IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY
*
PETITION OF:
ANDREW AND SARAH SEGAL, *et al.* *

FOR JUDICIAL REVIEW OF THE OPINION OF * CIVIL ACTION
THE BOARD OF APPEALS NO.: C-03-CV-22-004872
OF BALTIMORE COUNTY *
Jefferson Building, Suite 203
105 W. Chesapeake Avenue *
Towson, MD 21204
*
IN THE MATTER OF:
SAMAN RADPARVAR – LEGAL OWNER *
AHAVAT SHALOM CONGREGATION, INC. –
CONTRACT PURCHASERS *
Petition for Special Hearing and Variance
on the Property located at 3009 Northbrook Road *

3RD ELECTION DISTRICT *
2ND COUNCIL DISTRICT
*
BOARD OF APPEALS CASE NO.: 20-299-SPHA
* * * * * * * * * * * * *

**CERTIFICATE OF COMPLIANCE**

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

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| IN THE MATTER OF<br>SAMAN RADPARVAR, LEGAL OWNER<br>AND AHAVAT SHALOM CONGREGATION,<br>INC., CONTRACT PURCHASERS -<br>PETITIONERS FOR SPECIAL HEARING AND<br>VARIANCE ON THE PROPERTY LOCATED<br>AT 3009 NORTHBROOK ROAD<br>3RD ELECTION DISTRICT<br>2ND COUNCIL DISTRICT | * | BEFORE THE<br>BOARD OF APPEALS<br>OF<br>BALTIMORE COUNTY<br>Case No.: 20-299-SPHA |

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## OPINION

This case comes to the Board of Appeals of Baltimore County ("Board") as the result of a Petition for Special Hearing and Variance filed by Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser (collectively, "Petitioner"). That Petition seeks approval for the conversion of a single family residence at 3009 Northbrook Road into a house of worship, known as a synagogue or shul, for an Orthodox Jewish congregation. The Petition is opposed by residents of the immediate area, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron ("Protestants"). The matter was first heard before Administrative Law Judge Paul M. Mayhew, who by an Order dated October 5, 2021, granted the requested relief with conditions. Protestants noted a timely *de novo* appeal to this Board.

The Board held four days of virtual public hearings on March 10, 14, 23, and 24, 2022. Petitioners were represented by Dino C. La Fiandra, Esquire. Michael R. McCann, Esquire, represented the Protestants. The parties thereafter submitted, and the Board received post-hearing memoranda. The Board held a remote public deliberation using Webex on June 16, 2022. In its deliberation, the Board approved the Petition with conditions as described below.

## INTRODUCTION

Petitioner proposes to re-fit a 2,370 square foot house into a synagogue with a small rear addition. The addition is designed to permit a separate women's entrance. The addition is to be

built on the site of an existing deck so that the structure's total footprint is hardly affected. The synagogue itself will contain 80 seats.

The site of this synagogue is in a residential neighborhood in a subdivision named Greenspring Manor. That it is a residential area generates a number of issues. The Petitioner makes several arguments in support of its position. First, it argues that the project fits an exception to the Residential Transition Area (RTA) requirements because it is a house of worship and ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." *See* Baltimore County Zoning Regulations (BCZR) §§1B01.1.B.1. and 1B01.1.B.1g(6). Under this view, the plan satisfies the RTA "to the extent possible" and is otherwise "compatible" with both the surrounding area and the general welfare. To complete this approach, the Petitioner requires a variance from the setback requirements of § 1B01.2.C.1. and approval of a modified parking plan under § 409.12.B.

Petitioners' second argument is that none of the RTA, setback, or parking restrictions apply because the property is subject to the 1945 zoning regulations and those regulations had no RTA component. Under this view, the RTA and its associated restrictions simply do not apply so no zoning relief is necessary.

Finally, Petitioners argue that any technical zoning non-compliance should be forgiven by reason of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) at 42 USC § 2000cc, *et seq*. This federal provision prohibits a local zoning authority from requiring adherence to a local land use regulation if that regulation imposes "a substantial burden" on the religious exercise unless that regulation is supported by a compelling governmental interest and

is "the least restrictive means of furthering that compelling governmental interest". 42 U.S.C. § 2000cc(a)(1). In addition, RLUIPA prohibits enforcement of a land regulation that "discriminates" against a religious entity by unreasonably limiting "religious assemblies, institutions, or structures" in a particular area.[1] *See generally Jesus Christ Is The Answer Ministries, Inc. v. Baltimore County*, 915 F.3d 256, 260-61 (4th Cir. 2019).

The Protestants argue that § 1B01.1.B limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under that analysis, the project is barred *per se*. Secondly, they disagree that the synagogue complies with the RTA "to the extent possible" nor does it satisfy the variance standard so as to permit the requested setback. Thirdly, the Protestants cite the Petitioners' history of zoning non-compliance and take the position that this non-compliance should cause the Board to deny the requests, or at least to be wary of granting the Petition with limitations which the Protestants say will not be followed. Finally, the Protestants disagree that RLUIPA should have any impact on the resolution of the zoning issues.

## FACTUAL PRESENTATION

The first witness was Stephen Warfield, a civil engineer, stipulated as an expert in civil engineering, the Baltimore County Zoning Regulations (BCZR), and the Development Review Committee process. Mr. Warfield sponsored the site plan which showed that the property is a one story house with a basement. (Pet. Ex. 3). It fronts on Northbrook Road with a sidewalk along the front of the property. It has a 2-space concrete parking pad. The property dimension is just under 10,000 square feet. The house is essentially rectangular though there is a notch

[1] As is evident from the discussion below at p. 16-19, the Board finds no evidence of discrimination under RLUIPA. The RLUIPA finding that the Board has made relates only to the substantial burden prong.

protrusion in the rear where a back porch is attached. The front of the property is zoned DR 3.5, and a portion of the rear is zoned DR 5.5. *Id.*

The proposed exterior modifications are relatively minor. First, it is planned to add a separate women's entrance in the rear in the area next to the notch.[2] The effect of this addition would be to make the building rectangular. It would not extend the outer boundary of the footprint; it simply backfills the rear entrance to the area next to the existing protrusion. Because the building's use would be non-residential, it must comply with the Americans with Disabilities Act. Thus, a ramp was constructed in the front of the building to permit disabled access through the front door. The interior modifications to the house would result in a lobby, an 80 seat sanctuary, and a bathroom.

According to Mr. Warfield, again because the synagogue would be a non-residential use in a DR zone and within 100 feet of a residence, the Residential Transition Area (RTA) requirements apply. These are found in the BCZR at § 1B01.1.B.1 Mr. Warfield testified that under these circumstances, there are certain setback requirements designed to maintain a proper buffer between those pre-existing residences and the non-residential building. Mr. Warfield testified that the proposed synagogue cannot meet the RTA setback standards.[3] Because the proposed use is for a religious services, § 1B01.1.B.g(6) provides that such a use need satisfy the RTA only "to the extent possible". This means that, even under the RTA system, the RTA does not apply by its strictest terms to religious institutions. Mr. Warfield testified that in his opinion, the proposed synagogue does comply with the RTA "to the extent possible".

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[2] In the Orthodox community, every effort is taken to avoid physical touching, even incidental physical touching, between women and unrelated adult men. The separate women's entrance is an effort to achieve this goal.

[3] This issue is discussed *infra* at p.14-15 in the context of the variance request.

The next witness was Yaakov Attar who is president of the Ahavat Shalom Congregation. He testified that this is a Sephardic orthodox community which means it is composed of Jews with largely Middle Eastern roots as opposed to European roots. He indicated that the location was selected because of its proximity to the majority of the congregants who are required to walk to Sabbath services. From 2013 into 2020, the congregation rented space at other facilities. Most recently, it had leased space at the Edward A. Myerberg Community Center, but the Myerberg Center had been unable to renew the lease at the end of 2020. At about this time, the subject property was acquired by Dr. Radparvar for the benefit of the congregation. It began having services at the site on a regular basis once the Myerberg lease ended, but it encountered zoning difficulties resulting in citations issued by the County. Ahavat Shalom had High Holy Day services at the site in the fall of 2021, and some services thereafter, but because of the County enforcement actions, services ceased.

According to Mr. Attar, the synagogue would have an 80 seat capacity which, in turn, requires 20 parking spaces. BCZR § 409.6. The site itself only has two parking spots. Mr. Attar testified that the congregation has arranged with the closely proximate Wellwood Elementary School for additional parking. While those arrangements went through several iterations, at the time of the hearing, Ahavat Shalom has access to 72 additional spots every Sunday through Thursday from 7:00 pm to 10:00 pm, and every Friday starting at 5:00 pm and ending on Saturday at 10:00 pm. This arrangement was to continue until July 2022, at which time it would need to be renewed. There is no reason to believe it has not been renewed. *See* Petitioner's Exhibits 9, 15, 16, and 17. According to Mr. Attar, there is no kitchen or social hall.

Mr. Attar also presented evidence about the anticipated weekly activity schedule. There would be classes scheduled periodically though attendance was anticipated to be small –

approximately eight to twelve attendees. There are some weekday night study sessions but again, with small participation. The bulk of the activity would be Friday Sabbath services beginning at sundown. He indicated that there would be approximately 65 attendees, the vast majority of whom would walk. They would return on Saturday morning for additional Sabbath services. Again, the vast majority of participants would walk. There is an additional afternoon service with about 50 people. The Rabbi may offer a class, there may be some light refreshments, and there is a 20 minute evening prayer at the conclusion of the Sabbath. In the winter, there may be a father and child group activity with 50-55 people. These participants would use automobiles because the event would occur after sundown on Saturdays.

The cross examination of Mr. Attar disclosed that the congregation had been using the site for services in violation of the zoning laws and directives from the Baltimore County zoning authority. Mr. Attar attempted to justify this activity by stating that he and the others were unclear as to the meaning and scope of the directives from the County, but this testimony was not particularly credible. Mr. Attar was also cross-examined about the congregation's ultimate intentions because its website was, as of the time of the hearing, actively fundraising in order to build a significant institutional-style synagogue that was far different than reflected in the site plan for the subject property. Again, Mr. Attar's explanation for the continued operation of that website and by implication, the continued interest in a much larger synagogue, was not convincing.[4]

[4] It is for this reason that the Board, though approving the synagogue, is imposing a special condition that limits its size and design to that which is reflected in the site plan introduced in this case. No significant architectural modifications are permitted now or in the future. The Board's approval is conditioned upon maintaining the residential design of the synagogue so that the building itself blends with the nearby residences.

The first witness called by the opponents to the project was Jeffrey Perlow, Zoning Supervisor in the Department of Permits, Applications, and Inspections (PAI). His testimony was limited to the legal issue regarding the operation of BCZR § 1B01.1.B.h and is addressed below at p. 11-12 in the discussion of those issues.

The first opposition witness on the merits was Debra Varon who has resided at 3102 Northbrook for 27 years. Her home is located diagonally across the street from the subject property. In summary, Ms. Varon's concerns were: (1) the introduction of a non-residential use into a long established residential neighborhood; (2) the increased automobile traffic posing a danger to the many children in the area; (3) the dangerous curve on Northbrook and the additional automobile traffic increasing the likelihood of a significant traffic accident; (4) the synagogue generating more noise; (5) her belief that the congregation will exceed the 80 or so member number to which Mr. Attar had testified; (6) skepticism that the parking at Wellwood Elementary will actually be used, noting that the synagogue has generated increased parking on Lisburne Road which intersects Northbrook; and finally (7) her belief that the seller of the subject property would not have sold to Dr. Radparvar if the seller had known that the use would be non-residential. She acknowledged that many of the problems that she cited – particularly as to parking and traffic – were pre-existing, but she indicated that the proposed synagogue would exacerbate those problems.

The opposition called Zalman Kahn who has resided next door to the subject property for the past 20 years. He is a medical practitioner at three LifeBridge medical facilities. He has a contract with LifeBridge to enable other medical staff who may need to walk to work to use his home as temporary lodging. Because of his employment situation, he only lives in his Northbrook home during weekdays. He resides with his family outside of the Baltimore area on

weekends. His concerns included disruption of the longstanding residential neighborhood, the ever-increasing size of the congregation, the increase in vehicular and foot traffic, and the enhanced risk of vehicular and pedestrian accidents because there was no safe area to discharge passengers in front of the synagogue. He acknowledged that there are a number of similar-sized synagogues within a fifteen minute walk of the neighborhood. He himself had been accepting of this synagogue until its membership grew to its present size.

Stuart Varon, M.D. also testified against the synagogue. His general concerns echoed those of the other opponents regarding the size of the congregation, disruption of the residential character of the neighborhood, and general safety concerns. He indicated that he did not believe that the synagogue's representatives had been candid and open during the process.

The next witness was Judith Estherson Chernak. She has lived at 3114 Hatton Road for 53 years. She indicated that the synagogue will detract from the residential character, and that the preexisting traffic problems will be exacerbated. She also questioned the synagogue's good faith because it has advertised itself as wanting to be a center for Sephardic interests, with resulting activity far exceeding that associated with a simple location for religious services and ancillary study. She had no confidence that the synagogue would abide by any limitations.

The final witness in opposition was Andrew Segal, M.D. Dr. Segal has lived at 7700 Lisburne Road which is at the intersection with Northbrook. His home faces the subject property. His parents bought that home in 1970, and he has lived there since his childhood. He now lives there with his wife. His fundamental concerns related to the increase in pedestrian and vehicular traffic. He indicated that the congregants already park on Lisburne, and not at Wellwood. He offered a number of photos which purported to show that the cars were parking on Lisburne and not at Wellwood, though he did acknowledge that they started using Wellwood after the hearing

before the ALJ. He also counted only 42 spaces at Wellwood so, according to him, it was inadequate even if used.[5] Dr. Segal also presented a petition in opposition (Protestants' Exhibit 17) and critiqued the Petitioner's petition (Petitioner's Exhibit 18). For example, he indicated that 23 out of 105 signatories in the synagogue's petition resided in the Greenspring Manor development whereas 25 out of the 42 signatories in the opponents' petition resided in that area. He also testified that he and his wife made "exit counts" from January 2021 to July 2021. This information was presented in a spreadsheet. (Protestants' Exhibit 34). As with the other opposition witnesses, Dr. Segal questioned the congregation's good faith and ultimate willingness to honor any restrictions that would be imposed.

## ANALYSIS

### I. THE PROPOSED SYNAGOGUE IS NOT PER SE PROHIBITED BECAUSE SUCH A USE WAS NOT PERMITTED IN 2010.

The Protestants filed a Motion to Dismiss arguing that § 1B01.1.B.2 limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under this argument, uses permitted in the Greenspring Manor subdivision were frozen in time as of December 6, 2010, the date upon which § 1B01.1.B.2, the operative section of the BCZR, went into effect.

