hall, MD 21128

Ronald Carlson
11B Perry Hall Garden
Perry Hall, MD 21128

Nicholas Commodari
1553 Doxbury Road
Towson, MD 21286

Interoffice:

Office of People's Counsel (Appellant)
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
John E. Beverungen, County Attorney

Vernon Boozer, Esq
Petitioner's Counsel



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 11, 2010.

Peter Max Zimmerman
People's Counsel for
Baltimore County
Suite 204, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Boumi Temple Corporation*
Case No. 09-265-A

Dear Mr. Zimmerman:

This letter is to inquire regarding the status of the possible resolution of this matter. Please advise if this matter can be scheduled for the purpose of putting a settlement on the record. Currently, the Board's docket has cases scheduled until the end of June 2010.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

c: Jay I. Block, Esquire

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 6/8/2009 9:49 AM
Subject: Case No. 2009-0265-A - Hearing Scheduled for Friday, June 12th

6/8
Missing
OP
DEBRA
Rec'd
6/8

Good Morning Gentlemen:

Our office has received the above-referenced file and in reviewing said, it appears that there are no comments from your respective agencies. I have attached a description for your convenience and please feel free to email your comment if that helps to expedite the process.

As always, thanks for your usual cooperation.

CASE NUMBER: 2009-0265--A

5050 King Avenue

Location: E side of Babikow Road, 150 feet N of King Avenue.

14th Election District, 6th Councilmanic District

Legal Owner: Bomi Temple Corp.

VARIANCE To permit existing 18 feet free-standing and 3 building identification signs on the same frontage, all to be illuminated, in lieu of the 1 or the other (only 1 is allowed) per frontage for an institutional structure and to permit the building signs to be 231 square feet in lieu of the maximum 25 square feet non-illuminated signage, and to amend the previous plan and order in Case No. 98-234-SPHXA.

Hearing: Friday, 6/12/2009 at 11:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: leslaw2@verizon.net
Date: 6/17/2009 9:17 AM
Subject: Boumi Temple Corp. - Case No. 2009-0265-A

Les,

Per our conversation, please find attached a copy of the above-referenced Order that Bill has signed and dated today. Thanks and have a great day!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

*to
Les Pittler
via electronic
copy
6-17-09*

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: July 1, 2010

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES

The following cases have been closed as of the above date and are being returned to your office.

<u>Case No:</u>	<u>Case Name:</u>
07-158-SPH	Carbroc, LLC
09-265-A	Boumi Temple Corporation

c: John Beverungen, County Attorney

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Boumi Temple Corporation 09-265-A

DATE: April 20, 2010

BOARD/PANEL: Andrew M. Belt
Robert W. Witt
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit an existing freestanding ground-mounted identification sign (illuminated) with a sign face area of 18 square feet; to allow three (3) illuminated wall-mounted building identification signs with a combined maximum sign face area of 213 square feet in lieu of the permitted one wall-mounted identification sign (one per frontage) with a sign face of 25 square feet; and to amend the site plan approved in Case No. 98-234-SPHXA.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?
4. Proposed Opinion and Order presented by Counsel at the hearing.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

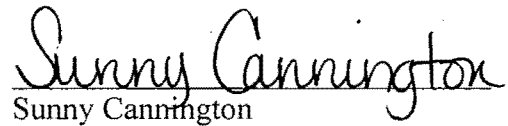
- The Board reviewed that this matter was a Petition for Variance with regard to signs. The Petitioners and People's Counsel had previously discussed and reached an agreement. The hearing was held to present the evidence and testimony necessary to approve the Proposed Opinion and Order as presented by Counsel.
- The Board discussed that pursuant to the evidence and testimony provided, the location of the Boumi Temple makes it difficult for individuals to locate the building and therefore causes a hardship on the Petitioner.
- The Board reviewed that the proposed signs are not neon. The sign has back lighting which causes it to glow more than be illuminated. The Petitioners have tried to be as unimposing on the surrounding neighborhood as possible. They've even installed green lights in their parking lot.

DECISION BY BOARD MEMBERS: The Board determined that the character and uniqueness of the property and location would provide a hardship if the Board did not grant the Petition for Variance.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to GRANT the Petition for Variance and ADOPT the proposed Opinion and Order as provided by Counsel.

