

IN RE: PETITION FOR SPECIAL HEARING *

NW of Lightfoot Drive, 78' SW of
the c/line of Rohr Road
3rd Election District
2nd Council District
(2422 Lightfoot Drive)

Moshe Y. and Malka Markowitz
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0274-SPH

* * * * *

ORDER ON PETITIONERS' MOTION FOR RECONSIDERATION

On June 19, 2012, the Petitioner filed in the above case a Motion for Reconsideration of the Order and Opinion dated June 25, 2012. A response to Petitioners' Motion was filed on July 27, 2012 by attorney Gordon M. Levenson. I have had an opportunity to review both of these papers, and will deny the Motion for Reconsideration.

At the outset, it is important to note that the Petitioners in this case sought to determine whether or not an after school religious and cultural study program in a residence for as many as 12 elementary school students at any one time was a permissible accessory use. In their Motion for Reconsideration, the Petitioners have recharacterized the activities under consideration, contending that the use would be proper under other provisions of the Baltimore County Zoning Regulations ("B.C.Z.R."). As a general matter, I do not think this is the proper function of a Motion for Reconsideration; in effect, it in reality would constitute an amendment to the zoning petition, which would be inappropriate at this juncture.

In the first portion of their memorandum, the Petitioners contend that home occupations are permitted as an accessory use in the DR zones, a statement which is no doubt correct. The Petitioners also correctly note that tutoring is considered under the Zoning Commissioner's Policy Manual ("Z.C.P.M.") as a bona fide "home occupation." However, that same manual provides that "tutoring is one-to-one or two-to-one basis." Z.C.P.M., p. 1-18.1. The testimony in

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Date 7-30-12

By [Signature]

the above matter indicated that up to 12 elementary school students would be brought to the home at the same time, and that would obviously be antithetical to the definition and notion of tutoring.

While it is conceivable, as Petitioners argue in the next portion of their Motion, that they could offer tutoring services on the premises, the Petitioners would need to adhere to the strictures set forth in the Z.C.P.M. As described at the hearing, I do not believe the operation described by Petitioners would qualify under the regulations as a tutoring service. This determination has nothing to do with the content or subject matter of the instruction, but concerns the number of students per day, and the lack of personal or individual instruction for the children.

The Petitioners next content that the described activities would qualify as a school, which is permitted as of right in the DR 5.5 zone. But, as noted at the outset, the Petition in this case did not seek such a determination, and as such the argument cannot be considered on the Motion for Reconsideration. The Petition in this case referred to the whether the described activities qualify as a legal "accessory use" in a residential zone. In such a zone, schools are permitted as a principal use, not an accessory use. B.C.Z.R. § 1B01.1.a.14. Based on the testimony in this case, I do not believe this single family dwelling could qualify as a school. Even if (for sake of argument only) it could be considered a school, the Petitioners would need to satisfy the requirements of B.C.Z.R. § 1B01.B.1.g.10, which they have not done. That provision contemplates a "new" building or structure devoted to educational activity. Here, we have an existing single family dwelling, and the Petitioners have proposed no external construction of any sort. In addition, there was no testimony in the case concerning whether or not the proposal (again assuming that a school use was proposed) would comply, to the extent possible, with the RTA requirements of the B.C.Z.R. as required under the aforementioned regulation.

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Date 7-30-12

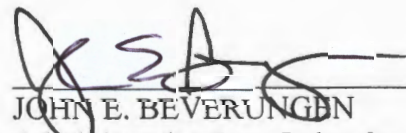
By low

Finally, the Petitioners contend that they are entitled to use the subject property as a "family child care home" but again, the Petition in this case did not seek such a determination, and it would be inappropriate to do so at this stage. In addition, the Petitioners indicated that the proposed use would be for up to 12 elementary school children, which would also disqualify the proposed use from being classified as a "family child care home," which permits a maximum of eight students including the owner/operator's own children. In addition, there was no evidence presented that the Petitioners or the subject premises are licensed by the State to operate as a family child care home, and that would also serve as a legal impediment to such a determination. B.C.Z.R. § 424.1.A.

For the foregoing reasons, the Motion for Reconsideration will be DENIED.

Dated this 30 day of July, 2012.

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


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 7-30-12

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 30, 2012

DEBORAH DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MD 21204

RE: Petition for Special Hearing
Order on Motion for Reconsideration
Case No.: 2012-0274-SPH
Property: 2422 Lightfoot Drive

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Gordon M. Levenson, Esquire, 1206 St. Paul Street, Baltimore MD 21202

IN RE: PETITION FOR SPECIAL HEARING *

NW of Lightfoot Drive, 78' SW of
the c/line of Rohr Road
3rd Election District
2nd Council District
(2422 Lightfoot Drive)

Moshe Y. and Malka Markowitz
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0274-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owners of the subject property, Moshe Y. and Malka Markowitz. Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve after school religious and cultural study in a residence (zoned DR 5.5) for as many as 12 elementary school students at any one time, as a permitted accessory use. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case were Moshe Y. and Malka Markowitz and Deborah C. Dopkin, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Richard Matz, professional engineer with Colbert Matz Rosenfelt, Inc., the firm that prepared the site plan, Carla Ryan and Mayer Freedman. Appearing in opposition to the Petitioners' request were many residents of the surrounding neighborhood. These individuals are too numerous to identify herein. However, all have signed in on the Citizen Sign-In Sheets. There were no ZAC comments received from any of the County reviewing agencies.

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Date 6-25-12

By Ym

Testimony and evidence revealed that the subject property is 0.21 acres and is zoned DR 5.5. The property is improved with a single family dwelling, and is located in a neighborhood (Summit Park) with similar homes. Petitioners own the subject property, but it is not their principal residence. They lease the house to a married couple with two children.

Petitioners propose to conduct in the home an after school program for as many as 12 children, providing religious and cultural instruction for the children. Mr. Markowitz (a Rabbi) indicated that his tenant would play a role in the proposed after school program, and he indicated all of the children would be students at Summit Park Elementary School. Mr. Markowitz indicated the mission of the program would be to provide the young children with a "Jewish identity."

Petitioners' engineer Richard Matz explained the site plan, and testified that the children would be picked up at Summit Park Elementary School at about 3:30 p.m., and would be returned by 5:30 p.m. The program would operate Monday-Friday, and Mr. Matz explained that a staff member would bring the children to and from the school via a walking path that connects to the subject property. Mr. Matz opined that the proposed program would qualify as an "accessory use," and he testified that the Petitioners satisfied the factors set forth in B.C.Z.R. § 502 (special exception regulations).

Several community residents testified, and they all indicated they opposed the relief. In addition, the Protestants submitted a petition (Protestants' Exhibit 2) containing more than 50 signatures of nearby residents opposed to the variance relief. While the testimony of the community members differed in some respects, the main themes echoed throughout were concerns with traffic, a commercial enterprise in a quiet neighborhood, noise and overcrowding of the small lot, and setting a precedent for future requests of a similar nature, which could undermine the stability of the community.

ORDER RECEIVED FOR FILING

Date 6-25-12 2

By ms

Having reviewed the exhibits and testimony, I do not believe the program would qualify as an "accessory use" of this residential single family dwelling. Under the B.C.Z.R., an accessory use is one which:

(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served;

In the case at hand, the proposed after school program cannot be said to be "customarily incident" to the principal use, which is a single family dwelling.

Although the B.C.Z.R. does provide a list of accessory uses permitted in residential zones, the regulation states that it is a non-exhaustive list. B.C.Z.R. § 1B01.1.A.18. And while there are some Maryland cases discussing "accessory buildings," there is a "paucity of Maryland cases defining accessory uses, and their *relationship* with legal primary uses." Carroll County v. Zent, 86 Md. App. 745, 759 (1991) (italics in original). In Zent, Judge Cathell discussed in detail cases from other jurisdictions, which he categorized depending on whether the purported accessory use arose in a residential, manufacturing, etc., setting. Id. at 760.

In Zent (Id. at 763-64), the Court discussed the case of Markley v. Carlisle, a 1987 case from Pennsylvania. In Markley, a non-conforming apartment building was being used to house psychiatric patients. The clinic operator proposed to provide separate apartments in the same building for staff member offices. Though the appellate court did not answer the question, it remanded the matter back to the trial court to determine (among other things) whether these staff unit offices are "customarily found in connection with an apartment building." Id. at 764.

Returning to the present case, I believe there was simply a lack of specific factual support for the proposition that an after school religious program of this nature was "customarily" carried

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Date 6-25-12 3

By [signature]

on within a single family dwelling. Indeed, there was no testimony or evidence of any other similar programs within Baltimore County. The Petitioners' engineer analogized the proposed use to a "card club" or boy scout meetings which often take place in single family dwellings. While that may be the case, I do not believe the analogy is an apt one.

The use proposed in this case would occur five days a week, and would involve 12 children (and their escorts) coming and going between 3:30 and 5:30 every week day. This is simply a much more intense use than a card club or scout gathering, which would probably meet no more frequently than one or two times a month, most often in the evening hours.

Mr. Markowitz testified he conducts his program (known as Inspiration Express) in several area schools, and letters were submitted to that effect. Petitioners' Exhibits 3 and 4. Few would doubt that such a program is a proper accessory use of a school, church or other religious building or a community hall. But it seems equally clear that such a use is not "customarily" seen in single family dwellings, and for that reason I do not believe the program described by Mr. Markowitz would qualify as an "accessory use" of a residence.

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

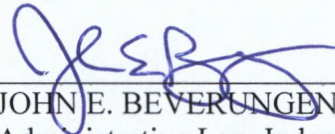
THEREFORE, IT IS ORDERED, this 25 day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve after school religious and cultural study in a residence for as many as 12 elementary school students at any one time, as a permitted accessory use, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 6-25-12

By jm

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 6-25-12 5

By ym



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 25, 2012

DEBORAH DOPKIN, ESQUIRE
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MD 21204

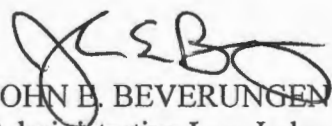
RE: Petition for Special Hearing
Case No.: 2012-0274-SPH
Property: 2422 Lightfoot Drive

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Gordon M. Levenson, Esquire, 1206 St. Paul Street, Baltimore MD 21202



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2422 Lightfoot Drive which is presently zoned D.R. 5.5
Deed References: 31649 / 00379 10 Digit Tax Account # 0319028850
Property Owner(s) Printed Name(s) Moshe Y. Markowitz and Malka Markowitz

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See Attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at the hearing.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code By Telephone # Email Address

Attorney for Petitioner:

Deborah C. Dopkin, Deborah C. Dopkin, P.A.

Name- Type or Print

Signature

409 Washington Avenue, Suite 1000, Towson, MD

Mailing Address City State

21204 / 410-821-0200 ddopkin@dopkinlaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2012-0274 SPH Filing Date 5/1/12

Legal Owners (Petitioners):

Moshe Markowitz / Malka Markowitz

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3709 Bancroft Road, Baltimore, MD

Mailing Address City State

21215 / 443-904-3424 / inspirationexpress@
Zip Code Telephone # Email Address gmail.com

Representative to be contacted:

Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc.