That provision reads, in part:

> Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

One of the then following restrictions relates to limits on uses in "existing" developments. Section 1B01.1.B.2 states that uses in "existing developments" are limited to those uses "now lawfully established or those indicated in the subdivision plans on file with the Department of

[5] A congregation of 80 requires 20 parking spots. BCZR § 409.6.A.4, and discussion *infra* at p. 15-16.

Permits, Approvals and Inspections. . . " Protestants than argue that because that provision was adopted on December 6, 2010, the only rational meaning is that only uses available as of right on or before that date are permitted. Because a house of worship was not then an enumerated use by right, it remains permanently unpermitted.

The Board rejected this argument. The phrases "now lawfully established" and "existing developments" are central to the analysis. The parties agreed that Greenspring Manor is an "existing development" within the meaning of § 1B01.1.B.2. The Board disagrees with Protestants on the scope of the phrase "now lawfully established". Under Protestants read, any use not specifically enumerated for this subdivision as of 2010 is prohibited. It is necessary, however, to focus on the heading of the section: "Uses permitted as of right". That heading signifies that what the section is intending to do is secure that uses by right shall continue to be uses by right thereafter. In other words, no *use by right* as of 2010 can be eliminated. Any other reading would lead to the conclusion that any alternative development is forever barred.

While Protestants' view can be justified by the literal words, that view leads to an illogical result. This means that the provision is ambiguous. *Kaczorowski v. Mayor and City Council*, 309 Md. 505, 513-15 (1987). Mitchell Kellman essentially testified to the interpretation that uses by right are preserved for the future without necessarily limiting the development to other uses with the resulting stagnation of development. The Board accepts Mr. Kellman's explanation on this point. This is also consistent with the County Council's action in acknowledging that houses of worship can be in an RTA area by right. § 1B01.1.A.3. The Protestants relied solely on their interpretation of the regulatory language without calling an expert to support that interpretation. This is certainly an acceptable route. *Edsall v. Huffaker*, 159 Md. 337, 343 (2004) (litigant not required to present an expert to counter opponent's expert and can rely on other factors to

undermine expert's opinion). At the same time, it cannot be denied that the actual expertise of someone who is familiar with the operation of the zoning regulations – which are obviously complex in their language and in their inter-relationships – is of great use to the Board. In that context, Mr. Kellman's opinion is unrebutted. A factfinder can reject "unrebutted" testimony in whole or in part, and simply because there is no "rebuttal" testimony does not mean that a tribunal is obliged to accept it. *Edsall v. Huffaker*, *supra.*, 159 Md. App. at 341-45. So, while we are not obliged to accept Mr. Kellman's view, in this particular case and on this particular point, Mr. Kellman's expertise was helpful and convincing.

## II. THE RESIDENTIAL TRANSITION AREA REGULATIIONS APPLY.

The Petitioners made a threshold argument that the RTA regulations are not operative here because §1B01.1.B.1(h) provides that the RTA does not apply to property that is in an "existing development as described in Subsection A.1 of Section 1B02.3". That latter provision states that the RTA regulations do not apply to ". . .the use, occupancy, and development of; alteration or expansion of structures upon; and administrative procedures with respect to: . . .(1) any lot which is in a recorded residential subdivision approved by [the County] and which has been used, occupied or improved in accordance with the subdivision plan". In this instance, the recorded subdivision precedes the enactment of the RTA and the structure on the subject property was built in 1993. Therefore, so the argument goes, the use as a residence was in a recorded subdivision predating the RTA; the use as a residence since construction in 1993 is in accord with that subdivision; and the change of the use from a residence to a religious house of worship is irrelevant given section that § 1B02.3.A.1 contemplates the possibility of an altered use without mentioning that the exemption would not thereby apply. This argument was put forward through the testimony of Mitchell Kellman.

The Protestants called Jeffrey Perlow, the Zoning Supervisor from PAI. Mr. Perlow has over 22 years of experience in Baltimore County zoning. His testimony was limited to the application of 1B01.1.B.1(h) and the possible exemption of this project from the RTA. Based on his experience as a central administrator in Baltimore County zoning, he testified clearly and unequivocally that once there is a change in use of a property otherwise subject to the RTA, the exemption from RTA compliance does not apply. When the use of the property changes, it is the standard practice to apply all of the then applicable regulations, including the RTA provisions, to the new use. He specifically referred to BCZR § 103.1 which stands for the proposition that the BCZR uses and requirements existing at the time of the adoption of the regulations remain. He indicated, however, that once any such use changes, the regulations in existence at the time of the change then apply. Certainly, as applicable in this case, the Board accepts Mr. Perlow's (and rejects Mr. Kellman's) testimony on this point. *Kim v. Maryland State Board of Physicians*, 196 Md. App. 362, 371-72 (2010) ("...[a]n administrative agency's interpretation and application of the statute it administers should ordinarily be given considerable weight...") (internal citation omitted).

## III. THE PROJECT SATISFIES THE RTA "TO THE EXTENT POSSIBLE" AND IS OTHERWISE COMPATIBLE WITH THE RTA.

Under BCZR § 1B01.1.B.g(6) a house of worship satisfies the RTA if ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." The Board concluded that this project satisfied those provisions.

The first step in any RTA analysis is to define the "surrounding" area that requires RTA protection. Mr. Kellman testified for the Petitioner that the "surrounding residential" area that

was to be buffered by the RTA was extended to the houses and few adjoining streets around the subject property. This definition was uncontested.[6]

Once the area is defined, it is then necessary to examine subsection g(6). Petitioner's argument is that it has complied with the RTA "to the extent possible" which, in this case, is somewhat limited. Nonetheless, the Board has concluded that the RTA has been satisfied "to the extent possible." We have interpreted that phrase as theoretically including a complete lack of compliance because that would be "the extent possible."[7] Here, however, there is far more than complete lack of compliance.

The exterior of the property which has heretofore been a residence is largely unchanged. The only modifications are the ramp in the front and the entrance addition in the rear. The front ramp – necessitated by the Americans with Disabilities Act – is a trivial architectural modification which most likely could have been added by a homeowner if the use had remained residential. The rear addition is simply enclosing a pre-existing notch which is not visible from the street, nor which will be noticeable architecturally or stylistically. The property will be fenced which contributes to the residential feel. The physical characteristics of the property including height, building materials, and exterior finish will all be consistent with the surrounding homes.[8] In addition, there will be appropriate landscaping.

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[6] In a previous and similar case, Mr. Kellman had testified that the surrounding area for RTA purposes extended to the entire "walkability" area associated with the synagogue. That view was categorically rejected by this Board in favor of a definition that was comparable with his testimony in this case. *See In re: Petition For Special Hearing and Variance, 6603 and 6605 Pimlico Road (Derek Chaim)*, CBA 20-132-SPHA, Opinion at p.7.

[7] *See Derek Chaim, supra* at p. 7-8.

[8] If the design were something akin to the design of the synagogue on the congregation's website, this decision could well be different. The design used for fundraising is institutional and clearly quite different from the residential design in the neighborhood or as depicted in site plan offered into evidence in this matter. The maintenance of the exterior residential design is crucial to the decision in Petitioner's favor, and it is for that reason that the Board has imposed strict limitations on any future design alterations.

The word "compatible" is not expressly defined in the BCZR. Section 101.1 provides that undefined words "shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." Webster's defines compatibility as "capable of existing together without discord or disharmony." Compatible, therefore, means harmonious or non-discordant. The architectural design that promotes a traditional residential look is by far the component which makes the synagogue compatible. This synagogue looks like the surrounding houses in its design and is therefore stylistically compatible with the surrounding area.

In terms of the anticipated use, the project is compatible and supports the general welfare. This area has many synagogues in former residences for relatively small congregations where the building itself remains largely residential in outward appearance. Because of the necessity to walk on the Sabbath, many of these congregations must have houses of worship that are closely proximate to their members. It can be said that the presence of a synagogue strengthens the surrounding area even where the closest neighbors are not actual members of the synagogue. A religious facility does not lead to the decay of an area like the insertion of an incompatible commercial business can. In short, the Board concludes that the project not only complies with the RTA to the extent possible and is otherwise compatible with the surrounding area, but also supports the general welfare of the community.

At the heart of the RTA regulations is the purpose to ensure that single family residences are adequately protected from dissimilar housing types and uses. But the regulations further acknowledge that houses of religious worship are to be evaluated differently than other types of uses that would be subject to the RTA provisions because that religious use is permitted by right. BCZR § 1B01.1.A.3. While uses like townhomes and apartment buildings must achieve strict

compliance with the RTA standards, houses of religious worship need not do so. The inclusion of the modifying language "to the extent possible" means that houses of religious worship are expressly afforded flexibility in achieving the standards. And, yet, while there is no mistaking that a synagogue, or any other house of religious worship, will look and function at least somewhat differently from nearly any residence, the BCZR makes clear that houses of worship must nevertheless be permitted to exist closer to single family residences than would be permitted for other non-residential uses.

As indicated above, the Board has found that the benefit to the congregation and the Orthodox community in general outweighs the potential impact that this synagogue may have on the closest residents. For all of the reasons already recited, the Board believes that this project complies with the RTA use requirements "to the extent possible" and is "compatible with the character and general welfare of the surrounding residential premises."

## IV. THE REQUESTED SETBACK VARIANCES SATISFY THE *CROMWELL* STANDARD.

The present structure satisfies the setback requirements for residences. However, once the use is changed to a synagogue, different setback requirements apply. For a non-residential use in the DR 3.5 zone (which is the zone for the subject property), there is required a 50 foot front setback, a 20 foot side setback, and a 30 foot rear setback. The present setbacks are 30 feet from the front, 10 feet from the east property line, 15 feet from the west property line, and 30 feet from the rear property line. Accordingly, the project requires front and side setbacks. See BCZR § 1B01.2.C.1(a) and the Comprehensive Manual of Development Policies (CMDP), p. 35, Table 5.

Pursuant to § BCZR 307.1 and *Cromwell v. Ward*, 102 Md. App. 695 (1995), a variance is permitted where the property is unique and the failure to grant a variance will result in a

practical hardship. Mr. Kellman testified that the property is unique because it cannot be converted to any non-residential use –even a use permitted by right -- without a variance and in this instance, the non-residential use is a use permitted by right. In addition, without a variance, there can be no non-residential development of any sort, and thus, there is an economic hardship as well. The Board accepts this analysis of uniqueness and hardship for the purposes of this case.[9]

## V. THE MODIFIED PARKING PLAN IS APPROVED.

For a house of worship, the BCZR requires one parking space for every four seats. Exhibit 3 shows an 80 seat capacity, meaning that 20 parking spaces are needed. BCZR § 409.6. The site has only 2 spots. Section 409.12.B permits a modified parking plan if a showing of undue hardship is made at a public hearing. No showing of uniqueness is required.

Requiring 20 parking spaces creates an undue hardship in this instance. Indeed, there could be no conversion to any other use permitted by right except for a residence, and thus there is an undue hardship. Even more, the parking issues associated with an Orthodox synagogue are special. Because of the prohibition against driving on the Sabbath and certain other religiously significant days, the times when the synagogue will be most utilized are the times when there will be the least number of cars. On the other nights of the week, the synagogue activities will be much less intense, making the stress on the neighborhood much less. Even more, the congregation's arrangement with Wellwood Elementary generates a total of 72 parking spaces, which is well above the required 20. It is true that the arrangement is on a year-to-year basis. While this is a contingency that cannot be entirely controlled by Ahavat Shalom, the Board finds

[9] In the event that the *Cromwell* standard is not met, the Board finds that the setback variance should be granted as a result of RLUIPA, as discussed *infra* at p.18-19.

that so long as the congregation makes every good faith effort to perpetuate that arrangement, the parking situation is satisfactory.[10]

## VI. THE RELIGIOUS LAND USE AND INSTITUIONALIZED PERSONS ACT REQUIRES THAT THE BALITMORE COUNTY ZONING RESTRICTIOINS BE ELAXED IN ORDER TO PERMIT THE AHAVAT SHALOM SYNAGOGUE

Even if our interpretation of the RTA provisions, setback variances, the parking modification plan, and any the other technical zoning matters is incorrect, we find alternatively that the provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 USC 2000cc, *et seq.* override strict compliance with the zoning restrictions applicable in this matter. It is prohibited under RLUIPA for a local zoning authority to require adherence to zoning regulations by a religious institution unless the governmental authority can demonstrate that adherence to that zoning requirement furthers a compelling state interest and is the least restrictive means of furthering that compelling interest. 42 U.S.C. 2000cc(a)(1). This is an exceedingly difficult standard for a local zoning authority to meet.

A threshold consideration under RLUIPA is whether the religious entity's effort to establish "a religious assembly or institution" is reasonable under the circumstances. *Jesus Christ Is The Answer Ministries, Inc., et al. v. Baltimore County*, 915 F.3d 256, 261 (4th Cir. 2019); *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d 548, 556-58 (4th Cir. 2013). This requires a highly fact-based assessment.

There is no question that the congregation needs a home. It had no home whatsoever after its lease with the Myerberg Center ended. *See Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007) (absence of an adequate facility is a "burden"

[10] Once again, the requirements of RLUIPA operate to justify the modified parking plan even if the 409.12.B requirements are not satisfied. *Infra* at p 18-19.

under RLUIPA). Dr. Radparvar purchased the property with an expectation that it would be able to be used as a synagogue for a small congregation because, in part, as has been said throughout this Opinion, a place for religious worship is a permitted use by right in this zone. *See Jesus Christ Is the Answer Ministries v. Baltimore County, Id.* (holding that there is a reasonable expectancy where a use is permitted by right). Even if there are contingencies like those associated with special exceptions, the expectation that permission will be granted is reasonable. S*ee Hunt Valley Baptist Church v. Baltimore County*, 2017 WL 4801542 (D, Md.) at p. 27 (even where church is required to obtain a special exception (for a presumptively valid use), there is a reasonable basis to believe that the development will be allowed). The reasonableness of the belief is particularly apt here where the contingency associated with the RTA regulations is expressly ameliorated for religious institutions.