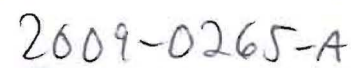
NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

CASE NAME Bourni Temple Corp.
CASE NUMBER 2009-0265-A
DATE 6-12-09

[illegible]



BW 6/12
11 AM
2009-0265-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 14 Account Number - 2300001995

Owner Information

Owner Name: BOUMI TEMPLE CORPORATION **Use:** COMMERCIAL
Mailing Address: PO BOX 9695 **Principal Residence:** NO
BALTIMORE MD 21237-0695 **Deed Reference:** 1)
2)

Location & Structure Information

Premises Address **Legal Description**
5050 KING AVE 28.885 AC
5050 KING AVE
BOUMI TEMPLE CORP PRPTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
82	13	343					1	1	Plat Ref: 70/ 81

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	59,500 SF	28.89 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2008	07/01/2009
Land	1,631,900	2,431,800		
Improvements:	7,071,600	8,254,500		
Total:	8,703,500	10,686,300	10,025,366	10,686,300
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	700	10,013,532	10,674,500
State	700	10,013,532	10,674,500
Municipal	000	0	0

Tax Exempt: PARTIAL COUNTY AND STATE
Exempt Class: CHURCHES, SYNAGOGUES, & PARSONAGES

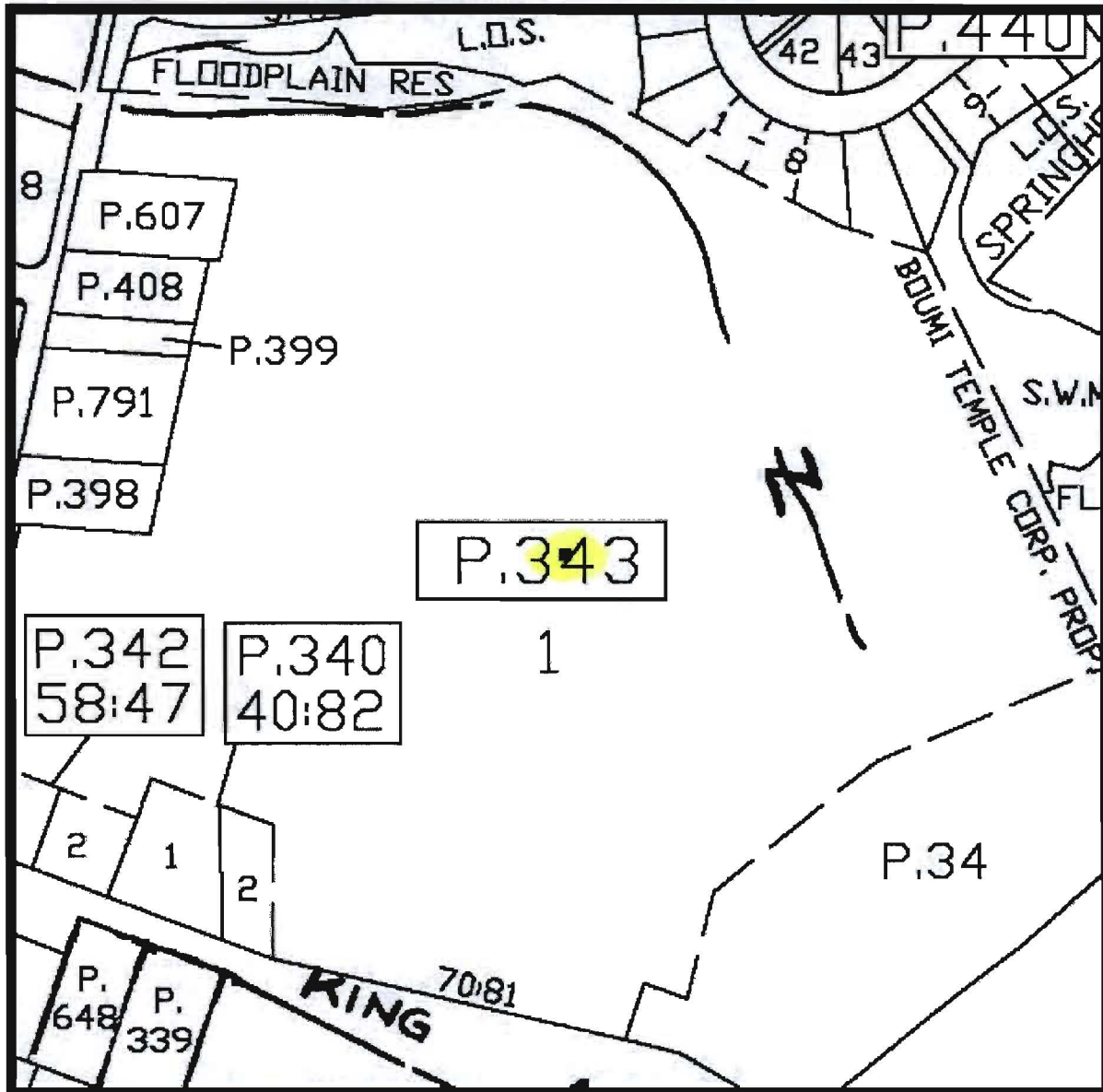
Special Tax Recapture:
* NONE *



**Maryland Department of Assessments
and Taxation
BALTIMORE COUNTY
Real Property Data Search**

[Go Back](#)
[View Map](#)
[New](#)
[Search](#)

District - 14 Account Number - 2300001995



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html

BW 6/12 (2009-0265-A) Prior Order
11am
fjs
2/17

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION & VARIANCE * DEPUTY ZONING COMMISSIONER
(E/S Babikow Rd. N of King Ave.) *
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *

James W. Bartenfelter, et al, Owners;
Boumi Temple, Developer *

Case Nos. XIV-369 & 98-234-SPHXA

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of a development plan for the proposed development of the subject property by James William Bartenfelter, et al, Owners, and Boumi Temple, Developer, with a 58,600 sq.ft. temple and 11,760 sq.ft. storage building, with associated parking area. The development plan was prepared by Thomas M. Repsher, a Registered Landscape Architect with Daft-McCune-Walker, Inc. In addition to development plan approval, the Owner/Developer requests a special exception to permit a community building/structures devoted to a civil and social use