Name - Type or Print

Signature

2835 Smith Avenue, Suite G, Baltimore, MD

Mailing Address City State

21209 / 410-653-3838 dmatz@cmrengineers.com

Zip Code Telephone # Email Address

fax 410-653-7953

Do Not Schedule Dates: 6-13/14/15

Reviewer JS/AT

Special Hearing pursuant to Section 500.7 of the BCZR to determine whether after school religious and cultural study in a residence for as many as 12 elementary school students ^{at} any one time, is a permitted accessory use.

Such other and further relief as may be required to conduct such after school religious and cultural study in a residence.

2012-02-74 -SPH

Colbert Matz Rosenfelt, Inc.

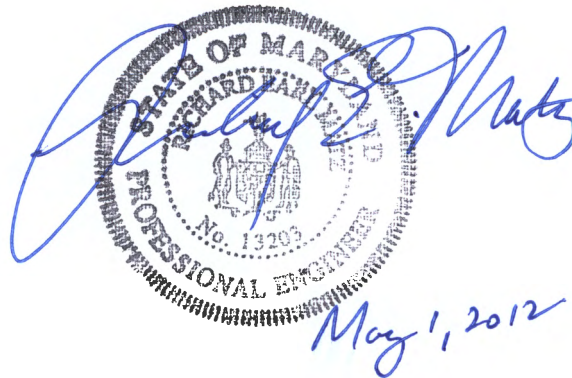
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 2422 LIGHTFOOT DRIVE Baltimore, MD 21209

Beginning at a point on the northwesterly side of Lightfoot Drive, which is 50 feet wide, at a distance of 78 feet (more or less) southwesterly of the centerline of Rohr Road, which is 50 feet wide. Being Lot # 7, Block H, Section #3 in the subdivision of "SUMMIT PARK" as recorded in Baltimore County Plat Book # G.L.B. 22, Folio # 19, containing 9,322 SQ.FT. (more or less).

Also known as 2422 Lightfoot Drive and located in the 3rd Election District, 2nd Councilmanic District.



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

License No. 13203, Expiration Date: Nov 2, 2012

2012-0274-SPH

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

No.

83441

Date:

5/1/12

PAID RECEIPT

BUSINESS ACTUAL

5/02/2012 5/01/2012 10:12

REG 0004 WALKIN SHIL SH

>>RECEIPT # 528213 5/01/201

Dept 5 528 ZONING VERIFIC

DE NO. 103441

Recpt Tot \$30

\$385.00 CK

Baltimore County, Mary

Fund	Dept	Unit	Sub Unit	Rev. Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$385

Total:

\$385

Rec
From:

For:

2422 LIGHTFOOT DRIVE

2012-0274-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

**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/neighbor 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: 2012-0274-SPH
Petitioner: MOSHE MARKOWITZ
Address or Location: 2422 LIGHTFOOT DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Moshe Markowitz
Address: 3709 Baneroff Road
Baltimore, MD 21215
Telephone Number: 443-904-3424

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2012-0274-SPH
2422 Lightfoot Drive
N/w of Lightfoot Drive, 78
feet S/w of centerline of
Rohr Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Moshe &
Malika Markowitz
Special Hearing: to deter-
mine whether after school
religious and cultural study
in a residence for as many
as 12 elementary school
students at any one time, is
a permitted accessory use.
Hearing: Tuesday, June
19, 2012 at 11:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesape-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT 05/799 May 29 303678

CERTIFICATE OF PUBLICATION

5/31, 2012

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 5/29, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 29, 2012 Issue - Jeffersonian

Please forward billing to:
Moshe Markowitz
3709 Bancroft Road
Baltimore, MD 21215

443-904-3424

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0274-SPH

2422 Lightfoot Drive

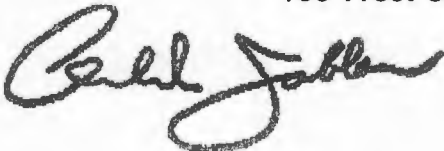
N/w of Lightfoot Drive, 78 feet S/w of centerline of Rohr Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Moshe & Malka Markowitz

Special Hearing to determine whether after school religious and cultural study in a residence for as many as 12 elementary school students at any one time, is a permitted accessory use.

Hearing: Tuesday, June 19, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 22, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0274-SPH

2422 Lightfoot Drive

N/w of Lightfoot Drive, 78 feet S/w of centerline of Rohr Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Moshe & Malka Markowitz

Special Hearing to determine whether after school religious and cultural study in a residence for as many as 12 elementary school students at any one time, is a permitted accessory use.

Hearing: Tuesday, June 19, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204
Mr. & Mrs. Markowitz, 3709 Bancroft Road, Baltimore 21215
Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 30, 2012.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
2422 Lightfoot Drive; NW Lightfoot Drive, *
78' SW of c/line Rohr Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Moshe & Malke Markowitz *
Petitioner(s) * BALTIMORE COUNTY
* 2012-274-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

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

RECEIVED

MAY 17 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 1000, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: August 31, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0274-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

GORDON M. LEVENSON

ATTORNEY AT LAW

1206 ST. PAUL STREET • BALTIMORE, MARYLAND 21202

OFFICE: 443-524-4529 • FAX: 443-573-9066

July 27, 2012

RECEIVED

JUL 30 2012

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable John Beverungen
Administrative Law Judge Baltimore County
105 W Chesapeake Avenue
Towson, Maryland 21204

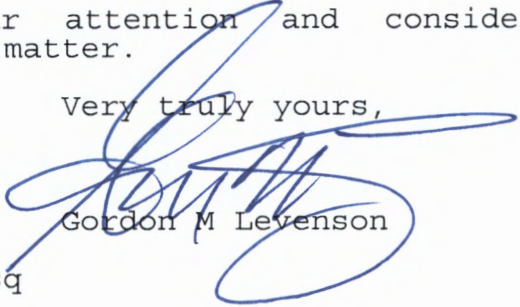
Re: Case : 2012 0274 SPH
2422 Lightfoot Drive

Dear Judge:

Enclosed herewith please find a Response to Petitioner's
Motion For Reconsideration.

Thank you for your attention and consideration in
connection with this matter.

Very truly yours,


Gordon M Levenson

CC: Deborah Dopkin Esq

RE: Petition For Special Hearing
Property of Moshe Y and Malka
Markowitz, Petitioner

(2422 Lightfoot Drive)

* BEFORE
* THE ADMINISTRATIVE
* LAW JUDGE OF
* BALTIMORE COUNTY
* CASE 2012 0274 SPH
*

* * * * *

RESPONSE TO MOTION FOR RECONSIDERATION

PROTESTANTS of Summit Park Community, by Gordon M
Levenson Esq, their attorney and in response to the Motion
For Reconsideration says:

1. That the decision of Administrative Law Judge
Beverungen, dated 6/25/2012 is correct and is supported by
both the law and the facts of the case.

2. The Petitioners' claim that the after school
religious and cultural program falls within tutoring fails
for several reasons. First, the notice for Zoning
exception placed on the property did not include as an
accessory use tutoring. The use for which the Petitioners
were claiming and which was placed on the Notice posted on
the property and which was tried before the Administrative
Law Judge was that of "...an after school religious and
cultural program...". The purpose of the Notice is to give
the community an opportunity to respond. By changing the

nature of what they are asking, the Notice given did not include the uses which are now being sought and the trial did not address a different use.

Second, there was no testimony by either petitioner or their expert that there would be any tutoring on the premises. Since the record does not support that there was to be tutoring, this can not now be raised post hearing.

Thirdly, since the house is not being used as a residence, there can not be an accessory use, whether it be an after school program or tutoring. The Petitioner testified that he purchased the property and had no intentions to use it for any purpose other than to run his business. It was only later that he decided to rent the premises. However it is interesting to note that the lease he submitted post hearing was dated the day before the hearing. Additionally, the Petitioners credibility was called into question when he testified under oath that he never intended the property as his primary residence. This was at odds with his signed affidavit filed with Baltimore County claiming that this was to be his primary residence. It is also at odds with the fact he filed with Baltimore City that his primary residence was on Bancroft Road in

Baltimore City. It was for the trier of fact to decide if this uses for after school program was an accessory use or the principal use. If it was the primary use that it does not meet the requirements as an accessory use.

3. The decision of the Administrative Law Judge was consistent with the common sense interpretation of the Zoning Laws of Baltimore County. The property in question was built in the 1950's and has always been used as a single family home. An accessory use is one which is customarily carried on in an residence. The Administrative Law Judge found there was a lack of specific factual support for the proposition that the uses sought in this case was customarily carried on in a single family home. The claim that a after school cultural and religious program is tutoring in also without any factual testimony or evidence. The Petitioners claimed at the hearing that this after school program was similar to a card club or a monthly boy scout meeting. The Judge found that analogy not to apply. Neither does the brand new claim of tutoring.

4. The Petitioner did not produce any evidence that the premises in question was going to be a school. The notice given was for an after school program, and did not

give notice that a school was going to be put into this residential home. There was no evidence of any licensing being obtained by Baltimore County or the State of Maryland to operate a school on this premises. There was no testimony of any licensed teachers who were to work on this premises. This theory is an afterthought but is not supported by the evidence at the hearing and is not within the exception that was being requested.

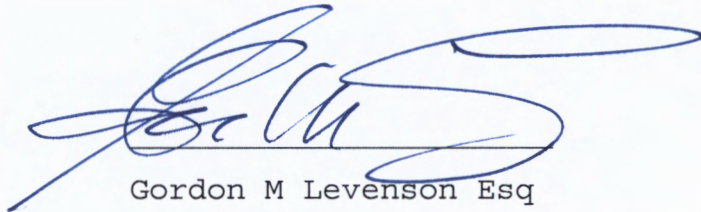
5. Petitioner did not produce any evidence that this program was a day care program. It was listed on the notice as an after school religious and cultural program. To claim after the hearing that this after school program is akin to day care is another afterthought in which Petitioner is trying to fit a square peg in a round hole. Petitioner is trying to use this not primarily as residence with an accessory use but testified that he purchased this home to run a business out of as its primary use.

6. The case cited by the Petitioner(Long Green Valley et al v Prigel et al) is not on point in this case. In the Long Green Case a commercial Dairy farm was attempting to obtain an exemption to have a roadside stand to sell its

products. In this case, the property in question is a residential home not a business. In that case the property in question was a commercial farm property.

In conclusion, the decision of the Judge is correct. The Notice given was for an after school program, not tutoring or a school or a day care center. The testimony did not support that the use was for that of tutoring a school or a day care center.

WHEREFORE, The Protestants request that the Reconsideration be denied and for such other and further relief as the nature of the cause may require.