There was also evidence that there are a significant number of small synagogues scattered throughout the immediate vicinity. The presence of these other synagogues bears on the reasonableness of the congregation's belief that it, like those other congregations, would be able to use the facility for religious worship. *See Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 557-58. It is true that some of these synagogues are in the City with different zoning requirements, and it is true that there are distinctions between the building sizes, locations, congregation sizes, and level of neighborhood opposition that make it impossible to say that the Ahavat Shalom situation is like every or indeed, any other of these synagogues. Yet the overarching fact is that the Orthodox community that has self-located in this part of the metropolitan area has established a strong presence. Part of this presence is the creation of small and moderate-sized congregations operating in buildings, many of which were originally residential. The more there are, the more reasonable it becomes for a group like the Ahavat

Shalom congregation to believe that its utilization for religious services of a pre-existing residence will be accommodated. And, of course, the religious use is a use permitted by right in this zone, a fact which bears on the reasonableness of the belief that the effort to establish a synagogue can be accommodated by the zoning authority.

Under all of these circumstances we cannot say that there is a compelling governmental interest in strict enforcement of the RTA or the other relevant zoning restrictions. A good illustration of the failure to perceive a compelling governmental interest is the setback variance. If one were to assume *arguendo* that the *Cromwell* standard is unmet, then we are left with a situation where a building that was a residence in compliance with all residential setbacks will remain a residence in style but simply with a different use. That new use does not impact the setbacks because the building footprint and architecture remain the same. Though the intensity of use will increase, that use is sporadic throughout the week, with modest uses except for Friday evening through Saturday evening. There is no kitchen nor social hall. How then, one wonders, does requiring strict adherence to the non-residential setbacks support a *compelling* governmental interest? What is the compelling interest in requiring a 50 foot front setback instead of a 30 foot front setback? "Compelling" must mean something well beyond simple adherence to the law, otherwise "compelling" has no meaning distinct from compliance with the law. What is the extraordinary interest in demanding that extra 20 foot setback? The same type of analysis applies to the RTA zoning and modified parking plan as well. There is always a salutary benefit in requiring adherence to rules of general applicability governing land use conduct; these are rules which provide notice, clarity, predictability, and consistency in development. *See e.g. Sylvia Development Corp. v. Calvert County*, 48 F.3d 810, 820n.3 (4th Cir. (Md.) 1995) (recognizing the positive role of zoning in land development). But, like it or not, we have been specifically

directed by Congress and the federal judiciary that in the special of case of land use for religious institutions, zoning restrictions for a use, particularly a use permitted by right, must give way to other concerns, absent a special and significant reason for requiring strict adherence to the zoning requirements. *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 55-59. We see no such special and significant justifications in this matter, and the opponents to the Ahavat Shalom project have not suggested any to us.

Accordingly, we hold that even if the requisites of the standard zoning principles are not satisfied, then the operation of RLUIPA requires that those zoning standards be relaxed to allow the Ahavat Shalom synagogue with the restrictions recited in our Order.

## CONCLUSION

For all of the reasons stated above, the Board grants the requested relief in accord with the Order.

## O R D E R

**THEREFORE, IT IS THIS** 1st day of November, 2022, by the Board of Appeals of Baltimore County,

**ORDERED** that the Motion to Dismiss filed by the Protestants is hereby **DENIED**; and it is further

**ORDERED** that the Petition for Special Hearing and Variance is hereby **GRANTED** for the reasons and on the bases as described in the Opinion issued this same date, subject to the following limitations:

1. The exterior of the building will not be modified in any way that alters the residential style of said building, and any alterations of any sort will require the approval of the Department of Planning, the County Fire Marshall, and the County Landscape Architect;

2. Except for the Sabbath and the High Holy Days, Petitioners shall not hold services or otherwise schedule any events after 10:00 p.m.; and

3. Petitioners shall make every good faith effort to maintain an adequate parking arrangement with Wellwood Elementary School, and if necessary, make a good faith effort to arrange reasonable alternative parking if necessary.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

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

Joseph L. Evans, Panel Chair

Sharonne R. Bonardi

Adam T. Sampson

Board of Appeals of Baltimore County

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

November 1, 2022

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204-5025

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: In the Matter of: *Saman Radparvar – Legal Owner*
*Ahavat Shalom Congregation, Inc. – Contract Purchaser*
Case No.: 20-299-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
**Administrator**

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: See Distribution List following

In the matter of: *Saman Radparvar – Legal Owner*
*Ahavat Shalom Congregation, Inc. – Contract Purchaser*
Case No.: 20-299-SPHA
November 1, 2022
Distribution List

Saman Radparvar
Ashkan Attar, President/Ahavat Shalom Congregation, Inc.
Rabbi Eli Hakkakian/Ahavat Shalom Congregation, Inc.
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

JOHN A. OLSZEWSKI, JR.
*County Executive*

PAUL M. MAYHEW
*Managing Administrative Law Judge*
MAUREEN E. MURPHY
*Administrative Law Judge*

November 8, 2021

RECEIVED
NOV 08 2021
BALTIMORE COUNTY
BOARD OF APPEALS

Dino LaFiandra, Esquire – dcl@lafiandralaw.com

RE: **AMENDED LETTER**
**APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Variance
Case No. 2020-0299-SPHA
Property: 3009 Northbrook Road

Dear Mr. LaFiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 4, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel

JOHN A. OLSZEWSKI, JR.
*County Executive*

PAUL M. MAYHEW
*Managing Administrative Law Judge*
MAUREEN E. MURPHY
*Administrative Law Judge*

November 8, 2021

RECEIVED
NOV 08 2021
BALTIMORE COUNTY
BOARD OF APPEALS

Dino LaFiandra, Esquire – dcl@lafiandralaw.com

RE: **AMENDED LETTER**
**APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Variance
Case No. 2020-0299-SPHA
Property: 3009 Northbrook Road

Dear Mr. LaFiandra:

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel

Rabbi Eli Hakkakian – eliahuhak@gmail.com
Ashkan Attar – ashkan443@yahoo.com
Mr. Afshin – afshinattar@yahoo.com
Daniel Reihani – ydan77@yahoo.com
Saman Radparvar – samanrad2001@yahoo.com
Avraham Feldman – avrahamafeldman@gmail.com
Alen Reyhan – ralen26@gmail.com
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Omid Rahmanfar – eliyahurahmanfar@gmail.com
Brian Goldberg – bpg1255@comcast.net
Omid Rahmanfar – eliyahurahmanfar@gmail.com
Rabin Barkhordar – rabinb2@gmail.com
Patrick Richardson – rick@richardsonengineering.net
Michael McCann, Esquire – michael@mmccannlaw.net

JOHN A. OLSZEWSKI, JR.
*County Executive*

PAUL M. MAYHEW
*Managing Administrative Law Judge*
MAUREEN E. MURPHY
*Administrative Law Judge*

November 8, 2021

RECEIVED
NOV 08 2021
BALTIMORE COUNTY
BOARD OF APPEALS

Dino LaFiandra, Esquire – dcl@lafiandralaw.com

RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Variance
Case No. ~~2021-0105-SPHA~~ 2020-0299 SPHA
Property: 3009 Northbrook Road

Dear Mr. LaFiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 4, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel

Rabbi Eli Hakkakian – eliahuhak@gmail.com
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Daniel Reihani – ydan77@yahoo.com
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Alen Reyhan – ralen26@gmail.com
Rabin Barkhordar – rabinb2@gmail.com
Avron Elbaum – elbauma@gmail.com
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Juda Gabaie – ygabaie@gmail.com
Omid Rahmanfar – eliyahurahmanfar@gmail.com
Brian Goldberg – bpg1255@comcast.net
Omid Rahmanfar – eliyahurahmanfar@gmail.com
Rabin Barkhordar – rabinb2@gmail.com
Patrick Richardson – rick@richardsonengineering.net
Michael McCann, Esquire – michael@mmccannlaw.net

# APPEAL

**Petitions for Special Hearing and Variance**
**Case No.: 2020-0299-SPHA**
**3009 Northbrook Road**
3rd Election District, 2nd Council District

Petitions for Special Hearing and Variance –12/15/20 AMENDED PETITION – 4/28/21

Zoning Description of Property (1 page)

Notice of Zoning Hearing – 3/5/2021

Certification of Publication – *The Daily Record* newspaper - published on February 11/2021

Certification of Posting by SGT Black – February 9, 2021 and February 26, 2021

Entry of Appearance by People's Counsel – N/A

Attendance/Panelist List (2 sheet)

Zoning Advisory Committee Comments: Department of Planning – 2/25/2021
Bureau of Development Plans Review – 3/2/2021
State Highway Administration – 1/4/21

**Petitioner's Exhibits: (Dino C. La Fiandra, Esquire)**
1. Richardson CV
2. Redlined Zoning Plan
3. Radparvar Deed
4. Plat 21/77
5. Shuls within 15 Minute Walk
6. Photo Array 1
7. Photo Array 2
8. Petition of Support
9. Map of Members & Petition Signers
10. Excerpt of Map of Members and Petition Signers
11. Hard Court and Parking Lot Reservations - Wellwood School
12. Aerial Photo - 3009 Northbrook Road & Vicinity
13. Approved Parking Notification from BCPS

**Protestant's Exhibits (Michael McCann Esquire)**
1. MyNeighborhood Map
2. SDAT sheet (3009 Northbrook)
3. SDAT sheet (3101 Northbrook)
4. Plats (Green Spring Manor)
5. Ltr from Rabbi
6. Photograph
7. Photograph (Myerberg Sr. Ctr.)
8. Photograph (rental hall)

9. Correction Notice
10. Facebook image
11. Articles of Incorporation
12. Facebook image
13. Facebook image
14. Facebook image
15. Photograph (curve in road)
16. Photograph (curve in road)
17. Citation
18. Baltimore Jewish Life post
19. Photos of 3009 Northbrook and curve in road
20. Instagram image
21. Video
22. Transcript of video
23. List of religious events
24. Attendee counts
25. Petition
26. Aerial photographs

Opposing letters

Miscellaneous

Petitioners' Post Hearing Memorandum 9/1/21
Protestants' Post Hearing Memorandum 9/1/21

Cover Letter and Administrative Law Judge's Order Decision – Special Hearing & Variance-Granted – October 5, 2021

Notice of Appeal & Check #6037 for $300 - Received on 11/4/21 and Check # 2328 for $300.00 –filed by Michael McCann, Esquire

Cashier's Receipt # 204000 – $300 fee for Special Hearing
Cashier's Receipt #203999- $300 fee for Variance

## Tammy Zahner

**From:** Donna Mignon
**Sent:** Monday, November 8, 2021 8:20 AM
**To:** Dino La Fiandra
**Cc:** Michael McCann; Debra Wiley; Appeals Board; Peter Max Zimmerman; Rebecca Wheatley; Rabbi Eli Hakkakian –; Ashkan Attar –; Mr. Afshin –; Daniel Reihani –; Saman Radparvar –; Avraham Feldman –; Alen Reyhan –; Rabin Barkhordar –; Avron Elbaum –; Yakov Shafranovich –; David Fayz –; Daniel Katiban; Iman Fakheri –; Eliyahu Nourmand –; Ora Nafisi –; Andrew Segal –; Steven Chamama –; Rodney Hakimi –; David Nafisi –; Yosef Mehdizadeh –; Juda Gabaie –; Omid Rahmanfar –; Brian Goldberg –; Omid Rahmanfar –; Rabin Barkhordar –; Patrick Richardson –
**Subject:** Appeal Case No: 2020-0299-SPHA 3009 Northbrook Road
**Attachments:** Appeal - 2020-0299-SPHA.pdf

Good Morning,
Please find the attached letter. Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

November 4, 2021

*Via* Hand Delivery

Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 3009 Northbrook
Case No. 2020-0299-SPHA

To whom it may concern:

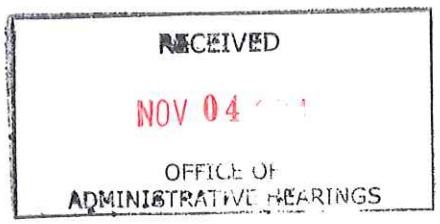
Enclosed for filing in this matter is a Notice of Appeal, along with the requisite filing fee.

Please contact me if you have any questions. Thank you.

Respectfully,

Michael R. McCann

cc: Dino LaFiandra, Esq.



| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES | * | BEFORE THE |
| | * | OFFICE OF ADMINISTRATIVE |
| 8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | HEARINGS FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

**NOTICE OF APPEAL**

Protestants, Avron and Galya Elbaum, Zalman Kahn, Andrew and Sarah Segal, Simcha and Debra Varon, and Noam and Leah Efron, pursuant to Baltimore County Code §32-3-401 *et seq.*, hereby file an appeal to the Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated October 5, 2021. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the addresses of the appellants are as follows:

Avron and Galya Elbaum
3005 Northbrook Road
Baltimore, MD 21209

Zalman Kahn
3007 Northbrook Road
Baltimore, MD 21209

Andrew and Sara Segal
7500 Lisburne Road
Baltimore, MD 21208

Simcha and Debra Varon
3102 Northbrook Road
Baltimore, MD 21208

Noam and Leah Efron
3107 Northbrook Road
Baltimore, MD 21208

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
michael@mmccannlaw.net
(410) 825-2150

*Attorneys for Appellants*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of ~~October~~ Nov., 2021 copy of the foregoing Notice of Appeal was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

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

No. 204000

Date: 11/4/21

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount |
|---|---|---|---|---|---|---|---|---|
| 001 | 806 | 0000 | | 6150 | | | | 300.00 |
| | | | | | | | | |
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| | | | | | | | | |
| | | | | | | | | |

Total: $ 300.00

Rec From: Michael McCann

For: Office of Adm. Hearings - Appeal
Case No: 2020-0299-SPHA
Address: 3009 Northbrook Road
Hearing Date: ~~3/3/21~~ ~~7/2/21~~ 7/23/21
Check #0: 6037

**CASHIER'S VALIDATION**

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

---

**MICHAEL R. MCCANN, P. A.**
118 W. PENNSYLVANIA AVE
TOWSON, MD 21204

6037
65-320/550 7384

DATE 11/4/21

PAY TO THE ORDER OF B. Hrng Cnty $ 300.60

Three Hundred DOLLARS

Photo Safe Deposit® Details on back

WELLS FARGO Wells Fargo Bank, N.A. Maryland wellsfargo.com

FOR appeal 2020-299 SPHA

⑈000006037⑈ ⑆055003201⑆ 2000024865921⑈

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED
NOV - 4 2021
BALTIMORE COUNTY
BOARD OF APPEALS

November 4, 2021

*Via* Hand Delivery

Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: 3009 Northbrook
Case No. 2020-0299-SPHA

To whom it may concern:

Enclosed for filing in this matter is a Notice of Appeal, along with the requisite filing fee.

Please contact me if you have any questions. Thank you.

Respectfully,

Michael R. McCann

cc: Dino LaFiandra, Esq.