to be located in a D.R.3.5 and D.R.5.5 zone and to approve compliance to the extent possible with the Residential Transition Area (RTA) restrictions under Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.); a special hearing to approve that 406 parking spaces is sufficient for the proposed community building; and variance relief from Section 450.4.G of the B.C.Z.R. to permit a sign height of as tall as 10 feet in lieu of the maximum allowed 6 feet. The subject property and proposed development are more particularly described on the development plan/site plan submitted into evidence as Developer's Exhibit 1/Petitioner's Exhibit 1.

As to the history of this project, a concept plan for this development was prepared and a conference held thereon on October 6, 1997. As

required, a community input meeting was held on November 19, 1997 at the Perry Hall Elementary School. Subsequently, a development plan was submitted and a conference held thereon on January 21, 1998. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating those comments was submitted at the hearing held before me on February 17, 1998.

Appearing at the hearing on behalf of this project were John and James Bartenfelter, co-owners of the property, George Hunt, John Fink, Clifford A. Stevens, and Charles Irish, representatives of Boumi Temple, Developer, and Robert A. Hoffman, Esquire, attorney for the Owner/Developer. Also appearing in support of the development plan were Edmund Haile, George E. Gavrelis, Joe Fortino and Mitch Kellman, representatives of Daft-McCune-Walker, Inc., the consulting firm which prepared the development plan/site plan for this project, Richard Moore, a traffic engineering consultant with Wells and Associates, Neal Kitt, and Gary Murphy. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Ervin McDaniel with the Office of Planning (OP), Glenn Shaffer with the Department of Environmental Protection and Resource Management (DEPRM), Jun Fernando, Zoning Review, and Robert W. Bowling, Development Plans Review, both divisions of the Department of Permits and Development Management (DPDM). Several residents from the surrounding locale appeared as interested citizens including Michael E. Brown, Arlene Roth, Bernadine D. Seymour, a representative of the South Perry Hall Boulevard Improvement Association, and Thomas Seymour. The citizens were represented by Leslie Pittler, Esquire.