Gordon M Levenson Esq

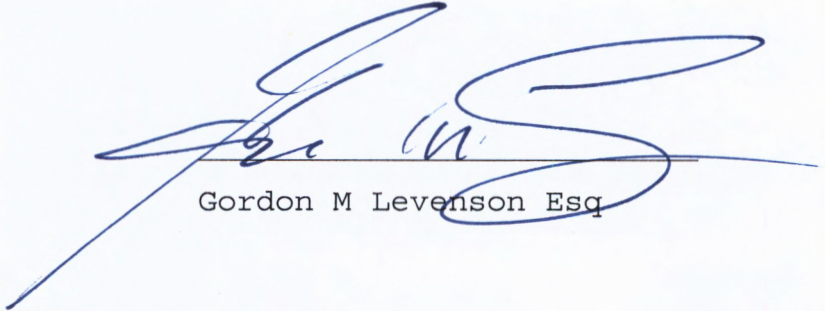
1206 St Paul Street

Baltimore, Maryland 21202

443-524-4529

Certificate of Service

I hereby certify that on this 27th day of July
2012, the foregoing Response To Motion For Reconsideration
was mailed to Deborah C Dopkin Esq P O Box 323
Brooklandville, Maryland 21022.



Gordon M Levenson Esq

GORDON M. LEVENSON

ATTORNEY AT LAW

1206 ST. PAUL STREET • BALTIMORE, MARYLAND 21202

OFFICE: 443-524-4529 • FAX: 443-573-9066

July 27, 2012

The Honorable John Beverungen
Administrative Law Judge Baltimore County
105 W Chesapeake Avenue
Towson, Maryland 21204

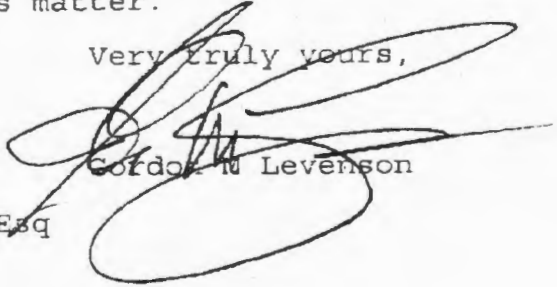
Re: Case : 2012 0274 SPH
2422 Lightfoot Drive

Dear Judge:

Enclosed herewith please find a Response to Petitioner's
Motion For Reconsideration.

Thank you for your attention and consideration in
connection with this matter.

Very truly yours,


Gordon M. Levenson

✓ CC: Deborah Dopkin Esq

RE: Petition For Special Hearing * BEFORE
Property of Moshe Y and Malka * THE ADMINISTRATIVE
Markowitz, Petitioner * LAW JUDGE OF
(2422 Lightfoot Drive) * BALTIMORE COUNTY
* CASE 2012 0274 SPH
*
* * * * *

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nature of what they are asking, the Notice given did not include the uses which are now being sought and the trial did not address a different use.

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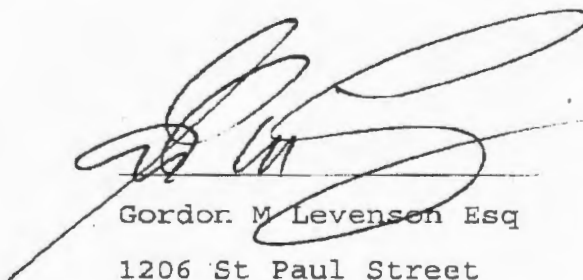
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Gordon M. Levenson Esq

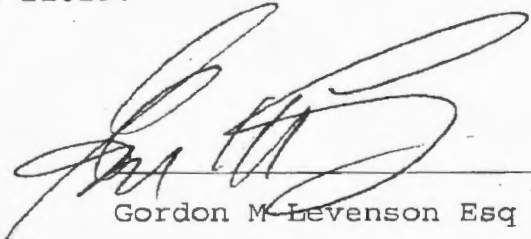
1206 St Paul Street

Baltimore, Maryland 21202

443-524-4529

Certificate of Service

I hereby certify that on this 27th day of July
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was mailed to Deborah C Dopkin Esq P O Box 323
Brooklandville, Maryland 21022.



Gordon M Levenson Esq

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

June 19, 2013

RECEIVED

JUL 20 2012

OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERY

The Honorable John Beverungen
Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

**RE: Case No. 2012-0274-SPH
2422 Lightfoot Drive**

Dear Judge Beverungen:

This office represents Mr. and Mrs. Moshe Markowitz, the
Petitioner in the above captioned matter.

Please find enclosed Motion for Reconsideration of the Order
and Opinion, dated June 25, 2012, which was rendered in this matter.
It is my understanding that pursuant to Rule K of the Rules Of Practice
And Procedure Before The Zoning Commissioner/Hearing Officer Of
Baltimore County the filing of this motion will stay further
proceedings, including the time for filing an appeal.

Thank you for your consideration.

Very truly yours,


Deborah C. Dopkin

CC: Mr. and Mrs. Moshe Markowitz

RE: Petition for Special Hearing

* BEFORE

Property of Moshe Y. And Malka
Markowitz, Petitioner

* THE

* ADMINISTRATIVE LAW JUDGE

2422 Lightfoot Drive,
3rd Election District
2nd Councilmanic District

* OF

* BALTIMORE COUNTY

* Case No. 2012-0274-SPH

MOTION FOR RECONSIDERATION

Moshe Markowitz, et al, Petitioner, by his attorney, Deborah C. Dopkin and Deborah C. Dopkin, P.A., pursuant to Rule K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County move to request reconsideration of the Order and Opinion (the "Order") issued by the Honorable John E. Beverungen, Administrative Law Judge for Baltimore County, dated June 25, 2012, and submit that the decision is unsupported by applicable law, policy and court decisions.

1. The use is permitted under the BCZR and Zoning Commissioner's Policy Manual.
 - a. Under the Baltimore County Zoning Regulations, home occupations are permitted as accessory uses in the D.R. zones as a matter of right.
 - b. The activities described in the petition and testified to by Petitioner qualify as a permitted home occupation or family child care home.

c. Baltimore County formally recognizes tutoring as a home occupation.

d. A Home Occupation is defined as:

"HOME OCCUPATION -- Any use conducted entirely within a dwelling which is incidental to the main use of the building for dwelling purposes and does not have any exterior evidence, other than a permitted sign, as stated in Section 450.4, to indicate that the building is being utilized for any purpose other than that of a dwelling; and in connection with which no commodity is kept for sale on the premises, not more than one person per dwelling is employed on the premises other than domestic servants or members of the immediate family, and no mechanical equipment, other than computers, printers, fax machines, modems, standard office copy machines and similar office equipment, is used except such as may be used for domestic purposes. A "home occupation" does not include fortune-telling."

e. The Zoning Commissioner's Policy Manual ("ZCPM") 1-18.1 recognizes tutoring as a permitted home occupation; it is axiomatic that the ZCPM would only address a use, *as a matter of policy*, if that the use is recognized as a permitted, regular and customary accessory use. Under the ZCPM, tutoring for up to six students per day is permitted by right, and if more students than six students are involved, then the use may be treated as a school, subject to RTA requirements.

f. The Zoning Commissioner's Policy Manual has been approved in the manner prescribed by law, Baltimore County Code, § 3-7-201, et seq.; It is public statement of policy that should be relied upon.

The interpretation and application by an administrative agency is strongly persuasive in the administration, construction and application of the statute. Hoffmeister v. Frank Realty Co., 35 Md. App. 691 at 708, 373 A.2d 273 (1977) and cases cited therein

2. Petitioner avers that the proposed educational activities are in essence tutoring, and the residents of the property have the right to commence tutoring up to six students after school as a matter of right without the necessity of a hearing. The specific subject matter of the lessons should not affect the right to offer such educational activities.
3. The proposed activities are also permitted as of right as a school.
 - a. Based on the ZCPM, tutoring for more than six children a day may be deemed a school use. A school is permitted as a matter of right, whether or not the property is occupied as a principal residence.
 - b. The use as a school or structure devoted to educational purposes is permitted of right, subject to applicable RTA ("Residential Transition Area") requirements. The BCZR recognize certain uses as exceptions to the RTA requirements:

"A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity (emphasis added), if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises."

4. Petitioner has satisfied the requirements to use the property as a school.
 - a. The testimony presented at the hearing included expert testimony by Richard Matz, that the property - if used as proposed - meets the standards sets forth in Section 502.1 of the Baltimore County Zoning Regulations, is in character with the neighborhood, would not be detrimental to the general welfare of the community, and is in keeping with the spirit and intent of the zoning regulations. Mr. Matz further testified that there would be no exterior modifications to the dwelling, thereby remaining in keeping with the surrounding properties.
 - b. Despite testimony being offered directly addressing the various standards that apply to a school or other permitted RTA use, there was no finding that the proposed use did or did not meet the 502.1 standards, a threshold for granting relief for a

be denied a right enjoyed by any other person residing in Baltimore County.

7. In a case recently decided by the Court of Special Appeals of Maryland, Long Green Valley Association, et al. V. Prigel Family Creamery, et al., September Term, 2011, filed June 29, 2012, the Court upheld a petition seeking approval of a farm market, a permitted accessory use or in the alternative, relief for a farmer's roadside stand, a special exception use. In that case, as in the instant case, an expert witness was accepted without objection and testified that the proposed use satisfied the Section 502.1 criteria and that the use would not be detrimental to the health, safety or general welfare of the locality. The Court noted, more than once, that the appellants raised no objection to the acceptance of the expert, nor did they present any experts to opine on any possible negative impacts.

In Long Green, as in the instant case, alternative relief was sought, and the Court found that the testimony of the witnesses supported the alternative relief as well. The Court upheld the decision approving the use.

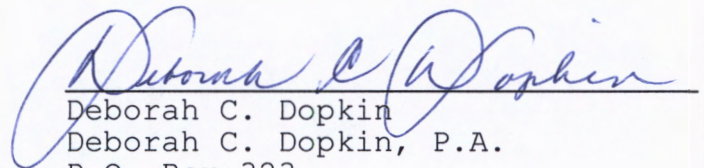
WHEREFORE, the Petitioner requests the following relief:

- i. That the Order and Opinion of the Administrative Law Judge be reconsidered and amended pursuant to the express language of the Baltimore County Zoning Regulations to determine that the

activities which Petitioner seeks to conduct are accessory as tutoring or day care use, both recognized and permitted accessory uses, or as a school as a principal use, also permitted by right in the zone, as the same may be permitted and limited by the zoning regulations;

ii. That upon such finding, the relief required for a permitted use in a Residential Transition Area be granted as requested; and

iii. Such other and further relief as the nature of his cause may require.



Deborah C. Dopkin
Deborah C. Dopkin, P.A.
P.O. Box 323
Brooklandville, Maryland 21022
410-821-0200
Attorney for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

1. Baltimore County Zoning Regulations, 2008, as amended
2. Baltimore County Code, 2003, as amended
3. Baltimore County Zoning Commissioner's Policy Manual
4. Long Green Valley Association, Et. Al. V. Prigel Family Creamery, et al., Maryland Court of Special Appeals, No. 0350, September Term, 2011.
5. Hoffmeister v. Frank Realty Co., 35 Md. App. 691, 373 A.2d 273 (1977)

CERTIFICATE OF MAILING

I HEREBY CERTIFY, that on this 20th day of July, 2012, a copy of the foregoing Motion for Reconsideration was mailed, postage prepaid, to Gordon M. Levenson, Esquire, 1206 St. Paul Street, Baltimore, Maryland 21202.