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES | * | BEFORE THE |
| | * | OFFICE OF ADMINISTRATIVE |
| 8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | HEARINGS FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

**NOTICE OF APPEAL**

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Baltimore, MD 21209

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3007 Northbrook Road
Baltimore, MD 21209

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Baltimore, MD 21208

Simcha and Debra Varon
3102 Northbrook Road
Baltimore, MD 21208

Noam and Leah Efron
3107 Northbrook Road
Baltimore, MD 21208

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
michael@mmccannlaw.net
(410) 825-2150

*Attorneys for Appellants*

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of October, 2021 copy of the foregoing Notice of Appeal was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

| | | |
|---|---|---|
| IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** | * | BEFORE THE |
| (3009 Northbrook Road) | * | OFFICE OF |
| 3rd Election District | | |
| 2nd Council District | * | ADMINISTRATIVE HEARINGS |
| Saman Radparvar | | |
| *Legal Owner* | * | FOR BALTIMORE COUNTY |
| Ahavat Shalom Congregation, Inc. | | |
| Contract Purchaser | * | **Case No: 2020-0299-SPHA** |
| Petitoners | * | |

* * * * * * * *

## OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed on behalf of Saman Radparvar, legal owner and Ahavat Shalom Congregation, Inc., Contract Purchaser ("Petitioners"). The Special Hearing is requested for a determination that the Residential Transition Area ("RTA") regulation of the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1 (f). In the alternative to Special Hearing Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project. In the alternative to Special Hearing Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(C).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which

ORDER RECEIVED FOR FILING
Date 10/5/21
By DMignon

would otherwise require 20 parking spaces. Such further and other relief as the nature of this case may require

A Variance from the Baltimore County Zoning Regulations ("BCZR") § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows: (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required. (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required. In the alternative to Special Hearing Requests 1, 2 and 3, above Variances from the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

Due to COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

Ashkan "Yakov" Attar appeared on behalf of the Petitioner. Dino C. La Fiandra, Esquire represented the Petitioners. There were many protestants in attendance, some of whom were represented by Michael McCann, Esquire. Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"). They did not oppose the requested relief, subject to proposed conditions, some of which will be incorporated into the Order. The County Bureau of Traffic Engineering and Transportation Planning opposes the Petition due to the parking space deficiencies.

ORDER RECEIVED FOR FILING
Date 10/5/21
By D Mignon

Patrick Rihardson, the engineer who prepared and sealed the site plan (Petitioner's Exhibit 2) testified first and was accepted as an expert in engineering and in the BCZR. He explained the plan in detail. The property is approximately 9.375 square feet and zoned DR 3.5. Mr. Richardson identified Petitioner's Exhibit 4 as the plat for section 4 of the Green Spring Manor subdivision, which was duly approved by the Baltimore County Planning Commission in 1955, as evidenced by the signature of the Director of the Planning Commission. The subject lot is Block G, Lot 11.[1] Mr. Richardson further testified that in his expert opinion the site plan complies with the RTA regulations "to the extent possible," and that as a new place of religious worship it is entitled to the exemption from the RTA regulations set forth in BCZR § 1B01.1.B.1.g(6). He further explained that the proposed addition on the rear of the existing structure will simply "square off" the footprint of the structure and will have no substantial adverse impact on the adjacent properties. Finally, he explained that the Congregation has a continuing agreement with the elementary school across the street that will allow them to use the parking lot for overnight parking from 5 p.m. Friday thru 10 p.m. Saturday, i.e. during the hours of the Sabbath. Mr. McCann cross-examined Mr. Richardson on each of these points.

Mr. Attar testified next. He is the President of the Congregation. He explained that the Congregation was founded in 2013 and consists of Sephardic Jews of Iranian heritage. He testified that, as such, they are very much a minority Congregation in the Baltimore metropolitan area, and

[1] At the close of the hearing the undersigned requested legal briefs on the applicability, *vel non,* of BCZR § 1B01.1.B.1 (h) in the instant case. Having considered these opposing arguments I find that this section does not apply in this case. As Protestant's counsel points out, the record evidence established that no structure was constructed on this lot until the early 1990s. And further, that it is a *residence* that was constructed and which now exists – not a place of worship. As such, no "grandfather" or expectancy rights were created which would allow this new shul use to be entitled to the RTA exemptions conferred by this zoning regulation. In short, the lot was never "used, occupied or improved in accordance with the approved subdivision plan" in a manner which would grandfather a place of worship on this lot. In addition, even if BCZR § 1B01.1.B.1 (h) did apply, the shul would still need to meet the setback requirements of § 1B01.1.2, i.e., Table V of the Comprehensive Manual of Design Policies: 50' front, 20' side, and 30' rear. The site plan shows that only the rear setback is met.



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Date 10/5/21
By DMcgnan

that they do not anticipate significant growth in their Congregation. He testified that they plan to have 80 seats in the shul and that this has been accomplished by removing some of the interior walls. He further testified that although they would like to construct the addition depicted on the site plan that this was not critical to their ability to worship at this site. He further noted that the adjacent property to the west was recently purchased by one of the members of the Congregation and will be used by the Rabbi and his family on weekends and high holidays when the Rabbi is conducting services. He also explained the parking arrangement that they have worked out with the elementary school. Finally, he testified that the vast majority of the Congregation live within walking distance of the shul and because of their religious restrictions they will be walking to Sabbath services. Again, Mr. McCann cross-examined Mr. Attar on each of these points.

SPECIAL HEARING

Based on the evidence presented and the argument of counsel I find that under BCZR § 1B01.1.B.1.g (6) the RTA provisions contained in paragraphs (a) through (e) of BCZR § 1B01.1.B.1 do not apply to the subject property. I specifically find that this existing structure, with the conditions set forth below, complies to the extent possible with the RTA. Because places of worship are permitted by right in the DR zones, I find that the use of this property as a shul has been deemed by the County Council to be a compatible use, even though it will increase pedestrian and vehicular traffic, as well as noise in the immediate vicinity. Because I will not allow any expansion of the structure I also believe that it will remain architecturally compatible with the surrounding residences.

I further find that the special hearing relief under BCZR § 409.12.B should also be granted. In short, the shul would not be able to operate at this location without the requested parking modification. I understand the neighbors' concerns about the lack of parking; however, Mr. Attar

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Date 10/5/21
By DM Mignon

testified that the shul members all live in the neighborhood and will be primarily walking to the shul. Further, arrangements have been made for the use of the elementary school parking lot across the street. Similar arrangements have been cited to justify special hearing and variance relief in previous cases.

Finally, I find that because BCZR § 1B01.1.B.1.g (6) applies no setback variance relief is needed. I base this finding on the fact that several other subsections of § 1B01.1.B.1.g contain express language maintaining setback and other area restrictions, but subsection g (6) does not. In short, the County Council knows how to maintain setback restrictions when it wants to and chose not to in subsection g (6).

RLUIPA

Finally, Petitioner's right to worship at this location is protected by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Mr. Attar testified that Ahavat Shalom Congregation purchased this property with the expectation that they would be granted the zoning relief at issue because other residential to shul conversions in the community had previously been approved. This was a reasonable expectation, especially since, as explained above, the subject property is exempt from the onerous RTA regulations. *See, Jesus Christ is the Answer Ministries, Inc. v. Baltimore County,* 915 F.3d 256, 260-61 (4th Cir. 2019). I understand the neighborhood opposition and empathize with their concerns about parking, traffic, and noise. However, this federal statute has been interpreted broadly by the United States District Court for the District of Maryland, and by the Fourth Circuit Court of Appeals, and the county is subject to substantial financial liability if these courts find that the county has violated RLUIPA by denying the Congregation's requested relief.

THEREFORE, IT IS ORDERED this **5th** day of **October, 2021**, by this Administrative

ORDER RECEIVED FOR FILING
Date 10/5/21
By DM Mignon

Law Judge that the Petition for Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the Residential Transition Area ("RTA") regulations under BCZR § 1B01.1.B.1.g (6) is hereby **GRANTED**.

IT IS FURTHER ORDERED that the special hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow two parking spaces as shown on the site plan is hereby **GRANTED**.

IT IS FURTHER ORDERED, that all other requested relief is dismissed as **MOOT.**

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and make a part thereof.

- Petitioner shall immediately apply for and obtain a Change of Occupancy permit before any further use of the premises.

- Except for high holidays Petitioners shall not hold services or otherwise occupy or use the premises after 10 p.m.

- No exterior additions or modifications will be permitted, except as approved by the DOP, the County Fire Marshall, and/or the County Landscape Architect.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

ORDER RECEIVED FOR FILING
Date 10/5/21
By DLMugnon

MM 3-3-21
10 AM

# BALTIMORE COUNTY, MARYLAND
## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

**DATE:** 2/25/2021

**FROM:** Steve Lafferty
Director, Department of Planning

**SUBJECT:** **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-299

**INFORMATION:**
**Property Address:** 3009 Northbrook Road
**Petitioner:** Saman Radparvar
**Zoning:** DR 3.5, DR 5.5
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for Special Hearing and Variance to determine whether or not the Administrative Law Judge should permit the following relief:

*Special Hearing*

1. A determination that the RTA Regulations of BCZR § 1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1 (f).
2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through .e do not apply to the proposed project.
3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1 (c).1 that the RTA Buffer and RTA Setback of zero (0) feet for the parking spaces and 10 feet for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.
5. Such further and other relief as the nature of this case may require.

*Variances*

1. BCZR § 1B01.2.C.1 (a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:
   a. Front yard of 30 feet in lieu of 50 feet otherwise required.
   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.
2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR § 1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

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Date 2/5/21
By DMigron

3. In the alternative to Special Hearing request 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

A site visit was conducted on December 29, 2020. The area is residential with the Wellwood International School to the north of the subject property. The petitioner is proposing to add onto the existing dwelling and convert the building into a synagogue. Places of Worship are permitted in residential zones but Residential Transition Areas (RTA) should be applied, to the fullest extent possible.

Although the petition states that two (2) parking spaces are shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for those parking spaces. The parking arrangement should be confirmed with the Administrative Law Judge.

No lighting is shown on the site plan, therefore it is assumed none is proposed. If any lighting is to be proposed, a landscape and lighting plan is required. The plan should be submitted to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting pan to the Baltimore County Landscape Architect for review and approval.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. Limit the on-street parking for use of the synagogue.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

**Prepared by:**

Krystle Patchak

**Division Chief:**

Jenifer G. Nugent

SL/JGN/KP/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra, Esq. The law Office of Dino C. La Fiandra, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/15/21
By

JOHN A. OLSZEWSKI, JR.
*County Executive*

PAUL M. MAYHEW
*Managing Administrative Law Judge*
MAUREEN E. MURPHY
*Administrative Law Judge*

October 5, 2021

Dino LaFiandra, Esquire
dcl@lafiandralw.com

Michael McCann, Esquire
michael@mmccannlaw.net

RE: Petitions for Special Hearing and Variance
Case No. 2020-0299-SPHA
Property: 3009 Northbrook Road

Dear Mr. LaFiandra and Mr. McCann:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
C: See email address next page

Rabbi Eli Hakkakian – eliahuhak@gmail.com
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Rabin Barkhordar – rabinb2@gmail.com
Patrick Richardson – rick@richardsonengineering.net

## Donna Mignon

**From:** Donna Mignon
**Sent:** Tuesday, October 5, 2021 8:46 AM
**To:** 'Dino La Fiandra'; 'Michael McCann'
**Cc:** 'Rabbi Eli Hakkakian –'; 'Ashkan Attar –'; 'Mr. Afshin –'; 'Daniel Reihani –'; 'Saman Radparvar –'; 'Avraham Feldman –'; 'Alen Reyhan –'; 'Rabin Barkhordar –'; 'Avron Elbaum –'; 'Yakov Shafranovich –'; 'David Fayz –'; 'Daniel Katiban'; 'Iman Fakheri –'; 'Eliyahu Nourmand –'; 'Ora Nafisi –'; 'Andrew Segal –'; 'Steven Chamama –'; 'Rodney Hakimi –'; 'David Nafisi –'; 'Yosef Mehdizadeh –'; 'Juda Gabaie –'; 'Omid Rahmanfar –'; 'Brian Goldberg –'; 'Omid Rahmanfar –'; 'Rabin Barkhordar –'; 'Patrick Richardson –'; Debra Wiley; County Council (countycouncil@baltimorecountymd.gov); Henry Ayakwah; Jeffery Livingston (jlivingston@baltimorecountymd.gov); Jenifer G. Nugent; Peter Max Zimmerman (pzimmerman@baltimorecountymd.gov); Rebecca Wheatley (rwheatley@baltimorecountymd.gov); Vishnubhai K Desai (vdesai@baltimorecountymd.gov)
**Subject:** Case No: 2020-0299-SPHA 3009 Northbrook Road
**Attachments:** 2020-0299-SPHA.pdf

Good Morning,

Please find attached ALJ Mayhew's Opinion and Order in reference to the above matter.

Have a great and safe day

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

| | | |
|---|---|---|
| **IN THE MATTER OF:** | ) | **BEFORE THE** |
| | ) | |
| PETITION FOR SPECIAL HEARING AND VARIANCE | ) | **BALTIMORE COUNTY** |
| | ) | |
| | ) | **OFFICE OF** |
| 3009 Northbrook Road | ) | |
| | ) | **ADMINISTRATIVE HEARINGS** |
| Saman Radparvar, Legal Owner | ) | |
| Ahavat Shalom Congregation, Inc., | ) | **Case No. 2020-299-SPHA** |
| *Petitioners* | ) | |

**PETITIONERS' POST-HEARING MEMORANDUM**

Petitioners Saman Radparvar and Ahavat Shalom Congregation, Inc., by and through their undersigned counsel, submit this post-hearing memorandum, and state:

Introduction

The Office of Administrative Hearings conducted a hearing on the above-referenced case on July 2 and July 28, 2021. At the conclusion of the hearing on July 28, it was agreed among counsel and the presiding Administrative Law Judge, the Honorable Paul M. Mayhew, that counsel would submit post-hearing briefs addressing a relatively discrete issue, pertaining to the applicability of BCZR, §1B01.1.B.1.(h) to the instant case. Secondarily, Judge Mayhew also indicated he would permit the Petitioners to amend their Petition for Variance for Non-Residential Principal Building Setback in the DR 3.5 zone, if necessary.