The subject property is an unimproved parcel of land containing 34.73 acres, more or less, split zoned D.R.3.5 and D.R.5.5. The property is located on the east side of Babikow Road, north of King Avenue not far from the Essex Community College. The property has been in the Bartenfelter family for many years and is currently under contract to be sold to the Boumi Temple, who is desirous of constructing a 58,600 sq.ft. temple and an 11,000 sq.ft. accessory storage building. In addition, a parking lot layout is also proposed for the subject site, as shown on the development plan submitted and accepted into evidence as Developer's Exhibit 1.

Section 26-206 of the Baltimore County Code sets forth the standards by which the Hearing Officer must follow when considering a development plan. At the public hearing, the Hearing Officer is required to determine what, if any, open issues or agency comments remain unresolved. Testimony and evidence received was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan and that the plan complies with all County regulations. Furthermore, the citizens who attended the hearing and their Counsel indicated that they had no objections to the development plan. There being no open issues or concerns raised by either the Developer, any County agency representatives, or the citizens in attendance, it was not necessary to take any testimony, but a brief presentation of the development plan was provided by Mr. Edmund Haile, a principal with the firm of Daft-McCune-Walker, Inc.

In addition to development plan approval, the Owners/Developers also requested special hearing, special exception and variance relief. Testimony was offered by Clifford A. Stevens, who holds the office of "Recorder" with the Boumi Temple. Mr. Stevens testified that the Boumi

Temple has been located at 4900 North Charles Street in Roland Park for the past 30 years. That facility comprises approximately 85,000 sq.ft. of space and will soon be taken over by Loyola College. Therefore, the Boumi Temple is in need of relocating their facility and have selected the subject site as the new location for their temple. As shown on the development plan/site plan, the new facility will consist of two separate buildings, one of which will contain 58,600 sq.ft. and house the temple, and the other building will contain approximately 11,000 sq.ft. and will be used for storage purposes. The layout of the proposed facility has been carefully designed so as not to impose upon the surrounding residential community. The Owner/Developer and their engineers have done an excellent job of screening the property so that the least amount of impact on the surrounding neighborhood will occur. Due to the zoning of the property, the requested special exception is necessary in order to use the subject site as proposed. Furthermore, inasmuch as there is currently no formula for calculating the required number of parking spaces to be provided for the use proposed in the D.R.3.5 and D.R.5.5 zone, the Owner/Developer requested the special hearing to approve that the 406 spaces proposed are sufficient for this site. In addition, Mr. Stevens testified that the Boumi Temple wishes to relocate the identification sign from their Charles Street address to the subject site. That sign and the surrounding stone upon which is mounted is approximately 10 feet tall. Thus, the requested variance is necessary. Further testimony revealed that the Boumi Temple has entered into a letter agreement with Mr. Leslie Pittler, attorney at law, who represents the South Perry Hall Boulevard Improvement Association, which reflects certain terms and conditions agreed to by the Developer.

On behalf of the Developer, Mr. George Gavrelis testified to the landscaping proposed for this site. In addition, Mr. Gavrelis explained the two areas where the Owner/Developer is unable to meet the RTA requirements imposed by the B.C.Z.R. Those impositions into the RTA are fairly minor, and were, in fact, unavoidable by the Developer in the design and layout of this facility. Therefore, I find that they have complied to the extent possible with the RTA regulations.

Finally, the Petitioners have asked that the special hearing be granted to approve that 406 parking spaces are sufficient for the proposed facility. On behalf of the Developer, Mr. Stephens indicated that their facility on Charles Street operates with approximately 370 parking spaces. He indicated that this number has been sufficient to accommodate the needs of the Boumi Temple for the many years that they have been existed at the Charles Street location. The proposed facility, which is smaller than the Charles Street facility, will have 406 parking spaces, or, 36 more parking spaces than they currently have. Therefore, the Owner/Developer believes the parking proposed for this site will be sufficient to accommodate the new facility. Mr. Stevens further testified that the average age of many Boumi Temple members is approximately 70 years; thus, many of its members carpool when they attend services.

As noted above, many citizens from the surrounding community appeared out of interest. Mr. Pittler represented those citizens, as well as the South Perry Hall Boulevard Improvement Association. There was no testimony in opposition to the relief requested; however, Mr. Pittler did ask that the letter agreement, which was submitted into evidence as Developer's Exhibit 2, be incorporated into the Order.