Deborah C. Dopkin

LAW OFFICES
DEBORAH C. DOPKIN, P.A.
P.O. Box 323
BROOKLANDVILLE, MARYLAND 21022
Email: ddopkin@dopkinlaw.com

TELEPHONE: (410)821-0200

FASCIMILE: 410-779-9352

June 20, 2012

The Honorable John Beverungen
Administrative Law Judge
Baltimore County
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED
JUN 26 2012
OFFICE OF ADMINISTRATIVE HEARINGS

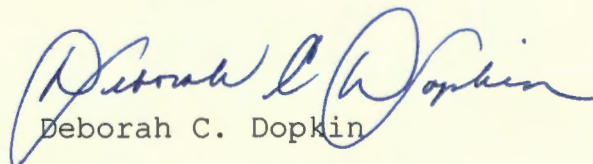
RE: 2422 Lightfoot Drive
Case No. 2012-0274-SPH

Dear Judge Beverungen:

Thank you for holding the record open in the above captioned matter to allow me to submit to you a copy of the lease which was executed by the property owners and their tenant for the above property.

By copy of this letter, I am sending Mr. Levenson a copy of the lease.

Sincerely,


Deborah C. Dopkin

Encl.

CC: Gordon M. Levenson, Esquire (w/encl)
Moshe Markowitz

Lease with Option to Purchase

TABLE OF CONTENTS

Section	Caption
Section 1	Demise
Section 2	Affirmative Covenants of Tenant
Section 3	Negative Covenants of Tenant
Section 4	Quiet Enjoyment
Section 5	Alterations
Section 6	Default and Remedies
Section 7	Effect of Destruction
Section 8	Condemnation
Section 9	Continuation of Tenancy
Section 10	Purchase Option
Section 11	Notices
Section 12	Binding Effect
Section 13	Applicable Law
Section 14	Table of Contents; Captions
Section 15	Time of the Essence

THIS LEASE is made as of the 18th day of June, 2012, between Moshe Markowitz, (hereinafter referred to as "Landlord") and Mayer Freedman, (hereinafter referred to as "Tenant").

SECTION I

DEMISE

Landlord hereby rents to Tenant and Tenant hereby rents from Landlord 2422 Lightfoot Drive, Baltimore, MD 21209 (hereinafter referred to as the "Premises") for the term of 1 year beginning on the 1st day of July, 2012, and ending on the 30th day of June, 2013, at \$2,000 per month, payable in monthly installments in advance without demand, deduction, set-off, recoupment, or counter claim.

SECTION 2

AFFIRMATIVE COVENANTS OF TENANT

Tenant, jointly and severally if more than one, hereby covenants with Landlord as follows:

(a) to pay the rent as aforesaid;

(b) to keep the Premises in good order; and

(c) to surrender the peaceful and quiet possession of the Premises at the end of the term, in as good condition as when received (normal wear and tear and damage from insured events excepted).

SECTION 3

NEGATIVE COVENANTS OF TENANT

Tenant hereby covenants that Tenant will not do, suffer, or permit any of the following:

(a) anything to be done in or about the Premises which will contravene any policy of insurance against loss by fire;

(b) assign this Lease, in whole or in part, or permit the assignment by operation of law or otherwise, or sublet the Premises or any portion thereof, without the consent in writing of Landlord.

SECTION 4

QUIET ENJOYMENT

Provided Tenant is not in default hereunder, Landlord covenants that Tenant shall quietly enjoy the Premises during the term hereof.

SECTION 5

ALTERATIONS

Tenant shall not make any alterations or additions to the Premises without the prior written consent of Landlord. Any alterations, additions, or repairs the Tenant shag be permitted to make shall be done at Tenant's own expense.

SECTION 6

DEFAULT AND REMEDIES

If the rent shall be ten (10) days or more in arrears Landlord shall have the right to distrain for the same, and to re-enter and take possession and, if Landlord so elects, to terminate this Lease. If Tenant shall violate any of the covenants by Tenant herein made, Landlord shag have the right without formal notice to re-enter and take possession and, if Landlord so elects, to terminate this Lease.

SECTION 7

EFFECT OF DESTRUCTION

If the Premises shall be destroyed or rendered untenable by fire or unavoidable accident, the tenancy hereby created shall be thereby terminated, and all liability for rent hereunder shall cease upon payment proportionately to the date of fire or unavoidable accident unless Tenant exercises Tenant's purchase option within twenty (20) days after the date of the fire or unavoidable accident, in which event, Tenant shall be entitled to receive any insurance proceeds after deduction of expenses of

collecting the proceeds, including reasonable attorney's fees.

SECTION 8

CONDEMNATION

If the whole or any part of the Premises shall be taken under the power of eminent domain, or shall be sold by Landlord under threat of condemnation proceedings, then this Lease shall terminate as to the part so taken or sold on the day when Tenant is required to yield possession thereof, and Landlord shall make such repairs and alterations as may be necessary in order to restore the part not taken or sold to useful condition, and the rent hereinbefore specified shall be reduced proportionately as to the portion of the Premises so taken or sold. If the amount of the Premises so taken or sold is such as to impair substantially the usefulness of the Premises for the purposes for which the same is hereby leased, as determined by Landlord, then Tenant shall have the option to terminate this Lease as of the date when Tenant is required to yield possession. In any and an events, all compensation awarded or paid for any such taking or sale of the fee and the leasehold, or any part thereof, shall belong to and be the property of Landlord, except for such sum as shall be awarded to Tenant for relocation of its business or on account of the taking of fixtures installed by Tenant, which shall become the property of Tenant provided such sum is by separate award and does not reduce the amount to which Landlord is entitled hereunder. Notwithstanding the aforesaid, if Tenant exercises Tenant's purchase option at any time, Tenant shall be entitled to the condemnation award after deduction of expenses of collecting the award, including reasonable attorney's fees. Landlord shall notify Tenant within ten (10) days of receipt of notice of condemnation.

SECTION 9

CONTINUATION OF TENANCY

This Lease, with all its provisions and covenants, shall continue in force from term to term after the expiration of the term above mentioned, provided, however, that the parties hereto, or either of them, can terminate the same at the end of the term above mentioned, or at the end of any extension term, by giving at least thirty (30) days' previous notice thereof in writing.

SECTION 10

PURCHASE OPTION

Tenant, at any time during the term of this Lease, shall have the option to purchase [Landlord's interest in] the Premises from Landlord upon 60 days' written notice to Landlord subject to the following terms and conditions:

- (a) The purchase price for [Landlord's interest in] the Premises

BINDING EFFECT

This Lease shall be binding upon and shall inure to the benefit of the parties hereto and their personal representatives, successors, and assigns, subject to the provisions of Sub-section 3(c).

SECTION 13

APPLICABLE LAW

This Lease shall be interpreted and construed in accordance with the laws of the State of Maryland.

SECTION 14

TABLE OF CONTENTS; CAPTIONS

The Table of Contents and the captions appearing in this Lease are inserted only as a matter of convenience and do not define, limit, construe, or describe the scope or intent of the Sections of this Lease nor in any way affect this Lease.

SECTION 15

TIME OF THE ESSENCE

Time is of the essence herein and in every provision hereof.

WITNESS the hands and seals of the parties hereto as of the day and year first above written.

ATTEST/WITNESS:

Soil Goldberg

By Moshe M. [Signature] LANDLORD
(SEAL)

ATTEST/WITNESS:

Soil Goldberg

By [Signature] TENANT
(SEAL)

CASE NAME MarkowitzCASE NUMBER 2012-0274-SPHDATE 6/19/12

PLEASE PRINT CLEARLY

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
ALLEN ABEND	2417 SYLVAN RD	BALTO, MD 21209	allen.abend@gmail.com
FLORENCE COPLAN	2423 LIGHTFOOT DR.	BALTO, MD 21209	florrie424@gmail.com
Jillanne Pasternack	2408 Sylvale Rd	BALTO, MD 21209	dpasternack@gmail.com
Broaden Levenson	2402 Sylvale Rd	BALTO MD 21209	GMLBUDSON@gmail.com
Rae Margolis	2427 LIGHTFOOT DRIVE	BALTO, MD 21209	jhl21130@aol.com
Patty Ambinder	2423 Sylvale Rd.	BALTO MD 21209	patty.ambinder@gmail.com
Ruth Levenson	2402 SYLVAN RD.	BALTO MD 21209	RUTH.LEVENSON@GMAIL.COM
Marsha Garmenman	2414 Lightfoot Drive	BALTO, MD 21209	garmenman.gang@verizon.net
MAGDA GILBERT	2410 LIGHTFOOT DRIVE	BALTO, MD 21209	-
Pat Heeling	2430 Lightfoot DR.	BALTIMORE, MD 21209	MASSAGEmom@yahoo.com
Fred Zimmerman	6901 Rohr Road	BALTO, MD 21209	FRZimmerman@verizon.net
Judy Zimmerman	6901 Rohr Rd	BALTO MD 21209	jzimmerman@gsa.gov
Jim Margolis	2427 LIGHTFOOT DRIVE	BALTO MD 21209	jill21130@aol.com
Fred Frank	2405 SYLVAN RD	BALTO, MD 21209	JRTOWN@ICGMAIL.COM
Ava Frank	2405 Sylvale Rd.	BALTO, MD 21209	avalfrank@gmail.com
Heni Pollara	2412 SYLVAN RD	BALTO MD 21209	henipollara@gmail.com
Bob Jacobson	2418 SYLVAN RD.	BALTO, MD 21209	b.bboj@aol.com
Nerille Jacobs	10 Calypso Court	BALTO, MD 21209	Nerilleed@aol.com
GEORGE DAVIS	2431 SYLVAN RD	BALTO, MD 21209	1015984@verizon.net
JORGE ESPINOZA	2426 Lightfoot Dr	BALTIMORE MD 21209	Joresni58@aol.com

LIGHTFOOT DRIVE, 2422
CASE NAME MARROWITZ
CASE NUMBER 2012-0274 SPH
DATE June 19, 2012

[illegible]

JB 6-19
11am

CASE NO. 2012- 0274-SPH

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

5-14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NC

5-23

DEPS
(if not received, date e-mail sent _____)

NC

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

5-1

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

6-11

ADJACENT PROPERTY OWNERS

objects

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 5-29-12

SIGN POSTING Date: 5-28-12 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: see letters of protest

Administrative Hearings - letter of protest: zoning exception for case# 2012-0274-SPH

From: ellen shaul <eshaul1@yahoo.com>
To: "administrativehearings@baltimorecountymd.gov" <administrativehearings@b...>
Date: 6/18/2012 4:45 PM
Subject: letter of protest: zoning exception for case# 2012-0274-SPH

I am writing to express my objection of the zoning change request on case # 2012-0274-SPH.
The property is located at 2422 Lightfoot Drive, Baltimore, MD, 21209.

My address is 6615 Chippewa Drive, Baltimore, MD, 21209.

My concern is that the new owner at this address *states* that he wants to use it for an after-school program site, yet he owns and operates Methadone clinics in Baltimore.

There is certainly no indication that he plans to reside in this house, which is located in a quiet residential area adjacent to an elementary school.