BCZR, §1B01.1.B.1.(h) – The "Previously Approved Plat Exemption"

Among the items of relief sought in the Petition for Special Hearing is a request for "A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(h)." Amended Petition for Zoning Hearing, Special Hearing Request Number 1. BCZR, §1B01.1.B.(h), in turn, provides,

> §1B01.1.B.(h) - The provisions contained in *Paragraphs a through e of Subsection B.1* shall not apply to existing developments as described in *Subsection A.1 of Section 1B02.3*, nor to subdivision tracts for which tentatively approved plans remain in effect as

described in Subsection A.2 of said section. [Italics added for purposes of the following discussion.]

Parsing out the italicized phrases of this provision, the phrase "Paragraphs a through e of Subsection B.1" refers to the substantive Residential Transition Area regulations of BCZR, §1B01.1.B.1, i.e., "(a) Definitions and Purpose", "(b) Generation of Residential Transition Area", "(c) Variance of RTA", "(d) Residential Transition Use", and "(e) Conditions in Residential Transition Areas". See, BCZR, §1B01.1.B.1.(a) – (e). Accordingly, by stating the substantive RTA regulations of BCZR, §1B01.1.B.1(a) – (e) do not apply to the existing developments later described in the sentence, BCZR, §1B01.1.B.1.(h) (hereinafter referred to as the "Previously Approved Plat Exemption"), exempts all such existing developments from the RTA regulations. In this way, the Previously Approved Plat Exemption operates as a grandfathering provision, subject to the terms and conditions set forth in the regulations.

Continuing to parse out the italicized phrases of the Previously Approved Plat Exemption quoted above *"Subsection A.1 of Section 1B02.3"*, cited above, specifically describes the "existing developments" exempt from the RTA regulations under the Previously Approved Plat Exemption as "Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan."[1]

The evidence in this case establishes the Petitioner's entitlement to the Plat Exemption from the RTA regulations. Petitioner's Exhibit 4 is the plat of Green Spring Manor, Section 4. Petitioners' expert witness, civil engineer Rick Richardson, testified that this plat is recorded among the plat records of Baltimore County at Plat Book 21, folio 77, which is reflected on the plat itself. Mr. Richardson testified that the Petitioners' property is identified as Block G, Lot 11

[1] The Previously Approved Plat Exemption also exempts tentatively approved plans described in BCZR, §1B02.3.A.2. However, because such plans are not involved here, the discussion is limited to recorded plats approved by the Planning Board or the Planning Commission, as discussed in BCZR, §1B02.3.A.1.

on this plat and that the plat was approved by the Baltimore County Planning Commission in May, 1955, as evidenced by the signature of the Director of the Planning Commission on the plat. The plat is obviously a residential plat, and the uncontroverted evidence indicates that the lot has been used, occupied, and improved in accordance with the approved subdivision plat. Notably, there is no requirement that the "existing development" as described in *Subsection A.1 of Section 1B02.3* must have been "used, occupied, or improved in accordance with the approved subdivision plan" prior to the passage of the RTA regulations in order qualify for this exemption. Accordingly, this existing development, as defined in *Subsection A.1 of Section 1B02.3* qualifies for the Previously Approved Plat Exemption from the substantive RTA requirements of 1B01.1.B.1(a) – (e), as described in BCZR, § 1B01.1.B.(h) because it is in a recorded residential subdivision that was approved by the Baltimore County Planning Commission and it has been used, occupied, and improved in accordance with the approved subdivision plan by building a house on the lot. The Petitioners' property is exempt from the substantive RTA regulations (BCZR, §1B01.B.1.(a) – (e)) by virtue of the Previously Approved Plat Exemption (BCZR, §1B01.1.B.(h)).

Although perhaps underutilized until recently, this straightforward grandfathering provision has logical policy appeal. This provision reflects a policy decision by the County Council to the effect that a landowner whose property appears on a recorded subdivision plat which has been through a legitimate development process that predates the development processes of modern day and approved by either the Planning Board or the Planning Commission, *and* vested by use, occupancy or improvement in accordance with the approved subdivision plan will not thereafter be forced to shoehorn the redevelopment of the property to comply with the RTA regulations. In the evolution of the development review and approval process in Baltimore County over the years, developments approved by the Planning Board and the Planning Commission reflected in recorded subdivision plats approved by those agencies predated the passage of the RTA in the early 1980s. Accordingly, there was no provision made

within those existing developments approved by those agencies for the large areas consumed by the RTA, i.e., the 75 foot setback or the 50 foot buffer, etc. The Previously Approved Plat Exemption provided in BCZR, §1B01.1.B.(h) and described above reflects a policy decision by the County Council that redevelopment within these existing developments should be exempt from the RTA. This simply makes sense. These existing developments and their subdivision plats were not prepared with the RTA in mind. This is particularly important in a case like this, involving a house of worship which enjoys a use permitted by right in the DR 3.5 zone in which this property is located, as well as rights under the First Amendment of the United States Constitution, the Maryland Declaration of Rights, and RLUIPA.[2]

The Setback Variances

During the hearing in this case, an issue arose whether an amendment of the Non-residential Principal Building setback variances sought under Petitioners' Variance Request No. 1 is necessary. Variance Request No. 1 seeks:

> Variance from BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows (a) Front yard of 30 feet in lieu of 50 feet otherwise required; (b) Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

The issue arose whether, BCZR, § 1B02.3, discussed below, prescribes a different setback requirement because the Petitioners' property is within an "existing development" under "Subsection A.1" than the setback requirement under today's version of the BCZR.

BCZR, §1B02.3 provides,

> **§ 1B02.3. - Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.**
>
> A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

[2] It should also be noted that for the reasons stated at the hearing, the Petitioners claim entitlement to an exemption from the RTA regulations under BCZR, §1B01.1.B.1.g.(6), the new church or house of worship exemption. Nonetheless, a discussion of this exemption is beyond the scope of this memorandum.

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;

* * *

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below. [Underscoring added.]

As established earlier, the Petitioner's property is described in Subsection A.1, above. Accordingly, the underlined sentence in Subsection B provides that the setback applicable in 1955 at the time the Planning Commission approved the development shall apply to existing developments described in Subsection A.1, except that the same or similar standards may be codified under BCZR, §504, which standards shall thereafter control in such existing developments.

The Planning Board has adopted the Comprehensive Manual of Development Policies ("CMDP") under authority of BCZR, §504. CMDP, Table 5 on page 35 prescribes "Building Setback Standards for Principal Buildings Permitted in any DR Zone Other Than for Residential Use". Pursuant to the underlined sentence of BCZR, §1B02.3.B set forth above, the setback requirements reflected in this table apply to existing developments described in Subsection A.1, such as Petitioner's property. It is worth noting that the applicable non-residential principal building setbacks of the 2021 zoning regulations as reflected in BCZR § 1B01.2.C.1(a) (from which the Petition for Variance originally sought the variances) and those found in Table 5 on page 35 of the CMDP are identical: 50 foot front yard setback, 20 foot interior side yard

setback, and 30 foot rear yard setback are required. A copy of Table 5 from page 35 of the CMDP is attached to this Memorandum for reference.

Accordingly, for the sake of clarity of the Petition for Variance, the Petitioners will amend the Petition to clarify that the section from which the variance is sought is Table 5 on page 35 of the CMDP, which is the controlling regulation pursuant to BCZR, §1B02.3.B. However, because the setback requirements of Table 5 are the same as the requirements of the BCZR itself with respect to non-residential principal building setbacks, there is no further amendment of the Petition for Variance necessary. An Amended Petition for Zoning Hearing is submitted concurrently with this memorandum.

Conclusion

In the last few moments of the hearing on July 28, 2021, Counsel for the Protestants raised for the first time BCZR, §1B01.1.B.2. As a preliminary matter, it is well established that houses of worship are permitted in the DR zones in Baltimore County. See, BCZR, §1B01.1.A.3. Indeed, houses of worship have always been permitted by right in the residential zones in Baltimore County. See, BCZR (1945), Sections III, IV, V, and VI (Residence Zones A, B, C, and D); BCZR (1955) §200.3 (R.40 Zone, incorporated into the other residential zones); etc. Accordingly, this provision of law does not preclude the Petitioners' use of the property for a shul.

Furthermore, BCZR, §1B01.1.B.1.f states,

> Any subdivision of land or PUD that has received CRG approval or reclamation plan approval or has been accepted for filing prior to the date of adoption of Bill No. 2-92 or 3-92 is subject to the laws in effect at the time of the approval or filing.

This provision may be broken down as follows:

1. Any subdivision of land *or* PUD
2. that has received CRG approval *or* reclamation plan approval *or* has been accepted for filing prior to the date of adoption of Bill No. 2-92 or 3-92
3. is subject to the laws in effect at the time of the approval or filing.

BCZR, §1B01.1.B.1.f

As previously discussed, the Petitioners' property is reflected on a subdivision plat approved by the Planning Commission in 1955, prior to the adoption of Bills 2-92 and 3-92 in 1992. Therefore, pursuant to the plain language of BCZR, 1B01.1.B.1.(f), the laws in effect at the time of the approval of the subdivision in 1955 govern this subdivision. It appears that the Petitioners' property was in the R.10 zone in 1955. See, BCZR 100.3A ("Zones heretofore classified as R.10 are now classified as D.R.3.5."). It bears noting that BCZR (1955), §206.1 governs uses in the R.10 zone, and permits all uses in the R.40 zone. BCZR (1955), §200.3, permits churches and other buildings for religious worship in the R.40 zone. (BCZR (1955), §§200.3 and 206.1 are attached for reference). Therefore, churches and other buildings for religious worship were permitted in the R.10 zone, and are permitted in the subject property by virtue of BCZR, §1B01.B.1.(f). There is no RTA or anything similar to an RTA in the 1955 BCZR. For these reasons alone, if for no others, the Petitioners' proposal must be approved.

For the reasons stated herein and at the hearing, the Petitioners respectfully request that their Petitions for Special Hearing and Variance be granted.

Respectfully submitted,

Sept. 1, 2021
Date

**Dino C. La Fiandra, Esquire**
**THE LAW OFFICE OF DINO C. LA FIANDRA, LLC**
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473
Attorney for Petitioners

Certificate of Service

I certify that on Sept. 1, 2021, I sent a copy of the foregoing Post-Hearing Memorandum by email to Michael McCann, Esquire, Attorney for Protestants at michael@mmccannlaw.net.

Dino C. La Fiandra

# Non-Residential Principal Buildings in D.R. Zones

| TABLE V<br>Nonresidential Principal Building Setbacks in DR Zones | | | | |
|---|---|---|---|---|
| | Front Yard | Side Yard Inter. | Corner Street Side | Rear Yard |
| DR 1 | 70 | 40 | 65 | 50 |
| DR 2 | 60 | 30 | 50 | 40 |
| DR 3.5 | 50 | 20 | 35 | 30 |
| DR 5.5 | 40 | 20 | 35 | 30 |
| DR 10.5 | 25 | 20 | 35 | 50 |
| DR 16 | 30 | 25 | 25 | 30 |

**Building Setback Standards for Principal Buildings Permitted in any DR Zone Other Than For Residential Use**

Principal buildings other than for residential use shall conform to the minimum setback requirements as set forth in Table V opposite.

**Other requirements:**

The total building length or fullest building width shall not exceed 200 feet.

Upon favorable recommendation by the Director of the Office of Planning and Zoning to the Hearing Officer, non-residential uses permitted in the density residential zones may be increased up to a maximum length of 300 feet subject to the following guidelines:

1. The materials are specified;

2. The buildings are segmented and architecturally varied to break up their massing;

3. Landscaping is used to visually break up the massing of the facade;

4. The architectural details reflect regional residential elements; and

5. Buildings shall comply with Sections 32-4-224.(d), "Additional Requirements by Director of Planning," and 32-4-402, "Compatibility," of the Development Regulations.

# BALTIMORE COUNTY
# ZONING REGULATIONS

ADOPTED BY

**COUNTY COMMISSIONERS**

OF

**BALTIMORE COUNTY**

March 30, 1955, in accordance with Title 30, Section 532 (c) of the Code of Public Local Laws of Baltimore County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

## R. 40 Zone—Residence, One-Family

### Section 200—USE REGULATIONS

The following uses only are permitted:

**200.1**—One-family detached dwellings.

**200.2**—Conversion of a one-family dwelling as conditioned in Section 402.

**200.3**—Churches and other buildings for religious worship, including church schools and private schools.

**200.4**—Trailers, as limited by Section 415.

**200.5**—Country club, golf course, or other outdoor recreation clubs, including club house, and quasi-public camps, including day camps, but no such use shall be located on less than 3 acres, and no building or parking lot thereon shall be located within 60 feet of any property line.

**200.6**—Community building, swimming pool, or other structural or land use devoted to civic, social, recreational and educational activities of the community.

**200.7**—Offices of a doctor or dentist but with no hospital facilities, and offices or studios of a lawyer, architect, engineer, or artist, when these or offices of similar professions are situated in the same dwelling used by any of the foregoing persons as his residence. Not more than 25% of the floor area of the dwelling shall be used for offices or studios; not more than one non-resident professional associate and two non-resident employees shall be permitted. Signs are prohibited except as noted in Section 413.

**200.8**—Home occupations, as heretofore defined in Section 101, provided that no sign shall be displayed except as noted in Section 413.

**200.9**—Accessory buildings and uses as limited by Section 400.

**200.10**—Hospitals, Class A, as defined in Section 101 and as limited by Section 407.

**200.11**—Public utility uses as follows:

a. Telephone and telegraph lines.

b. Electric light and power lines, including transformers and transformer banks, when located on poles, on or contiguous

**Section 206—USE REGULATIONS**

The following uses only are permitted:

**206.1**—Uses permitted and as limited in R. 40 Zone.

**206.2** — Special Exceptions — The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Boat yard and/or marine railway;
Boarding or rooming houses;
Cemetery;
Conservatory, music and arts;
Convalescent home;
Excavations, controlled (see Section 403);
Funeral establishment;
Hospital, Class B (see Section 407);
Kennel, as limited in Section 200.15;
Poultry, commercial killing of, but only on a farm (see Section 404);
Private colleges, nursery or dancing schools, dormitories, fraternity and sorority houses, but excluding business and trade schools;
Public Utility uses other than those noted in Section 200.11 (see Section 411);
Radio studio;
Sanitary landfill (see Section 412);
Television studio;
Tourist home;
Trailer Park, conditioned as in Section 414;
Volunteer fire company;
Wireless transmitting and receiving structure.

**Section 207—HEIGHT REGULATIONS:**

Same as R. 40 Zone.