In considering the special exception relief sought, it is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5/D.R.5.5 zone by special exception. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Owners/Developers seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petitions for Special Hearing, Special Exception, and Variance shall be granted, consistent with the comments contained herein and the restrictions set forth below.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County this 23rd day of February, 1998, that

the development plan for Boumi Temple, identified herein as Developer's Exhibit 1, be and is hereby APPROVED, subject to the following restriction:

1) The Letter Agreement entered into by and between the Owner/Developer and the South Perry Hall Boulevard Improvement Association, a copy of which was submitted into evidence as Developer's Exhibit 2, shall be incorporated herein and is enforceable as if a part of this Order. A copy is attached for reference.

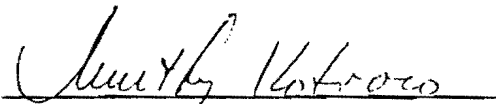
IT IS FURTHER ORDERED that the Petition for Special Exception to approve a community building/structures devoted to a civil and social use in a D.R.3.5 and D.R.5.5 zone, and compliance to the extent possible with RTA restrictions, pursuant to Section 1B01.1.B.1.g(10) of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that 406 parking spaces is sufficient for the proposed community building, in accordance with Petitioner's Exhibit 1, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.G of the B.C.Z.R. to permit a sign height of as tall as 10 feet in lieu of the maximum allowed 6 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TMK:bjs


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

VENABLE
ATTORNEYS AT LAW

February 13, 1998

Leslie M. Pittler, Esquire
8415 Bellona Lane
Baltimore, Maryland 21204-2055

Re: Boumi Temple

Dear Les:

I am writing to respond to certain issues we discussed at our meeting on February 13, 1998. On behalf of the Boumi Temple, I would propose the following:

1. Trash pickup would be no earlier than 8:00 a.m. and no later than 6:00 p.m.
2. There will be a construction entrance for the Boumi Temple located along Babikow Road, but it will not serve as the permanent entrance to the facility. The construction entrance will be removed, graded and replanted prior to a use and occupancy permit being issued for the building.
3. Hours of construction would be between the hours of 6:30 a.m. to dusk during the site operations period. Site operations include grading, paving and foundation work. This will take approximately 10 weeks. One exception to the no work after dusk rule would be if there is a concrete pour that needs supervision after sunset.

Following the site operations, contractors would be working from 7:00 a.m. to dusk. A second exception to the "work after dusk" rule would be for work done inside the building.

During the site operation period, the contractor will provide dust control measures as needed and will see to it that "clots" of dirt are removed from Babikow Road.

4. The Community Association you represent (I need the "official name") is welcome to use the new facility twice a year at times to be mutually agreed upon. The Association would advise Boumi of two preferred dates prior to February 15 of each year.

DEVELOPER'S
EXHIBIT NO. 2

February 13, 1998

Page 2

I would also appreciate it if you could give us some idea of an approximate number of people expected for each of these functions. Of course, the Association would need to cover expenses specifically related to their function (no cost for the use of the facility itself) and follow the same rules and policies in effect for any Boumi Temple function.

5. In terms of the Boumi Temple use, we believe that it can be broken down into three categories each of which designates an approximate total number of people who will be using the Boumi Temple at any given time:

Affairs such as a formal dinner, dance or bull roast with 275 people or more occurs approximately 3 times per month.

Smaller affairs such as luncheons or meetings (or a combination) with between 125 and 275 people occurs approximately 5 times per month.

Less than 125 people in the facility could occur at any time.

For the larger events such as dinner, dinners and dances, a function of 350 people would generate about half the number of cars or 175. Smaller functions and meetings in terms of the number of cars are more of a one to one ratio. I am told that in the 40 years the Boumi Temple was located in Roland Park, the 320 parking spaces provided there never presented a parking problem or a complaint from the Roland Park neighbors.

Except for New Year's Eve which may end a little later, evening functions would end by 1:00 a.m. The norm would be more like 11:30 p.m. to 12:00 a.m., with cleanup to follow.

Please give me a call if you have any questions.