Most importantly, there are no assurances either that it won't be used, once the zoning is changed to commercial, as a methadone clinic.

Although the neighborhood would of course prefer a homeowner residing at that address, above all we need assurance that it cannot be used as a Methadone clinic, which would be extremely inappropriate to this neighborhood.

Without such assurances, my neighbors and I are strongly against this change in zoning.

Ellen (Shaul) Janofsky

Administrative Hearings - Case No. 2012-0274-SPH

From: Earl Rosenberg <saxman4u@verizon.net>
To: <administrativehearings@baltimorecountymd.gov>
Date: 6/18/2012 11:16 PM
Subject: Case No. 2012-0274-SPH

I am protesting the zoning request for the after school cultural program in the aforementioned case at 2422 Lightfoot Drive, Baltimore, MD 21209.

As of today, there is no license that has been issued, nor has application been made for licensing of such a program by Rabbi Markowitz or anyone else for 2422 Lightfoot Drive. Traffic will become heavier than what it already is if the program is allowed to operate.

In addition, Moshe Markowitz is the CEO of BD Health Services, which operates methadone clinics in Maryland and it is feared that said residence will become another methadone clinic.

The principal of Eastern Avenue Health Services, Inc. is Moshe Markowitz.. That agency runs substance abuse treatment programs, meth clinics, halfway houses and also provides short-term residential care.

This neighborhood is a quiet, residential one that enjoys a relatively low crime rate. It is feared that would change if drug addicts frequented the area or if the home became a halfway house or any sort of residential care was provided there. Also, the house backs up to Summit Park Elementary School; hence, many young children could be at risk..

I hope that you will deny the zoning request.

Earl Rosenberg
6613 Chippewa Drive
Baltimore, MD 21209

410-486-2272.

Administrative Hearings - Fw: Case No. 2012-0274-SPH

From: Earl Rosenberg <saxman4u@verizon.net>
To: <administrativehearings@baltimorecountymd.gov>
Date: 6/18/2012 11:18 PM
Subject: Fw: Case No. 2012-0274-SPH

I received an error message saying me that the original message was not sent. I do apologize if this is a duplicate.

--- On Tue, 6/19/12, Earl Rosenberg <saxman4u@verizon.net> wrote:

From: Earl Rosenberg <saxman4u@verizon.net>
Subject: Case No. 2012-0274-SPH
To: administrativehearings@baltimorecountymd.gov
Date: Tuesday, June 19, 2012, 3:16 AM

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I hope that you will deny the zoning request.

Earl Rosenberg
6613 Chippewa Drive
Baltimore, MD 21209

410-486-2272.

Administrative Hearings - Case No. 2012-0274-SPH

From: Barbra Rosenberg <barbra.leigh@hotmail.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 6/18/2012 11:27 PM
Subject: Case No. 2012-0274-SPH

Subject: Case No. 2012-0274-SPH
To: administrativehearings@baltimorecountymd.gov
Date: Tuesday, June 19, 2012, 3:16 AM

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This neighborhood is a quiet, residential one that enjoys a relatively low crime rate. It is feared that would change if drug addicts frequented the area or if the home became a halfway house or any sort of residential care was provided there. Also, the house backs up to Summit Park Elementary School; hence, many young children could be at risk..

I hope that you will deny the zoning request for the after school cultural program, which is believed to be a smoke screen for something more lucrative.

Barbra Rosenberg
6613 Chippewa Drive
Baltimore, MD 21209

410-486-2272.

6/13/12
TO A-1
88



6/19/12

June 11, 2012

To Whom It May Concern,

I am writing this letter to forward my opinion in **case # 2012-0274-SPH**. I regret that I am unable to appear in person for this hearing but, my work schedule is such that I am unable to attend.

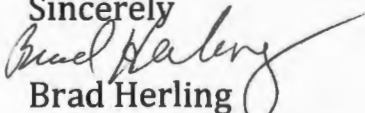
I feel strongly that the request to operate an after-school religious program out of the house at 2422 Lightfoot Drive is inappropriate. This is a completely residential neighborhood and the inclusion of this program sets an unhealthy precedent for our community.

Programs of this nature are primarily run out of schools and other community buildings, where students are able to stay after day school hours and then be picked up by their parents. Placing such a program in a residential block increases the traffic flow and congestion on a block where cars are regularly exceeding the speed limit as they transition from Greenspring Ave onto Lightfoot Dr.

A home and community are the most significant components of a happy healthy life. It is clear that the property values on Lightfoot Drive would be driven down by the inclusion of this program into the fabric of our community. The care and upkeep of the said property will be compromised by the equipment and accumulation of toys needed to entertain a dozen elementary school students.

Please consider rejecting this proposal for the benefit of the many families and households who share the community on and around the 2400 block of Lightfoot Drive.

Sincerely


Brad Herling
2430 Lightfoot Drive

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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 03 Account Number - 0319028850

Owner Information

Owner Name: MARKOWITZ MOSHE Y
MARKOWITZ MALKA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2422 LIGHTFOOT DR
BALTIMORE MD 21209-1551
Deed Reference: 1) /31649/ 00379
2)

Location & Structure Information**Premises Address**

2422 LIGHTFOOT DR
0-0000

Legal Description

SUMMIT PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0078	0006	0540		0000	3	H	7	2	Plat Ref: 0022/0019

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	3,392 SF	9,300 SF	04

Stories NO
Basement NO
Type STANDARD UNIT FRAME
Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	110,320	86,300		
Improvements:	322,370	216,700		
Total:	432,690	303,000	303,000	303,000
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
OHANA MOSHE	01/26/2012	\$335,000
Type: ARMS LENGTH IMPROVED	Deed1: /31649/ 00379	Deed2:
LEE EDWARD W, JR	05/26/2005	\$352,500
Type: ARMS LENGTH IMPROVED	Deed1: /21936/ 00037	Deed2:
SEIDEN AARON H	06/06/1988	\$117,000
Type: ARMS LENGTH IMPROVED	Deed1: /07878/ 00183	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:** NONE

Homestead Application Information

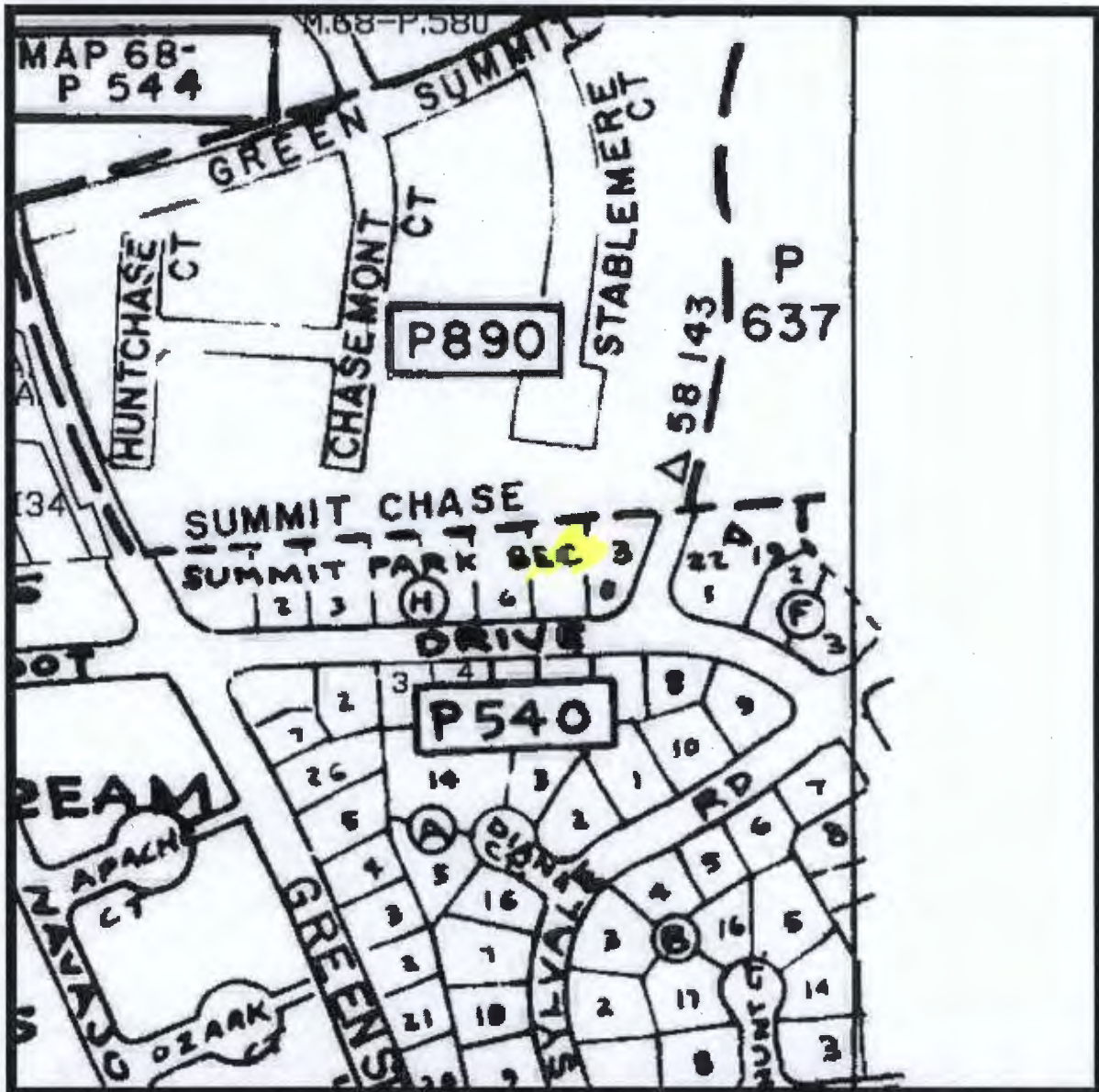
Homestead Application Status: No Application



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

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

District - 03 Account Number - 0319028850



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

6-19 11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: May 22, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0274-SPH
Address 2422 Lightfoot Drive
(Markowitz Property)

Zoning Advisory Committee Meeting of May 7, 2012.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED
MAY 23 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - ZAC Comments - Distribution Mtg. of 5/7

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/7/2012 11:59 AM
Subject: ZAC Comments - Distribution Mtg. of 5/7

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0266-SPHA - 9401 Groveton Circle
No hearing date assigned in data base as of today

2012-0270-A - 15 Music Fair Road - **FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0271-A - 9801 Reisterstown Road
No hearing date assigned in data base as of today

2012-0272-XA - 5616 Old Court Road
No hearing date assigned in data base as of today

2012-0273-A - 518 Education Way
Administrative Variance - Closing Date: 5/21

2012-0274-SPH - 2422 Lightfoot Drive
No hearing date assigned in data base as of today

2012-0275-A - 3901 Schroeder Avenue
Administrative Variance - Closing Date: 5/28

2012-0276-SPHA - 3914 Glenhurst Road - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned in data base as of today

2012-0277-A - 502 Dogwood Lane
Administrative Variance - Closing Date: 5/28

Thanks.