**Section 208—AREA REGULATIONS**

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

**208.1**—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 10,000 square feet and a width at the front building line of not less than 70 feet, except that for seven or more lots in the same ownership, and in the same tract, a minimum lot area of 8,000 square feet is permitted, if the average of all the lot sizes in the same ownership and in the same tract equals 10,000 square feet or more, but not more than fifteen

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES | * | BEFORE THE |
| | * | OFFICE OF ADMINISTRATIVE |
| 8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | HEARINGS FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

**POST-HEARING MEMORANDUM**

Protestants, Avron and Galya Elbaum, Zalman Kahn, Andrew and Sarah Segal, Simcha and Debra Varon, and Noam and Leah Efron submit this memorandum.

**Introduction**

Petitioner argues that it is not subject to the RTA regulations (namely, subsections a through e of 1B01.1.), and that its right to use the property for a synagogue is grandfathered without regard to the RTA requirements, by operation of subsection 1.h. of the regulations. That subsection provides as follows:

> § 1B01.1.B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
>
> 1. Residential transition areas and uses permitted therein.
>
> * * *
>
> h. The provisions contained in Paragraphs a through e of Subsection B.1 *shall not apply to existing developments as described in Subsection A.1 of Section 1B02.3*, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of said section.

Petitioner posits that the subject property is, or is part of, an existing development as described in subsection A.1 of Section 1B02.3, which provides:

> § 1B02.3. - Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.
>
> A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
>
> 1. *Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan....*

Petitioner concludes that the subject property is the type of lot described in subsection A.1. of 1B02.3 because it is a lot "in a recorded residential subdivision approved by... the Planning Commission," as evidenced by the recorded plat for Green Spring Manor (Protestants' Ex. 4) and thus is grandfathered under subsection 1.h. of 1B01.1.B.

Protestants do not dispute that the subject property is part of a recorded subdivision approved by the Planning Commission, but wholly disagree that the property is grandfathered under subsection 1.h. Petitioner's reading of subsection 1.h. is far too expansive and contrary to the plain language of the RTA regulations as a whole.

## Argument

### A. Petitioner's Right To Use The Property For A Synagogue Without Having To Comply With The RTA Regulations Is Not Grandfathered

Grandfathering protects a property owner's expectancy interest, that is, the expectation that he or she may continue to use the property in the same fashion without regard to any changes in the law. Here, the right that Petitioner claims is grandfathered, or vested, is the use of the subject property for a synagogue without the restrictions imposed on such a use by the RTA regulations. In order for this right to be grandfathered, it is necessary for Petitioner, or perhaps its predecessors,

to have actually used the property as a synagogue.[1] This is borne out by the plain language of the regulations.

First, subsection A.1. of 1B02.3 requires the property to have been "used, occupied or improved in accordance with the approved subdivision plan." Consistent with grandfathering principles, this language can only mean that the property must have been used, occupied or improved as a synagogue. It was not. Therefore, no expectancy interest could ever have arisen. And no expectancy interest would arise if the property was simply used, occupied, or improved for a residential use, as Petitioner apparently contends.[2] Here, it is not disputed that neither Petitioner nor its predecessors have used the subject property as a synagogue, at least not legally.

Second, the section immediately following 1.h provides as follows:

> § 1B01.1.B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
>
> * * *
>
> 2. Use regulations in existing developments. In existing developments as described in Subsection A.1 of Section 1B02.3, *uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits*, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

---

[1] It is true that synagogues are permitted as of right in the DR zones, but the regulations make clear that such right is still "subject to the restrictions hereinafter prescribed," 1B01.1.A., namely, the RTA regulations. Moreover, the plats make reference to the deed at liber 1832/folio 525, wherein the lots were conveyed to the developer. (Prots' Ex. 4). That deed contains reservations and restrictions, among them that "no lot shall be used except for residential purposes." Liber 1832 at folio 526.

[2] Protestants introduced evidence demonstrating that the subject property was vacant for many years and that a residence was not constructed until the early 1990's. (*See* Prots' Exs. 26A-F). The fact that it was used, occupied and improved for a residence 35 years after subdivision approval would not result in the property being grandfathered all of sudden. *Western Correctional Inst. v. Geiger*, 371 Md. 125, 142 (2002) (one should not construe a statute with "forced or subtle interpretations that limit or extend its application"); *Frost v. State*, 336 Md. 125, 137 (1994) (interpretations of statutes should seek to avoid constructions that are "illogical, unreasonable, or inconsistent with common sense") (citations omitted). Indeed, even if the use of the property for a residence (and not as a synagogue) is all that section A.1. requires for grandfathering, the use did not occur until *after* the RTA regulations were enacted. Under these circumstances, the property could not reasonably have been grandfathered.

Thus, for existing developments of the type described in A.1., the uses permitted are only those that either are (1) now[3] lawfully established, or (2) indicated on the subdivision plan on file with PAI. This provision plainly refutes Petitioner's contention that it is exempt from the RTA regulations simply because its lot was approved by the Planning Commission and irrespective of how the property has been used. The proposed synagogue has not been lawfully established, of course, and is not indicated on any subdivision plan filed with PAI.

**B. County Council Intent**[4]

Petitioner's argument does not make much sense in context and in consideration of the regulations as a whole. If the County Council intended subsection 1.h. to exempt from the RTA regulations any and all lots approved by the Planning Commission regardless of how the lot was then or subsequently used, then subsection 2 (discussed above) would be meaningless. Moreover, there is nothing magical about Planning Commission approval as far as the RTA regulations are concerned. If the County Council intended to grandfather lots from the RTA regulations irrespective of how they have been used, it could have simply done so without the language in subsections 1.h. and 2 and for lots that existed as of the date the RTA regulations were enacted, which is typically how grandfathering provisions operate.

Finally, if the County Council intended to grandfather or exempt any and all lots approved by the Planning Commission, then it does not appear to make sense for the Council to have also provided exceptions for *new* churches and synagogues in subsection g of 1B01.1.B.1 and to subject those new uses to standards of compatibility and compliance to the extent possible. When

[3] The likely import of the word "now" in "now lawfully established" is to limit application to uses *already* established as opposed that those that may be established through further processes.

[4] Counsel's review of the bills pertaining to subsections 1.h. and 2 did not shed any light on these issues.

interpreting statutes, the specific governs the general and, here, the Council has provided specific exceptions for new churches and synagogues without reference to when the lot happened to be created or approved. *See Lumberman's Mut. Cas. Co. v. Insurance Comm'r*, 302 Md. 248, 268 (1985) ("[W]here one statutory provision specifically addresses a matter, and another more general statutory provision also may arguably cover the same matter, the specific statutory provision is held to be applicable and the general provision is deemed inapplicable.") (citations omitted).

**Conclusion**

In sum, Petitioner's reading of subsection 1.h. is far too expansive and contrary to its plain language. Subsection 1.h. does not grandfather or exempt a lot from the RTA regulations simply because that lot was approved by the Planning Commission and irrespective of how the property has been used. To the contrary, the plain language of subsection 1.h., as well as subsection 2, make clear that a lot is exempted from the RTA regulations only to the extent to which, and in the nature of which, it has been used, occupied or improved. Subsection 2 if 1B01.1.B. confirms that the only permitted uses of properties subject to the RTA regulations are those that are either already lawfully established or indicated in the approved subdivision plan.

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

*Attorneys for Protestants*

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2021 copy of the foregoing Post-Hearing Memorandum was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

# Memorandum

**DATE:** April 21, 2021

**TO:** Bureau of Zoning Review

**FROM:** Dino La Fiandra

**SUBJECT:** Petition for Zoning Hearing - AMENDED PETITION
Case 2020-299-SPHA
3009 Northbrook Road

**Enclosed herewith please find:**

| | |
|---|---|
| 3 | Petition for Zoning Hearing - AMENDED PETITION |
| 1 | Check for $250 Filing Fee. |

**I have enclosed an AMENDED Petition for Zoning Hearing in the above-referenced zoning case. The amendment corrects a typo in Request 1 under Petition for Special Hearing on the Continuation Sheet. Please let me know if you have any questions.**

Rabbi Eli Hakkakian – eliahuhak@gmail.com
Ashkan Attar – ashkan443@yahoo.com
Mr. Afshin – afshinattar@yahoo.com
Daniel Reihani – ydan77@yahoo.com
Saman Radparvar – samanrad2001@yahoo.com
Avraham Feldman – avrahamafeldman@gmail.com
Alen Reyhan – ralen26@gmail.com
Rabin Barkhordar – rabinb2@gmail.com
Avron Elbaum – elbauma@gmail.com
Yakov Shafranovich – yakov@shaftek.org
David Fayz – dofayz@gmail.com
Daniel Katiban dkatibian@gmail.com
Iman Fakheri – iman.fakheri@gmail.com
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Ora Nafisi – oranafisi@gmail.com
Andrew Segal – segal@rocketmail.com
Steven Chamama – shalom.chamama@gmail.com
Rodney Hakimi – rodhakimi@gmail.com
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Yosef Mehdizadeh – ygm124@gmail.com
Juda Gabaie – ygabaie@gmail.com
Omid Rahmanfar – eliyahurahmanfar@gmail.com
Brian Goldberg – bpg1255@comcast.net
Omid Rahmanfar – eliyahurahmanfar@gmail.com
Rabin Barkhordar – rabinb2@gmail.com
Patrick Richardson – rick@richardsonengineering.net
Michael McCann, Esquire – michael@mmccannlaw.net

# AMENDED 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** 3009 Northbrook Road **which is presently zoned** DR 3.5 & DR 5.5

Deed References: 39754/228 10 Digit Tax Account # 0319065178

Property Owner(s) Printed Name(s) Saman Radparvar

**(SELECT THE HEARING(S) BY MARKING X 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 continuation sheet.

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

3. ✓ **a Variance** from Section(s)

See continuation sheet.

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 shown at 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:**

Ahavat Shalom Congregation, Inc.
Name- Type or Print

Signature

3009 Northbrook Road, Baltimore, MD
Mailing Address City State

21209 / /
Zip Code Telephone # Email Address

**Legal Owners (Petitioners):**

Saman Radparvar /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

6521 Gardenwick Road, Baltimore, MD
Mailing Address City State

21209 / /
Zip Code Telephone # Email Address

**Attorney for Petitioner:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**Representative to be contacted:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**CASE NUMBER** 2020-0299-SPHA **Filing Date** 12/15/2020 **Do Not Schedule Dates:** ____ **Reviewer** AT/SNP

AMENDED 4/28/2021

REV. 10/4/11

AMENDED Petition for Zoning Hearing
Continuation Sheet
3009 Northbrook Road

The Petitioner seeks:

✓ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

✓ Variance from:

1. BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

    a. Front yard of 30 feet in lieu of 50 feet otherwise required.

    b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

AMENDED 4/28/2021

SECOND AMENDED

# 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** 3009 Northbrook Road **which is presently zoned** DR 3.5 & DR 5.5

Deed References: 39754/228 10 Digit Tax Account # 0319065178

Property Owner(s) Printed Name(s) Saman Radparvar

**(SELECT THE HEARING(S) BY MARKING X 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 continuation sheet.

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

3. ✔ **a Variance** from Section(s)

See continuation sheet.

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 shown at 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:**

Ahavat Shalom Congregation, Inc.
Name- Type or Print

Rabbi Eli F. Hakkakian
Signature

3009 Northbrook Road, Baltimore, MD
Mailing Address City State

21209 / / /
Zip Code Telephone # Email Address

**Legal Owners (Petitioners):**

Saman Radparvar /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

6521 Gardenwick Road, Baltimore, MD
Mailing Address City State

21209 / / /
Zip Code Telephone # Email Address

**Attorney for Petitioner:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

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Zip Code Telephone # Email Address

**Representative to be contacted:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**CASE NUMBER** ____ **Filing Date** ___/___/____ **Do Not Schedule Dates:** ____ **Reviewer** ____

REV. 10/4/11

SECOND AMENDED Petition for Zoning Hearing
Continuation Sheet
3009 Northbrook Road

The Petitioner seeks:

☑ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

☑ Variance from:

1. CMDP, Page 35, Table 5 to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

    a. Front yard of 30 feet in lieu of 50 feet otherwise required.

    b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

**Donna Mignon**

**From:** Eugene Cauley
**Sent:** Tuesday, March 2, 2021 4:04 PM
**To:** Administrative Hearings; Paul Mayhew; Maureen E Murphy
**Cc:** Jenae Johnson; Kristen L Lewis; Terry Curtis; Vishnubhai K Desai
**Subject:** ZAC Case 2020-0299-SPHA (Revised)
**Attachments:** ZAC-COMMENTS-MEETING-2020-12282020 REVISED.pdf

To All The Above:

DPR received additional comments today on the above ZAC case (2020-0299-SPHA), which we incorporated into a revised response. Attached above is a PDF of the revised comments that shall be part of tomorrow's (3/3/2021) scheduled hearing. The prior DPR comments for this case dated 1/25/2021 shall be discarded.

If there are any questions regarding the revised response provided, please contact Mr. Vishnu Desai.

Thank you,

**Eugene F. Cauley, P.E.**
Project Engineer

## Baltimore County – Permits, Approvals & Inspections (DPR)

County Office Building
111 W. Chesapeake Ave
Towson, Maryland 21204
Office # (410) 887-3751
Direct # (410) 887-3475
Fax # (410) 823-4423

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director
Department of Permits, Approvals

**DATE:** March 2, 2021

EFC for VKD

**FROM:** Vishnu Desai, Supervisor
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting
For December 28, 2020
Item No. 2020-0299-SPHA **(REVISED)**

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Engineer to show the following items on the site plan;

1. Additional 18 parking spaces needed for the congregation.
2. A commercial entrance a minimal of 24-foot wide off of Northbrook Road.
3. A two-way travel way a minimal of 22-foot wide.

The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning is not in favor of allowing the requested 2 parking spaces in lieu of the 20 parking spaces required. This is a residential neighborhood and there is a school close by. Allowing the requests may cause undue hardship to the neighborhood and the traffic. The site should be redesigned to allow all parking required on site.

* * * * *

VKD: cen
cc: file

MM 3-3-21
10Am

**Debra Wiley**

**From:** SGT ROBERT BLACK <1opie@comcast.net>
**Sent:** Thursday, February 25, 2021 4:21 PM
**To:** Dino La Fiandra; Administrative Hearings
**Subject:** Recertification's For 2020-2099-SPHA
**Attachments:** Re-Cert 1 2020-0299-SPHA.doc; Re-Cert 2 2020-0299-SPHA.doc; Re-Cert 3 2020-0299-SPHA.doc; Re-Cert 4 2020-0299-SPHA.doc; Re-Cert 5 2020-0299-SPHA.doc; Re-Cert 6 2020-0299-SPHA.doc; Re-Cert 7 2020-0299-SPHA.doc; Re-Cert 8 2020-0299-SPHA.doc; Re-Cert Groups 1 & 2 2020-0299-SPHA.doc

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Recertification's for 3009 Northbrook Road. Thanks.