Yours truly,



Robert A. Hoffman

RAH/sm

Case No.: 2009-0265-A

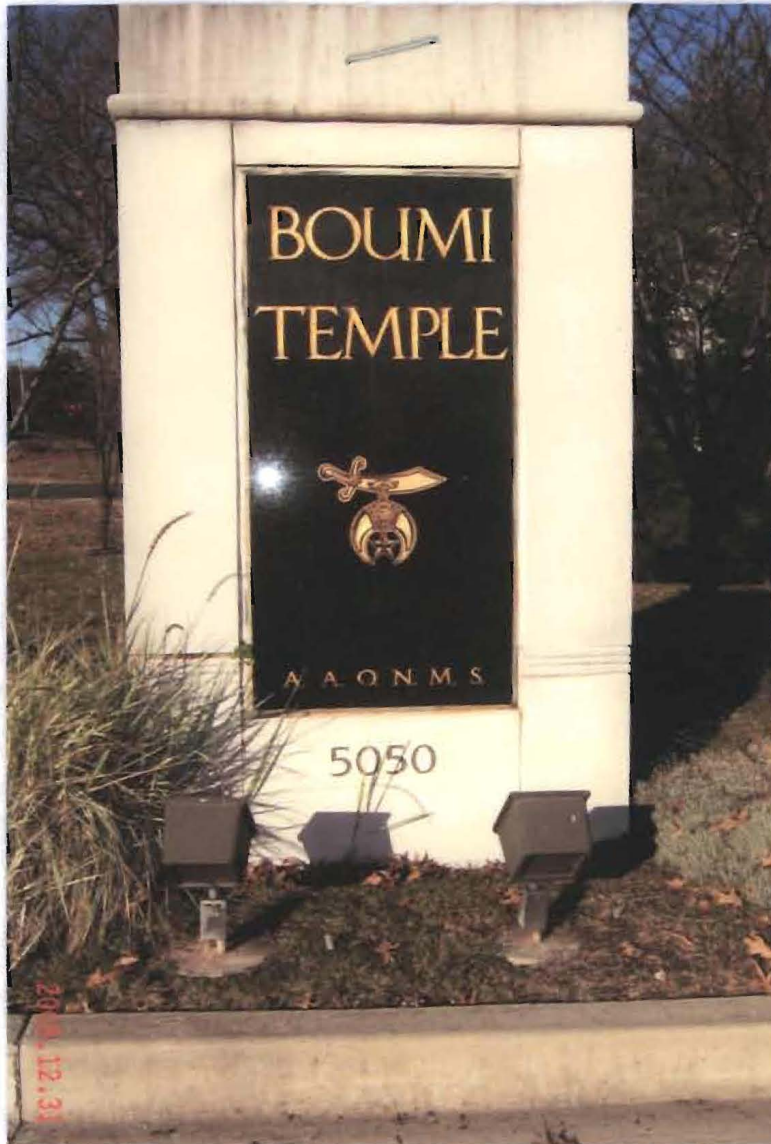
5050 KING AVENUE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	2 Page Site Plan	
No. 2	Existing IDENTIFICATION SIGN	
No. 3	Existing Conditions 3A- Can't see signs 2 & 3 3B- topography of Bldg 3C- Bldg structure	
No. 4	PROPOSED BLDG SIGNAGE	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





PETITIONER'S
EXHIBIT NO. 3A



PETITIONER'S
EXHIBIT NO.

313



PETITIONER'S 3C
EXHIBIT NO. 1



PETITIONER'S
EXHIBIT NO. 4

Case No: 09-265-A Case Name: Boumi Temple

Exhibit List

Party: PETITIONER Date: 4/20/10

[illegible]