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



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

June 13, 2012

Moshe and Malka Markowitz
3709 Bancroft Road
Baltimore, MD 21215

RE: Case Number: 2012-0274 SPH, Address: 2422 Lightfoot Drive

Dear Mr. & Ms. Markowitz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 1, 2012. 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Richard E. Matz, P.E., 2835 Smith Avenue, Suite G, Baltimore MD 21209
Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 1000, Towson MD 21204

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-7-12

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

RE: Baltimore County
Item No 2012-0274-SPH
Special Hearing
Moshe & Malke Markowitz
2422 Lightfoot Drive

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0274-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 14, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2012
Item Nos. 2012-0270, 0271, 0273, 0274, 0275, 0276
And 0277.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05212012-NO COMMENTS.doc

Case No.:

2012-274-SPH

Exhibit Sheet

8-31-12 aw
6/22/12 pz

Petitioner/Developer

Protestant

No. 1	Site Plan	Affadavit of Grantee
No. 2	IRS 5501(c)(3) letter	Neighborhood Petition
No. 3	6-13-12 letter Gateway School	
No. 4	6-13-12 letter Baas Yaakov School	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JUN 20 2007

TOTAL-MARYLAND INC
3709 BANCROFT RD
BALTIMORE, MD 21215

Employer Identification Number:

20-4228825

DLN:

17053222007036

Contact Person:

MS. MEDINA

ID# 52444

Contact Telephone Number:

(877) 829-5500

Accounting Period Ending:

August 31

Public Charity Status:

170(b)(1)(A)(ii)

Form 990 Required:

YES

Effective Date of Exemption:

January 7, 2006

Contribution Deductibility:

YES

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Revenue Procedure 75-50, published in Cumulative Bulletin 1975-2 on page 578, sets forth guidelines and record keeping requirements for determining whether private schools have racially nondiscriminatory policies as to students. You must comply with this revenue procedure to maintain your tax-exempt status.

PETITIONER'S

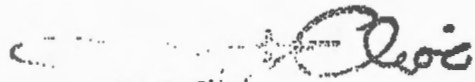
EXHIBIT NO. 2

Letter 947 (DO/CG)

-2-

TOTAL-MARYLAND INC

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)



GATEWAY SCHOOL

A PROGRAM OF THE HEARING AND SPEECH AGENCY

June 13, 2012

TO: Rabbi Moshe Markowitz

FROM: Jill Berie, M.S. *Jill Berie*
Educational Director
Gateway School

SUBJECT: **INSPIRATION EXPRESS AFTER SCHOOL PROGRAM**

On behalf of Gateway School, a program of The Hearing and Speech Agency, we want to express our appreciation for the partnership with Inspiration Express. Since the initial partnering in Spring 2008, the after school program has met the needs of many families and students.

The students look forward to participating in the weekly activities. Equally, our families are pleased with the volunteer staff, the instruction, and activities provided in a safe environment. It has been our pleasure to work collaboratively with your volunteer staff to give Gateway families this opportunity.

We look forward to having Inspiration Express again in school year 2012 – 2012.

JB

PETITIONER'S

EXHIBIT NO. 3



THE HEARING AND SPEECH AGENCY Harry & Jeanette Weinberg Building 5900 Metro Drive Baltimore, Maryland 21215

phone: 410.318.6780 TTY: 410.318.6758 fax: 410.318.6754 e-mail: hasa@hasa.org on-line: www.hasa.com

Bais Yaakov Eva Winer High School

6302 Smith Ave, Baltimore, MD 21209

(443) 548-7700 FAX (443) 548-6340

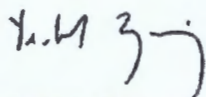
June 13, 2012

Rabbi Moshe Markowitz
3709 Bancroft Road
Baltimore, MD 21215

Dear Rabbi Markowitz:

It past years, Bais Yaakov High School has had an excellent partnership with Inspiration Express. You have allowed Eleventh and Twelfth Grade students to volunteer at your program. We consider this opportunity as useful for our students as it is for your participants. They learn leadership skills and enjoy interacting with younger children. I understand that you are in the process of starting the Inspiration Express program again for Summit Park Elementary students. I would like to pledge my support for your program and I would endeavor to provide volunteers again. Our students have experience in childcare, are responsible, and would be an asset once again to facilitate the Jewish cultural activities that Inspiration Express provides. Please be in touch with me at 443-548-7700 during the summer. Many thanks for your attention.

Truly yours,



Rabbi Yechezkel Zweig
Principal

PETITIONER' SEXHIBIT NO. 4

Case No.:

2012-274-SPH

Exhibit Sheet

8/31/12 DW
6/22/12 18

Petitioner/Developer

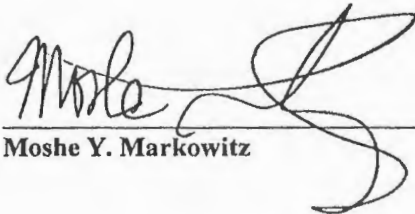
Protestant

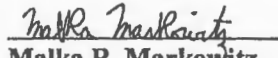
No. 1	Site Plan	Affadavit of Grantee
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No. 3	6-13-12 letter Gateway School	
No. 4	6-13-12 letter Bras Yaakov School	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**AFFIDAVIT OF GRANTEE
PRIMARY RESIDENCE**

THE UNDERSIGNED STATE UNDER OATH AS FOLLOWS:

1. The undersigned are the Grantees of residentially improved real property located at 2422 Lightfoot Drive, Baltimore, MD 21209 in Baltimore County, Maryland.
2. The undersigned state that the above referenced property will be their principal residence which they will occupy.

 {SEAL}
Moshe Y. Markowitz

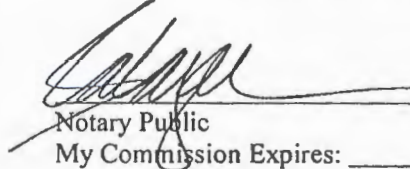
 {SEAL}
Malka R. Markowitz

STATE OF MARYLAND
COUNTY OF BALTIMORE

Subscribed and Sworn to before me, a Notary Public in and for the State of Maryland, County of Baltimore, this 17th day of January, 2012.



Yoşef Chaim Salazar, Esq.
NOTARY PUBLIC
Baltimore City
State of Maryland
My Commission Expires
August 10, 2013


Notary Public
My Commission Expires: _____

PROTESTANT' S

EXHIBIT NO. 1

PETITION AGAINST APPROVAL OF A ZONING VARIANCE

AT 2422 LIGHTFOOT DRIVE, BALTIMORE MD 21209

Case No. 2012-0274-SPH

We, the undersigned, are opposed to the proposed zoning variance to operate a business at 2422 Lightfoot Drive in the residential neighborhood of Summit Park, Baltimore County, Maryland. The neighborhood is a quiet residential area which includes Summit Park Elementary School and is experiencing a resurgence of home ownership by families with school aged children. The approval of this zoning variance will have a negative impact on traffic, noise, and the safety of children. Equally important, approval will set a precedent opening the door for similar zoning variance requests, and leading to a deterioration of the quality of the neighborhood and property values.

<u>Name</u>	<u>Address</u>
<u>ALLEN ABEND</u>	<u>2417 SYLVAN RD. 21209</u>
<u>George Davis</u>	<u>2431 SYLVAN RD 21209</u>
<u>Ken & Pollara</u>	<u>2412 Sylvan Rd 21209</u>
<u>John Pollara</u>	<u>2412 Sylvan Rd 21209</u>
<u>William Pasternack</u>	<u>2408 Sylvan Rd 21209</u>
<u>Barry Schmitz</u>	<u>2411 Sylvan Rd.</u>
<u>Dan S.</u>	<u>2419 Sylvan Rd 21209</u>
<u>Debra Smith</u>	<u>2419 Sylvan Rd. 21209</u>
<u>Helena Rachamim</u>	<u>2409 Sylvan Rd. 21209</u>
<u>Ross Wagonjian</u>	<u>2403 Sylvan Rd.</u>
<u>John & Ruthy Liron</u>	<u>2402 Sylvan Rd 21209</u>

PETITION AGAINST APPROVAL OF A ZONING VARIANCE
AT 2422 LIGHTFOOT DRIVE, BALTIMORE MD 21209

Case No. 2012-0274-SPH

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<u>Name</u>	<u>Address</u>
Polina Dzhygit	2400 Sylvale Rd, Baltimore
Mary Mervin	2401 Dean Rd, 21209
Mei Shany	2417 Lightfoot Dr. 21209
Nick Shany	2417 Lightfoot Dr. 21209
Fadek R. Jones	6901 Rohr Rd
Judith Grimmer	6901 Rohr Rd 21209
Judith Jacobson	2418 Sylvale 21209
Robert Jacobson	2418 Sylvale Rd. 21209
Eve Buchholz	2415 LIGHTFOOT DR 21209

PETITION AGAINST APPROVAL OF A ZONING VARIANCE

AT 2422 LIGHTFOOT DRIVE, BALTIMORE MD 21209

Case No. 2012-0274-SPH

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<u>Name</u>	<u>Address</u>
<u>Trips Holyniukova</u>	<u>2432 Sylvale RD 21209</u>
<u>Stanley A. Kellman</u>	<u>2440 Sylvale Rd 21209</u>
<u>Peter M. Mshemn</u>	<u>2457 Sylvale rd 21209</u>
<u>M. J. Gold</u> MICHAEL GOLD	<u>2424 SYLVANE RD 21209</u>
<u>Michael Gold</u>	<u>2424 Sylvale Rd 21209</u>
<u>Kelley D. Abbin</u>	<u>2423 Sylvale Rd 21209</u>
<u>Patricia Aubinder</u>	<u>2423 Sylvale Rd 21209</u>
<u>Florence Coplan</u>	<u>2423 Lightfoot Rd 21209</u>
<u>Brad Herling</u>	<u>2430 Lightfoot Dr. 21209</u>
<u>Patricia Herling</u>	<u>2430 Lightfoot Dr. 21209</u>
<u>S. Spich</u>	<u>2422 LIGHTFOOT DR. 21209</u>
<u>Spich inerskiy</u>	

PETITION AGAINST APPROVAL OF A ZONING VARIANCE

AT 2422 LIGHTFOOT DRIVE, BALTIMORE MD 21209

Case No. 2012-0274-SPH

We, the undersigned, are opposed to the proposed zoning variance to operate a business at 2422 Lightfoot Drive in the residential neighborhood of Summit Park, Baltimore County, Maryland. The neighborhood is a quiet residential area which includes Summit Park Elementary School and is experiencing a resurgence of home ownership by families with school aged children. The approval of this zoning variance will have a negative impact on traffic, noise, and the safety of children. Equally important, approval will set a precedent opening the door for similar zoning variance requests, and leading to a deterioration of the quality of the neighborhood and property values.