# AMENDED PE ION FOR ZONING HEA NG(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** 3009 Northbrook Road **which is presently zoned** DR 3.5 & DR 5.5

Deed References: 39754/228 10 Digit Tax Account # 0319065178

Property Owner(s) Printed Name(s) Saman Radparvar

**(SELECT THE HEARING(S) BY MARKING X 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 continuation sheet.

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

3. ✔ **a Variance** from Section(s)

See continuation sheet.

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 shown at 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:**

Ahavat Shalom Congregation, Inc.
Name- Type or Print

Eli Hakkakian, Rabbi
Signature

3009 Northbrook Road, Baltimore, MD
Mailing Address City State

21209 / / 12/15/20
Zip Code Telephone # Email Address Date

ORDER RECEIVED FOR FILING
BY

**Legal Owners (Petitioners):**

Saman Radparvar /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

6521 Gardenwick Road, Baltimore, MD
Mailing Address City State

21209 / /
Zip Code Telephone # Email Address

**Attorney for Petitioner:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**Representative to be contacted:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**CASE NUMBER** 2020-0299-SPHA **Filing Date** 12/15/2020 **Do Not Schedule Dates:** _____ **Reviewer** AT/JS

AMENDED 4/28/2021

REV. 10/4/11

AMENDED Petition for Zoning Hearing
Continuation Sheet
3009 Northbrook Road

The Petitioner seeks:

✓ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

✓ Variance from:

1. BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

   a. Front yard of 30 feet in lieu of 50 feet otherwise required.

   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

AMENDED 4/28/2021

**Richardson Engineering, LLC**

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

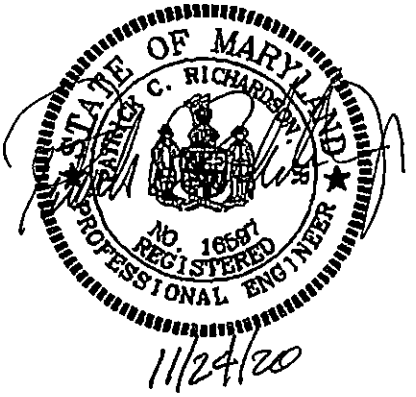
410-560-1502, fax 443-901-1208

# ZONING PROPERTY DESCRIPTION FOR 3009 NORTHBROOK ROAD 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point directly across from the intersection of Northbrook Road and Lisburne Road then the following bearings and distances (1) South 88 degrees 42 minutes 2 seconds West 75 feet, (2) North 1 degrees 17 minutes 58 seconds West 125 feet, (3) North 88 degrees 42 minutes 2 seconds East 75 feet, (4) South 1 degrees 17 minutes 58 seconds West 125 feet to the point of beginning. Being lot #11 on Section 4 of Green Spring Manor Plat Book GLB 21 p.77.

Containing a net area of 9,375 square feet or 0.22 acres +/-.

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021




11/24/20

2020-0299-SPHA

| | | |
|---|---|---|
| IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (3009 Northbrook Road) 3rd Election District 2nd Council District Saman Radparvar *Legal Owner* Ahavat Shalom Congregation, Inc. Contract Purchaser Petitoners | * | BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No: 2020-0299-SPHA** |

* * * * * * * *

## OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed on behalf of Saman Radparvar, legal owner and Ahavat Shalom Congregation, Inc., Contract Purchaser ("Petitioners"). The Special Hearing is requested for a determination that the Residential Transition Area ("RTA") regulation of the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1 (f). In the alternative to Special Hearing Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project. In the alternative to Special Hearing Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(C).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which

would otherwise require 20 parking spaces. Such further and other relief as the nature of this case may require

A Variance from the Baltimore County Zoning Regulations ("BCZR") § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows: (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required. (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required. In the alternative to Special Hearing Requests 1, 2 and 3, above Variances from the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

Due to COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted.

Ashkan "Yakov" Attar appeared on behalf of the Petitioner. Dino C. La Fiandra, Esquire represented the Petitioners. There were many protestants in attendance, some of whom were represented by Michael McCann, Esquire. Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"). They did not oppose the requested relief, subject to proposed conditions, some of which will be incorporated into the Order. The County Bureau of Traffic Engineering and Transportation Planning opposes the Petition due to the parking space deficiencies.

Patrick Rihardson, the engineer who prepared and sealed the site plan (Petitioner's Exhibit 2) testified first and was accepted as an expert in engineering and in the BCZR. He explained the plan in detail. The property is approximately 9.375 square feet and zoned DR 3.5. Mr. Richardson identified Petitioner's Exhibit 4 as the plat for section 4 of the Green Spring Manor subdivision, which was duly approved by the Baltimore County Planning Commission in 1955, as evidenced by the signature of the Director of the Planning Commission. The subject lot is Block G, Lot 11.[1] Mr. Richardson further testified that in his expert opinion the site plan complies with the RTA regulations "to the extent possible," and that as a new place of religious worship it is entitled to the exemption from the RTA regulations set forth in BCZR § 1B01.1.B.1.g(6). He further explained that the proposed addition on the rear of the existing structure will simply "square off" the footprint of the structure and will have no substantial adverse impact on the adjacent properties. Finally, he explained that the Congregation has a continuing agreement with the elementary school across the street that will allow them to use the parking lot for overnight parking from 5 p.m. Friday thru 10 p.m. Saturday, i.e. during the hours of the Sabbath. Mr. McCann cross-examined Mr. Richardson on each of these points.

Mr. Attar testified next. He is the President of the Congregation. He explained that the Congregation was founded in 2013 and consists of Sephardic Jews of Iranian heritage. He testified that, as such, they are very much a minority Congregation in the Baltimore metropolitan area, and

[1] At the close of the hearing the undersigned requested legal briefs on the applicability, *vel non,* of BCZR § 1B01.1.B.1 (h) in the instant case. Having considered these opposing arguments I find that this section does not apply in this case. As Protestant's counsel points out, the record evidence established that no structure was constructed on this lot until the early 1990s. And further, that it is a *residence* that was constructed and which now exists – not a place of worship. As such, no "grandfather" or expectancy rights were created which would allow this new shul use to be entitled to the RTA exemptions conferred by this zoning regulation. In short, the lot was never "used, occupied or improved in accordance with the approved subdivision plan" in a manner which would grandfather a place of worship on this lot. In addition, even if BCZR § 1B01.1.B.1 (h) did apply, the shul would still need to meet the setback requirements of § 1B01.1.2, i.e., Table V of the Comprehensive Manual of Design Policies: 50' front, 20' side, and 30' rear. The site plan shows that only the rear setback is met.

that they do not anticipate significant growth in their Congregation. He testified that they plan to have 80 seats in the shul and that this has been accomplished by removing some of the interior walls. He further testified that although they would like to construct the addition depicted on the site plan that this was not critical to their ability to worship at this site. He further noted that the adjacent property to the west was recently purchased by one of the members of the Congregation and will be used by the Rabbi and his family on weekends and high holidays when the Rabbi is conducting services. He also explained the parking arrangement that they have worked out with the elementary school. Finally, he testified that the vast majority of the Congregation live within walking distance of the shul and because of their religious restrictions they will be walking to Sabbath services. Again, Mr. McCann cross-examined Mr. Attar on each of these points.

SPECIAL HEARING

Based on the evidence presented and the argument of counsel I find that under BCZR § 1B01.1.B.1.g (6) the RTA provisions contained in paragraphs (a) through (e) of BCZR § 1B01.1.B.1 do not apply to the subject property. I specifically find that this existing structure, with the conditions set forth below, complies to the extent possible with the RTA. Because places of worship are permitted by right in the DR zones, I find that the use of this property as a shul has been deemed by the County Council to be a compatible use, even though it will increase pedestrian and vehicular traffic, as well as noise in the immediate vicinity. Because I will not allow any expansion of the structure I also believe that it will remain architecturally compatible with the surrounding residences.

I further find that the special hearing relief under BCZR § 409.12.B should also be granted. In short, the shul would not be able to operate at this location without the requested parking modification. I understand the neighbors' concerns about the lack of parking; however, Mr. Attar

testified that the shul members all live in the neighborhood and will be primarily walking to the shul. Further, arrangements have been made for the use of the elementary school parking lot across the street. Similar arrangements have been cited to justify special hearing and variance relief in previous cases.

Finally, I find that because BCZR § 1B01.1.B.1.g (6) applies no setback variance relief is needed. I base this finding on the fact that several other subsections of § 1B01.1.B.1.g contain express language maintaining setback and other area restrictions, but subsection g (6) does not. In short, the County Council knows how to maintain setback restrictions when it wants to and chose not to in subsection g (6).

RLUIPA

Finally, Petitioner's right to worship at this location is protected by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Mr. Attar testified that Ahavat Shalom Congregation purchased this property with the expectation that they would be granted the zoning relief at issue because other residential to shul conversions in the community had previously been approved. This was a reasonable expectation, especially since, as explained above, the subject property is exempt from the onerous RTA regulations. *See, Jesus Christ is the Answer Ministries, Inc. v. Baltimore County,* 915 F.3d 256, 260-61 (4th Cir. 2019). I understand the neighborhood opposition and empathize with their concerns about parking, traffic, and noise. However, this federal statute has been interpreted broadly by the United States District Court for the District of Maryland, and by the Fourth Circuit Court of Appeals, and the county is subject to substantial financial liability if these courts find that the county has violated RLUIPA by denying the Congregation's requested relief.

THEREFORE, IT IS ORDERED this 5th day of **October, 2021**, by this Administrative

Law Judge that the Petition for Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the Residential Transition Area ("RTA") regulations under BCZR § 1B01.1.B.1.g (6) is hereby **GRANTED**.

IT IS FURTHER ORDERED that the special hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow two parking spaces as shown on the site plan is hereby **GRANTED**.

IT IS FURTHER ORDERED, that all other requested relief is dismissed as **MOOT.**

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

- Petitioner must comply with the DOP ZAC comment, a copy of which is attached hereto and make a part thereof.

- Petitioner shall immediately apply for and obtain a Change of Occupancy permit before any further use of the premises.

- Except for high holidays Petitioners shall not hold services or otherwise occupy or use the premises after 10 p.m.

- No exterior additions or modifications will be permitted, except as approved by the DOP, the County Fire Marshall, and/or the County Landscape Architect.

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

Signed
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

**Donna Mignon**

**From:** Administrative Hearings
**Sent:** Friday, November 5, 2021 9:17 AM
**To:** Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - Ahavat Shalom Congregation; 3009 Northbrook Road

Hi Dino,
Michael McCann did file an appeal yesterday. I have not finished working on the file. But will send you the letter once I take the file up to the Board of Appeals.

Thank you. Have a great day.

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Friday, November 5, 2021 9:09 AM
**To:** Administrative Hearings <administrativehearings@baltimorecountymd.gov>
**Subject:** Case 2020-299-SPHA - Ahavat Shalom Congregation; 3009 Northbrook Road

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Good morning,

I hope this email finds you well. Would you please let me know if there have been any appeals to Judge Mayhew's decision filed in the above-referenced case?

Thank you, as always.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

**Donna Mignon**

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Friday, November 5, 2021 9:09 AM
**To:** Administrative Hearings
**Subject:** Case 2020-299-SPHA - Ahavat Shalom Congregation; 3009 Northbrook Road

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Thank you, as always.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

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vCard

CASE NO. 2020-0299-SPHA

3/3/21 @ 10-

# CHECKLIST

✓ ltr
✓ order

| Comment Received | Department | Support/Oppose/ Conditions/ Comments/ No Comment |
|---|---|---|
| _____ | DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____) | _____ |
| 2/25 | DEPS (if not received, date e-mail sent _____) | Comment |
| _____ | FIRE DEPARTMENT | _____ |
| _____ | PLANNING (if not received, date e-mail sent _____) | _____ |
| 1/4 | STATE HIGHWAY ADMINISTRATION | N/C |
| _____ | TRAFFIC ENGINEERING | _____ |
| DPR 3/2/21 | | Comment |
| _____ | COMMUNITY ASSOCIATION | _____ |
| _____ | ADJACENT PROPERTY OWNERS | _____ |

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/11/21

SIGN POSTING (1st) Date: 2/9/21 by Sgt. Black

SIGN POSTING (2nd) Date: 2/26/21 by " "

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: letter opposing
See attachn

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**IN THE MATTER OF:**

**SAMAN RADPARVAR, LEGAL OWNER**
**AHAVAT SHALOM CONGREGATION, CONTRACT PURCHASER**
**CASE NUMBER: 20-299-SPHA**

---

Hearing Date: June 16, 2022

Pursuant to Notice, the above-entitled public deliberation was held before the Board of Appeals for Baltimore County by remote access.

PANEL PRESIDING:

**JOSEPH EVANS, CHAIR**

**SHARONNE BONARDI, BOARD**

**BRYAN PENNINGTON, BOARD**

PRESENT FOR THE PARTIES:

**DINO LA FIANDRA, ESQUIRE**
Counsel for Petitioners

**MICHAEL MCCANN, ESQUIRE**
Counsel for Appellants

---

Christine R. Leary
crleary1@comcast.net

[ON RECORD]

CHAIR: I've just turned on the recording. So, good morning, everyone. This is the public deliberation in the case involving 3009 Northbrook. It's case number 2020-0299-SPHA. And this matter is, we know, involves the request for zoning accommodations of a variety of sorts, in order to permit an Orthodox Jewish Synagogue, often times referred to as a shul, to operate at that address and that has been submitted to the Board for its consideration.

It was, the request was denied by the Administrative Law Judge but, of course, our review is de novo. So, the fact that there is that opinion out there is of only procedural interest, but no substantive interest. I'm Joseph Evans. With me is, are Sharonne Bonardi and Bryan Pennington.

And I should that, that there was also a Motion to Dismiss filed by the Protestants, which we deferred, I honestly forget whether we deferred it or denied it. But it certainly is ripe for reconsideration to the extent that we need to do that.

So, I think that's the, sort of the procedural posture here. And I guess we're ready to begin our public deliberation, unless there's anything I missed that either of you think needs to be said as a, part of the introductory portion of this.

MR. PENNINGTON: The only thing, I, I think I heard

you say that the ALJ denied it, I think the ALJ granted it.

CHAIR: Did the ALJ grant it? I thought the ALJ had denied it. Well, in any event, it's of no moment, but thank you. I thought he had denied it. But it, it really is, as I say, I was just trying to set out the procedural posture, so.

MR. PENNINGTON: Gotcha.