Large Exhibit

Verified
4/20/10 KXC





CBA PET. 3B



CBA PET 3C

00A 024 3D



3E 150 090



Day



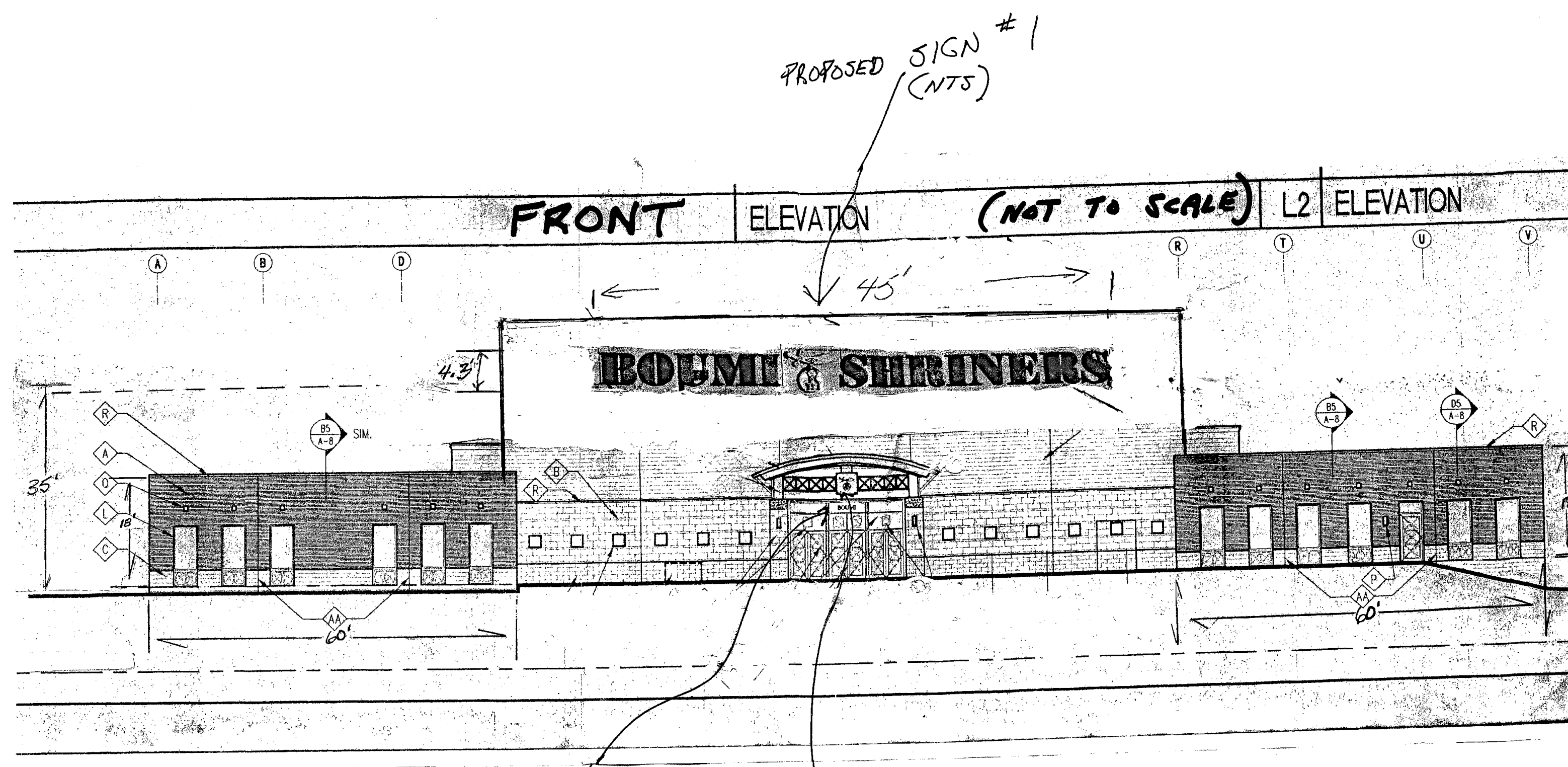
Night

Customer:	
Company:	
Address:	
City:	State/Zip:
Phone:	
Fax:	