<u>Name</u>	<u>Address</u>
Michael Sharp	2418 Lightfoot Dr 21209
MARINA FAYNGER	2414 Sylvan Rd 21209
Lariso Peck	2422 Diana Rd. 21209
Lindy Bell / Lindy Reed	2420 Diana Rd 21209
Harvey C. Vukobrat	2409 Diana Rd 21209
Debra West	2403 Diana Rd 21209
Debra West	2403 Diana Rd 21209
John A. Smith	2405 Diana Rd 21209
Diana Parsons	2413 Diana Road 21209

Case No. 2012-0274-SPH

Susan Freeman	2421 Diana Rd. 21209
Ed Freeman	" " " 21209
Emmott Baldman	2430 Diana Rd. 21209.
Barbara Waldman	2430 Diana Rd 21209
Wara Ordman	2406 Sylvale Rd 21209
Gene Snyder	2421 Sylvale Rd 21209
Jay Samerman	2414 Lightfoot Dr 21209
Marsha Hermanman	2414 Lightfoot Dr 21209
Rae Margolis	2427 Lightfoot Dr. 21209

PETITION AGAINST APPROVAL OF A ZONING VARIANCE
AT 2422 LIGHTFOOT DRIVE, BALTIMORE MD 21209

Case No. 2012-0274-SPH

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Betsy Diamant Cohen

Stewart Diamant Cohen

Betsy Diamant Cohen

6620
Chippewa Dr.

Asaf Gid

Celia Yitzhak

Eli Gid

Asaf Gid

Celia Yitzhak

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2415 Deana Rd.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

GARY BASS
Abbie Bass

NAME

Gary Bass
Abbie Bass

6-18-12

DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2400 Sylvale Road 21209.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Polina and Iegor Dzhycit
NAME

06/16/2012
DATE

POHINA DZHYGIT
Iegor DZHYGIT
410-258-1634

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2403 Diana Rd, Baltimore, MD 21209

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Joseph J Lichtfuss
NAME

6/13/12
DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2403 Diane Rd

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Shelley Lichtfuss

NAME

6/13/12

DATE

I am strongly opposed to the use of any residence located in the neighborhood of Summit Park for anything other than its intended purpose - as a home. There is no reason that a home in that location should be rezoned to allow for after-school cultural activities. One can rent space in the local elementary school which is just steps away for such a purpose. In addition, there are more than several local synagogues within blocks of Lightfoot Dr. that could afford space for cultural activities, not to mention two parochial schools within one mile that can be utilized.

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2411 Sylwale Rd.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Wendy Schnitzer - 410 935-8833

NAME

6/16/12

DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2411 DIANA ROAD.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

ADAM SCHERR AS
NAME

06/14/2012
DATE

410-580-0843

THIS IS A SMALL RESIDENTIAL COMMUNITY. BUILT IN THE 1950'S WITH NARROW STREETS & ONE CAR DRIVEWAYS, MANY HOME OWNERS HAVE TO PARK ON THE STREET. THE INCREASED TRAFFIC WILL NOT BE POSITIVE FOR THE DEVELOPEMENT, ALSO COMMERCIAL BUSINESS SPACE IS VACANT IN GREENSPRING SHOPPING CENTER, LESS THAN 3/4 MILE AWAY. THESE NEW HOMEOWNERS WERE AWARE OF THE ZONING WHEN THEY RECENTLY —

June 11, 2012

To Whom It May Concern,

I am writing this letter to forward my opinion in case # 2012-0274-SPH. I regret that I am unable to appear in person for this hearing but, my work schedule is such that I am unable to attend.

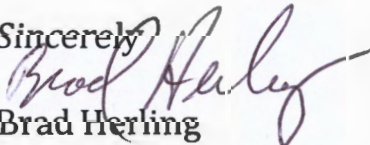
I feel strongly that the request to operate an after-school religious program out of the house at 2422 Lightfoot Drive is inappropriate. This is a completely residential neighborhood and the inclusion of this program sets an unhealthy precedent for our community.

Programs of this nature are primarily run out of schools and other community buildings, where students are able to stay after day school hours and then be picked up by their parents. Placing such a program in a residential block increases the traffic flow and congestion on a block where cars are regularly exceeding the speed limit as they transition from Greenspring Ave onto Lightfoot Dr.

A home and community are the most significant components of a happy healthy life. It is clear that the property values on Lightfoot Drive would be driven down by the inclusion of this program into the fabric of our community. The care and upkeep of the said property will be compromised by the equipment and accumulation of toys needed to entertain a dozen elementary school students.

Please consider rejecting this proposal for the benefit of the many families and households who share the community on and around the 2400 block of Lightfoot Drive.

Sincerely,



Brad Herling
2430 Lightfoot Drive

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2427 LIGHTFOOT DRIVE

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

RAE MARGOLIS

NAME

JUNE 19, 2012

DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the ~~resident and~~^g owner of the property located at

2425 Lightfoot Drive.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Amir Norani
NAME

6/19/2012
DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2404 Lightfoot Dr.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Rochelle Ely

NAME

DATE

12/12/12

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2404 LIGHTFOOT DRIVE.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Paul Gaily
NAME

JUNE 18, 2012
DATE

Zoning Commissioner
Room 205, Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

Re: Case # 2012-0274-SPH

Dear Zoning Board,

I am the resident and owner of the property located at

2403 Lightfoot Dr.

I am voicing my strong opposition to the zoning exception

requested by the owner of the property at 2422 Lightfoot Drive.

Bobbie Hechter

NAME

6-18-12

DATE



My Neighborhood Map

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Baltimore County
My Neighborhood

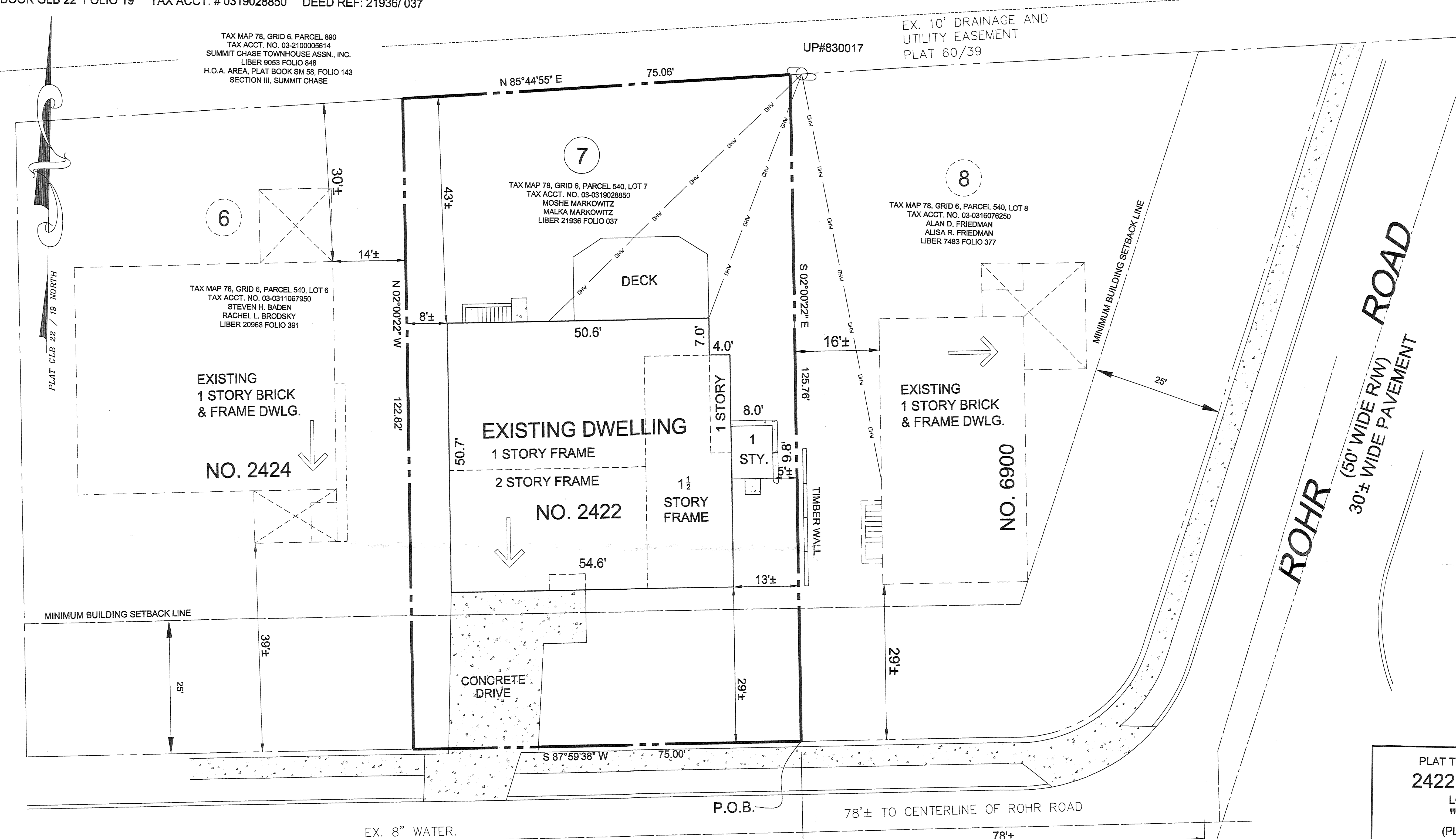
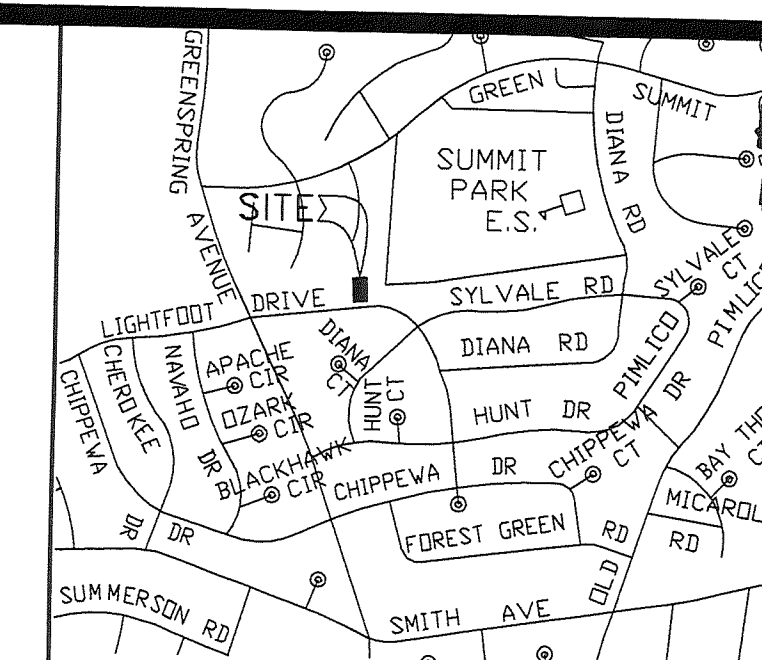


2012-0274-SPH

Printed 4/30/2012

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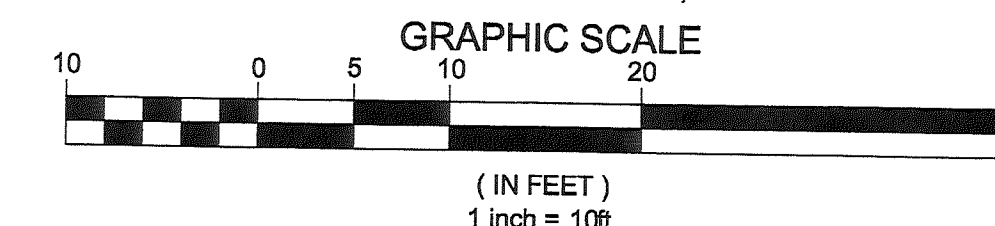
ZONING HEARING PLAN FOR SPECIAL HEARING
ADDRESS: 2422 LIGHTFOOT DRIVE OWNER'S NAME: MOSHE & MALKA MARKOWITZ
SUBDIVISION NAME: SUMMIT PARK LOT 7, BLOCK H, SECTION III
PLAT BOOK GLB 22 FOLIO 19 TAX ACCT. # 0319028850 DEED REF: 21936/ 037



NOTES:

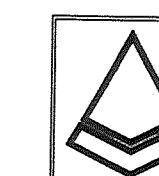
ZONING MAP # 078C1
SITE ZONED DR 5.5
ELECTION DISTRICT: 3RD
COUNCILMANIC DISTRICT: 2ND
LOT AREA ACREAGE: 0.21 AC.±
OR 9322 SQUARE FEET ±
HISTORIC - NO
IN CBCA - NO
IN FLOODPLAIN - NO
UTILITIES:
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR ZONING - NONE
DR 5.5 SETBACKS:
FRONT: 25'
SIDE: 8' (20' COMBINED)
REAR: 30'

PLAT TO ACCOMPANY SPECIAL HEARING
2422 LIGHTFOOT DRIVE
 LOT 7, BLOCK "H", SECTION III
"SUMMIT PARK"
 (PLAT BOOK GLB 22, FOLIO 19)
 TAX MAP 78 - GRID 6 - PARCEL 540 - LOT 7
 BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

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



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

License No. 13203		Expiration Date: 11-02-1	
NO.	DATE	REVISIONS:	

ional	SCALE: 1" = 10'
	DATE: APRIL 30, 2012
	JOB NO.: 2011-216

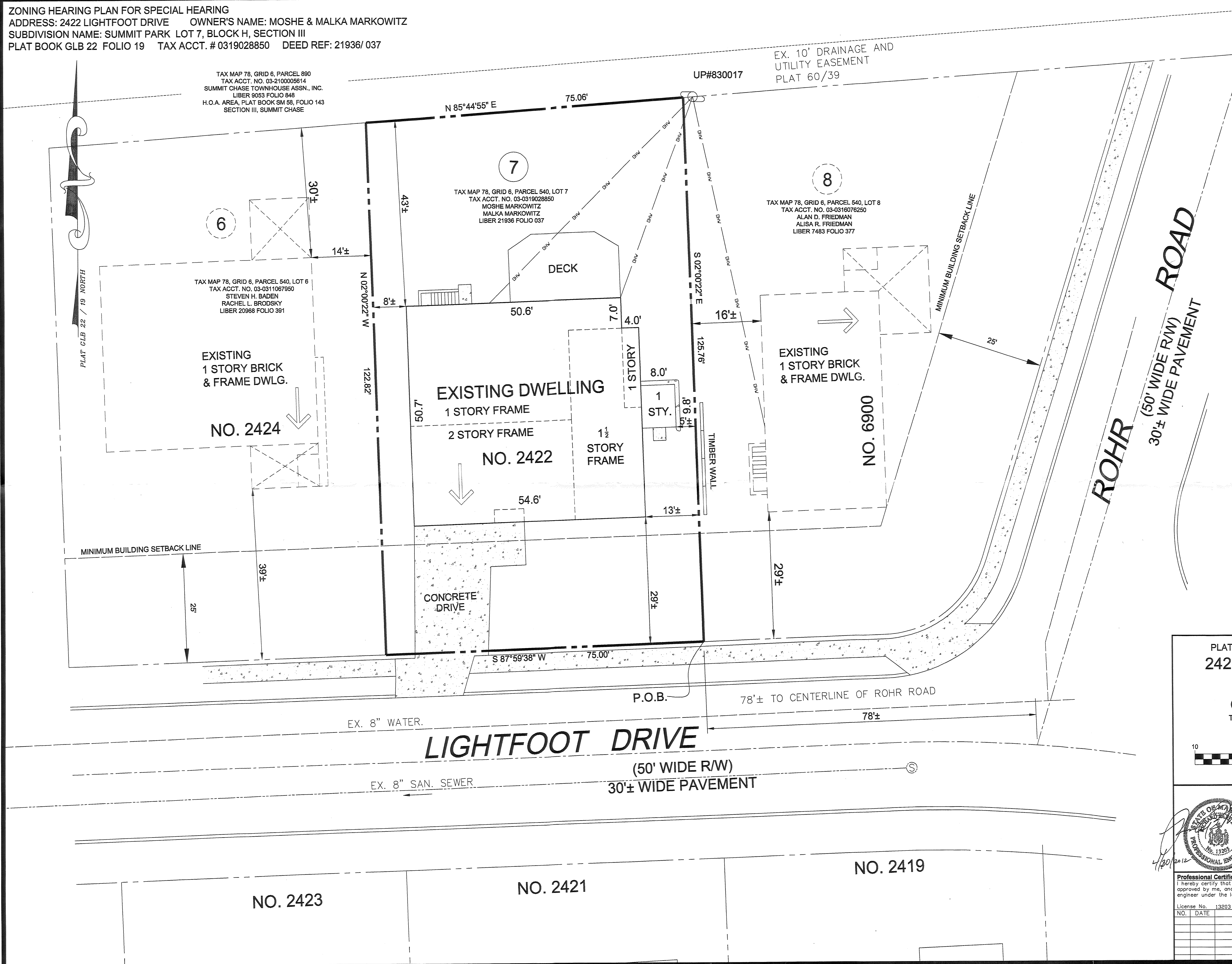
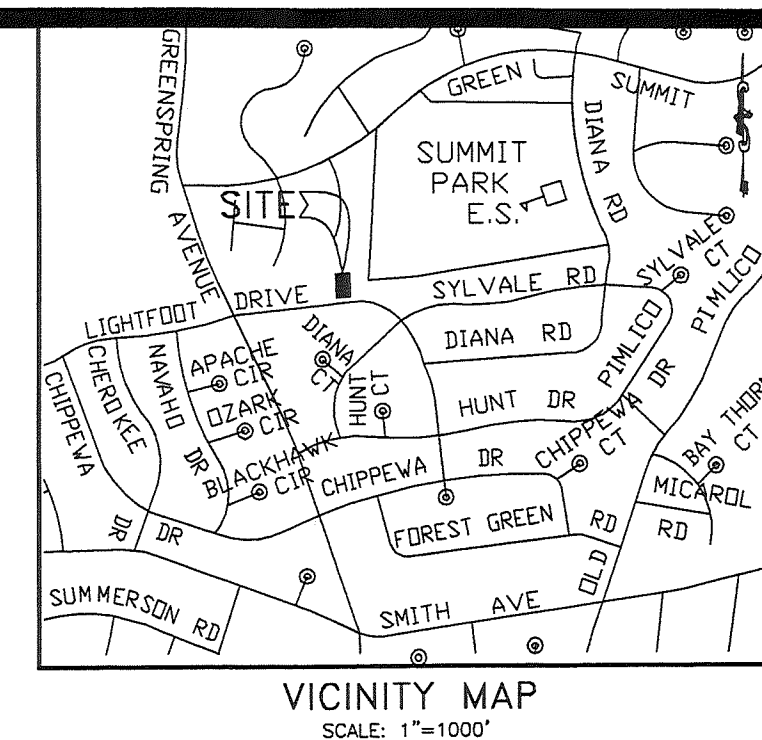
2	DESIGNED:
BY	DRAWN: DSS
	CHECKED: REM
	FILE: 2011216 ZONING EXHIBIT PLAT
	DRAWING
	NUMBER:

DEFINITIONER/ S

EXHIBIT NO.

SHEET 1 OF 1

ZONING HEARING PLAN FOR SPECIAL HEARING
ADDRESS: 2422 LIGHTFOOT DRIVE OWNER'S NAME: MOSHE & MALKA MARKOWITZ
SUBDIVISION NAME: SUMMIT PARK LOT 7, BLOCK H, SECTION III
PLAT BOOK GLB 22 FOLIO 19 TAX ACCT. # 0319028850 DEED REF: 21936/ 037

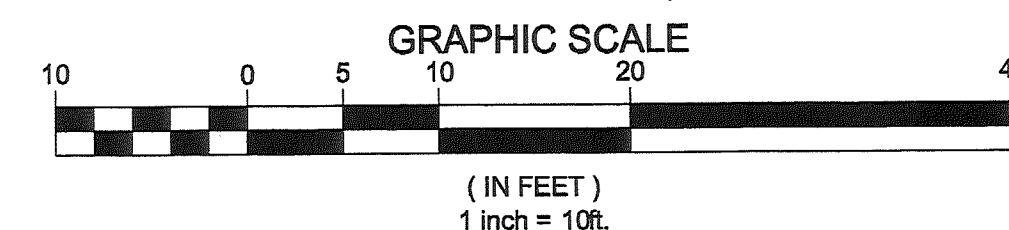


NOTES:

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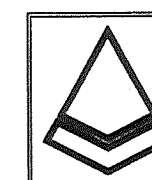
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(PLAT BOOK GLB 22, FOLIO 19)

TAX MAP 78 - GRID 6 - PARCEL 540 - LOT 7
BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

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Telephone: (410) 653-3838
Facsimile: (410) 653-7953



Professional Certification				SCALE: 1"=10'	
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.					
License No. 13203		Expiration Date: 11-02-12		DATE: APRIL 30, 2012	
NO.		DATE		JOB NO: 2011-216	
		REVISIONS:		DESIGNED:	
				DRAWN: DSS	
				CHECKED: REW	
				FILE: 2011216 ZONING EXHIBIT PL	
				DRAWING:	
				NUMBER:	
				SHEET 1 OF	

PETITIONER'S

2012-0274-SPT



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Baltimore County
My Neighborhood

2012-0274-SPH



Permit Review Map



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My Neighborhood

1012-0274-SPH

Printed 4/30/2012



Permit Review Map

Land Development Results

Tax Account Number: 0319028850
 Owner Name: OHANA MOSHE OHANA SIMCHA
 Tax Premise Address: 2422 LIGHTFOOT DR
 Tax Map: 0078
 Parcel: 540
 Election District: 3
 Councilmanic District: 2
 Transportation Analysis Zone: 0538
 Regional Planning District: Pikesville
 Regional Planning District Code: 313
 Land Management Area: Community Conservation Area
 Elementary School District: Summit Park ES
 Middle School District: Pikesville MS
 High School District: Pikesville HS
 Census Block: 240054036012012
 Census Block Group: 240054036012
 Census Tract: 403601
 Watershed Name: Jones Falls
 URDL Land Type: Urban
 Zoning: DR 5.5
 Zipcode: 21209
 Zip Community Name: MOUNT WASHINGTON
 GIS Tile Number (200 Scale): 078C1

NO ZONING CASE

2012-0224-SPH