SIGNS
BY TOMORROW
SIGNS & GRAPHICS NATIONWIDE

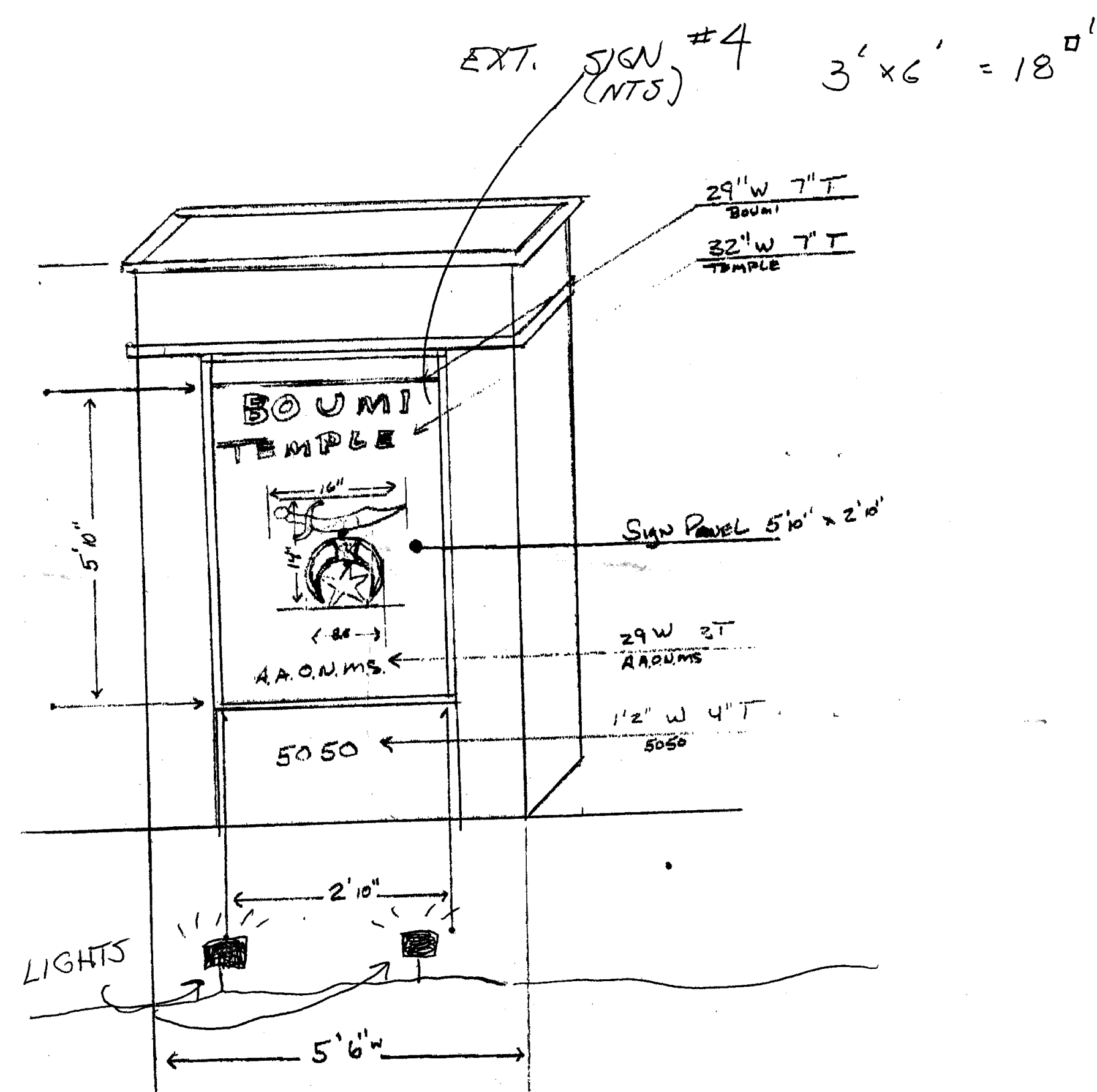
Job No.:	Date:
Order Date:	Delivery/Install:
Sign Dimensions: 0.000in x 0.000in	License: \$ \$0.00
Comments:	

CBA PET. 3F



$(.66' \times 4' = 2.64')$
 PROPOSED SIGN #2
 (NTS)

$(4' \times 4' = 16')$
 PROPOSED SIGN #3
 (NTS)



TOTAL SIGNAGE

SIGN #1 (PROPOSED)	$4.3' \times 45'$	= 194.00
SIGN #2 (PROPOSED)	$.66' \times 4'$	= 2.64
SIGN #3 (PROPOSED)	$4' \times 4'$	= 16.00
SIGN #4	$3' \times 6'$	= 18.00

TOTAL SIGNAGE = 230.64 = 231 SQ. FT.



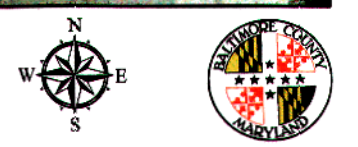
Produced by Baltimore County GIS Services Unit
Date: July 01, 2009
Date of Imagery: 2005

CBA EXHIBIT 2

1 inch = 100 feet

The Cadastral Information on this Plot was compiled from existing deed information. This information is not to be considered authoritative. The Survey Information was not field checked and Certified by a licensed land surveyor.

09-265-A



CBA 051.03