CHAIR: So, is there anyone who would like to begin? I, I'm willing to start, if no one has any --

MS. BONARDI: I would defer to you, Mr. Chair.

CHAIR: So, I've been on a number of these cases and there are, and, and just based on my own experience, there are, are, there are kind of, I've been exposed, I would say, to two poles. There's one pole where, and these happen to both be Orthodox, those other two poles are Orthodox requests, but that, that's really not the issue.

In one of them, we denied the request and it involved the construction of a clearly institutional building in a residential zone. And there was a lot of reason to, to be skeptical of the candor of the applicants in that case. And we denied it and it's working through, its way both through the Circuit Court and Federal Courts. And I think it's in the Fourth Circuit now on an RLUPA claim, which I suspect will be denied.

Then the other one was, was a case that was issued, the opinion was issued just several weeks ago involving a shul

in the Pimlico area. And in that case, the, the view of the Board was that the applicants had been quite candid and had done a great deal to accommodate the neighborhood, unlike the folks in the first case.

And also, there was strong evidence that people in the community, except for a few, unfortunately, were pretty, pretty supportive of the, of, of the applicants. So, and, in fact, a number of people had signed away rights that would have given them the opportunity to assert a private covenant, that would have blocked the project. And instead, they renounced those rights in favor of a shul. So, there, those were kind of the two poles.

For me, this one falls kind of in between. And I don't want to, there's no point in my hiding my own view. I, I come out slightly in favor of the application. That's, that's sort of where I am. There are things which concern me here. I thought that the applicants were disingenuous, frankly, in their discussion, in their explanation of why they operated, essentially, unlawfully for a while.

I thought that, I, I didn't accept their explanation and I thought that to the, to the extent that there was a question of good faith, I, I thought that they were lacking, at least, in that regard. I was also concerned about their website.

Now, you know, their website seemed to suggest they

wanted a large institutional building in a, to house a large congregation. And, of course, the application here is not for that. Here, it's just a modest modification to a house. But it did concern me that they didn't alter their website for two years.

I mean, why, why would you not do that? I mean, these, these are not unsophisticated people and so I, I, I was concerned, in my own mind, that there was, again, some lack of candor, possibly.

But on the other hand, the changes to this building are very modest, really almost all, only, it's, I mean, really the, the, you know, the ramp, for, for the, for disabled access strikes me as a non-issue, frankly. And there are, so I don't view it as a, as a huge, it's not a stylistic disruption to the neighborhood.

And the, again, they, they've made arrangements for parking, to the extent that's necessary. The building is small, it can't house a whole lot of activities. And I think the RTA can be accommodated to the extent necessary. It is, it, it, and the fact that there are so many shuls in this neighborhood, part of which is in Baltimore City, but nonetheless, there are so many of these.

There must be, I mean, there must be twenty-five or thirty little shuls in houses that are sprinkled all over this area and that means that, that means that this is an area that

can support this kind of activity. I mean, I suppose there's a question of, of, of density or saturation at some point, but I don't think we're there yet.

And I don't even know how one would measure that. But the, the point is that there's a lot of this activity going on and it seems to be endorsed, generally, by the community.

I also am concerned about RLUPA, which I believe to be a real authentic issue in all of these cases and it, the County, I, I mean, I could go on and on and on about my own private views of the, sort of the wisdom of, of RLUPA, but it is the law of the land and we have to live with it.

And Baltimore County has been repeatedly obligated to make large payments in situations that, frankly, are far less, far less compelling than this one.

And so, to the extent that there are zoning accommodations that maybe don't quite fit the technical requirements, you know, my view of RLUPA, in this circumstance, suggests that we, we should, you know, defer strict, strict compliance, where strict compliance would otherwise be called for because this is a religious institution.

I'm also, it also is relevant that it is, that this is a use by right in this, in this area. So, you know, the bottom line is, that's sort of where I, I come out.

I, I reject categorically the applicant's suggestion that the RTAs do not apply. Mr. Kellman's argument, which was

rebutted by Mr. Perlow, is, I think, worthy of being discarded. Not, it's not compelling. I don't think it's correct. I don't think it's accurate. And I don't even really think it merits much discussion, frankly.

As to the Motion to Dismiss, you know, Mr. McCann makes a good, a good argument and he always makes good arguments. And his arguments are well presented. I, I just don't, I, I, I think that the, that to accept the argument that and, and it boils down to the language, it boils down to the language about, what's the exact phrase. Now, let me see, where did I put my notes here? Now lawfully established.

I do, for my own purposes, I, I view that as meaning that anything that is permitted by right is, is what is lawfully established at the time. So, I would deny the Motion to Dismiss, based on, based on that interpretation of, of Section 1-B-01.1.B.2. So, that's my rambling comment.

And, and as I say, I would tilt, you know, the, the applicant has the burden of proof. And I think the applicant has carried the burden of proof. I don't think this is an overwhelmingly strong case. But it is, I think, a case that, where the burden of proof has been sustained. So, that's my view.

MR. PENNINGTON: I would agree with you, Mr. Evans. I think you did a, did a good job presenting the issues here. I agree with you in that Mr. McCann's Motion to Dismiss, I, I

agree that the B, I just want to call it B-2, now lawfully established, would include uses of right. So, I agree with that.

And I, I, I lean the same way you do. I think that they've done a lot to keep the shul in character with the neighborhood. You know, the only, the only thing that I, that I saw, and to me it looks a little out of place, was the ramp. But the County made them put the ramp in. So, and the ramp is, obviously is necessary to cooperate with the ADA. So, --

CHAIR: You know, private houses have ramps.

MR. PENNINGTON: Right.

CHAIR: You know? So.

MR. PENNINGTON: So, yeah, I'm on, I'm on the same page as you are.

MS. BONARDI: And I have the same opinion. I do have a couple of other comments. I, I was getting very hung up on the Motion to Dismiss and that whole B-2 section, around the language of now lawfully established. And then I started thinking about if there was a different interpretation, then would there be a constitutional argument against that interpretation concerning RLUPA.

I, I agree with both of you that RLUPA does apply and so, and viewing it that way, when I started, you know, to consider RLUPA, I think that it's especially applicable in this case, you know, given the testimony that there are two main

sects of Judaism and the Sephardic congregation is the only in Baltimore County. And so, that weighed very heavily with me as well.

I do have concerns, like you raised, around the, the congregation operating without the appropriate permits and operation violation of the ALJ's Order at the time and the neighbors' lack of support of the congregation.

And the Protest, the Protestants' arguments regarding whether or not this is truly in the best general welfare of the surrounding residential premises. But then I continued to go back and consider RLUPA. And for those reasons, I agree with what has been said by both of you.

CHAIR: I, I would have been happier to hear the congregation as, as to the time it was operating without permission, I, I would have been happier to hear them say, well, we just did it. We did it because we wanted to operate, we, we wanted to meet and have our religious service and we just did it and we're sorry, but we just did it. We didn't have any other alternative at the time, and we just did it.

I, I would have been happier to hear that, frankly, then an explanation that I thought rang hollow, which is, we thought we could do it. I mean, there's, there's, I think no reasonable person could have thought they could have done it. So, --

MS. BONARDI: I know the closing memos did mention

that, but it would have been nice to hear that as part of the testimony.

CHAIR: It would have been, it would have been. And but, but I mean, and I understand why people don't want to say that, but, you know, I get it. But it would have made more, I would have felt more kindly if they would have just said that and acknowledged that what they did was not permitted and they did it and they did it for a short period of time and then they stopped and so, you know.

Kind of no harm, no foul, I would have, that's how I would have viewed it. But, you know, it actually caused me more concern that that, that they seemed to retreat into a position that I found unacceptable or unbelievable, you know, not candid, so.

Well, in any event, and I thought, I, I also wanted to say that I thought the written submissions in this case were particularly good on, on both sides. And Mr. La Fiandra and Mr. McCann both are to be commended. And again, I think I said this when we adjourned our hearing.

But again, you know, they were both extremely civil and courteous in their presentations of their cases. And these cases generate a lot of anguish and anger and hard feelings and, you know, and they relate to deeply held views that people have, not just about property rights, but about their religious views.

And it's hard, I, I think, for everyone to kind of keep cool. But both counsel and their, and their clients did so and I, I, I just, I think that's commendable, and I think they deserve, everyone deserves credit for that. Any other comments anyone wishes to make? No? All right.

Well, so we've decided that the application, in its many forms, will be granted, will be granted but not as to, not as to the argument that they don't need the zoning relief because the RTA doesn't apply and that, that we will reject. And if Mr. McCann appeals, maybe a higher authority will agree with his legal argument but frankly, I, I think not. I think, I think we're right on that. So, so with that, I guess we will adjourn. Any other comments? We ready to --

MS. BONARDI: Thank you, Mr. Chair.

CHAIR: Thank you.

MR. PENNINGTON: Thank you, Mr. Evans.

CHAIR: Thank you both.

MR. PENNINGTON: As always.

CHAIR: Yep, bye-bye.

[OFF RECORD]

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Saman Radparvar, Legal Owner, case number 20-299-SPHA, heard before the Board of Appeals of Baltimore County, June 16, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 11 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 24th day of December 2022.

Christine R. Leary

Christine R. Leary

Transcriber

## Tammy Zahner

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Monday, May 9, 2022 3:41 PM
**To:** Krysundra Cannington; Tammy Zahner; Appeals Board
**Cc:** Dino La Fiandra
**Subject:** Northbrook
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Sunny/Tammy: Attached is Prot's memorandum. Thank you.

Michael

**Michael R. McCann**
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| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES | * | BEFORE THE |
| | * | BOARD OF APPEALS |
| 8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

## POST-HEARING MEMORANDUM

Protestants, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron submit this memorandum in support of their opposition to the Amended Petition for Zoning Hearing filed by Petitionerss Saman Radparvar and Ahravat Shalon Congregation, Inc. ("Petitioners" or the "Congregation").

## INTRODUCTION

In their Amended Petition for Zoning Hearing, Petitioners seek various relief under the Zoning Regulations. This Board need not address the relief requested, and should dismiss the Petition outright, because the use of the subject property for a synagogue is not permitted, as a matter of law, under Subsection 2 of 1B01.1.B. That provision, clearly and unambiguously, limits the uses allowed in this subdivision (called Green Spring Manor) to only those that are either indicated in the recorded subdivision plan or lawfully established at the time of the provision's enactment in 2010. A synagogue is neither of these uses. The facts necessary for the Board to reach this conclusion are not in dispute.

Even if we ignore Subsection 2 of 1B01.1.B, Petitioners other arguments are unavailing. First, contrary to Mr. Kellman's rather creative argument, the synagogue is not grandfathered

under Subsection h of 1B01.1.B.1. That provision is simply not applicable. Second, Petitioners have failed to meet their burden of demonstrating they are entitled to the exception in the RTA regulations for a new house of religious worship in subsection g(6) of 1B01.1.B.1. Petitioners introduced little, if any, evidence supporting that this synagogue complies to the extent possible with the RTA requirements and will be compatible with the character and general welfare of the surrounding residential premises. Third, Petitioners' request for a variance from the non-residential setback requirements does not come close to meeting the applicable standard. On these second and third points, the testimony of Petitioners' experts, Mr. Kellman and Mr. Warfield, was strained and barely colorable. Finally, Petitioners' requests for relief should be considered alongside their now long history of disregarding and disrespecting County law and the instructions of County officials. Petitioners' conduct over the past two and one-half years, frankly speaking, has been reprehensible. The Board, respectfully, should not lend its imprimatur to it. For all of these reasons, Protestants request that the Board deny the relief requested.

**ARGUMENT – MOTION TO DISMISS**

Prior to the hearing, Protestants filed a motion to dismiss the Petition for Zoning Hearing because the use of this property for a synagogue is not permitted as a matter of law under Subsection 2 of 1B01.1.B. The Board deferred ruling on the motion based on counsel for Petitioners' contention that an evidentiary foundation was necessary to determine the applicability *vel non* of Subsection 2. As it turns out, the hearing did not reveal any evidence that changes the rather straightforward analysis under Subsection 2.

**The Use Of The Property As A Synagogue Is Not A Permitted As A Matter Of Law And The Petition Should Be Dismissed**

Section 1B01.1 sets forth regulations governing the DR zones. Subsection A of 1B01.1 identifies the uses permitted as of right in the DR zones but makes clear that those uses are subject to limitations set forth in subsequent provisions. Subsection A states:

> A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, *subject to the restrictions hereinafter prescribed.*

Subsection B of 1B01.1, which follows, places restrictions on the permitted uses in three subsections: (1) residential transition area restrictions; (2) limits on uses in "existing developments" as described in subsection A.1 of Section 1B02.3; and (3) limits on uses in "existing subdivision tracts" as described in subsection A.2 of Section 1B02.3. The three subsections of 1B01.1.B stand on equal footing.

Amongst the restrictions in Subsection B of 1B01.1 is an important limitation on the uses allowed in "existing developments":

> § 1B01.1.B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
>
> * * *
>
> 2. Use regulations in existing developments. *In existing developments as described in Subsection A.1 of Section 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits,* Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

(Emphasis added).

Subsection 2 is unambiguous. On lots of the type referenced (those "in existing developments as described in Subsection A.1 of Section 1B02.3"), the uses that are allowed are limited to either (1) those "now lawfully established," or (2) those indicated in the subdivision

plan. Subsection 2 may be thought of as a *reverse* grandfathering provision because it limits the uses that may be grandfathered rather than granting grandfathered rights.

**1. The subject property is in an "existing development" as defined in Subsection A.1 of Section 1B02.3**

"Existing developments" under 1B01.1.B.2 are those described in Subsection A.1 of Section 1B02.3, which provides:

> A.....
>
> 1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;....

There is no dispute that the subject property is of the type described above. The property is in a recorded residential subdivision called Green Spring Manor that was approved by the County Planning Commission in May 1955. (*See* Prots' Ex. 1 (plat)). Further, the property has been improved with a single family dwelling and has been used and occupied as such in accordance with that approved subdivision plan. (*See* Prots' Exs. 3 (SDAT sheet) and 26 (aerial photographs)).

**2. A religious institution is not indicated in the subdivision plan and has not been lawfully established**

Because the property is an "existing development" as described in Subsection A.1 of 1B02.3, as noted above, the use of the property is limited "to those now lawfully established or to those indicated in the subdivision plan[]." The parties agree that a religious institution is not indicated in the subdivision plan. (*See* Ex. Prots' Ex. 1). The only issue is whether such a use is "now lawfully established."

The term "now" in the phrase "now lawfully established" clearly refers to the date on which Subsection 2 was enacted, that date being December 6, 2010 (per Bill No. 122-10). In fact, Mr. Kellman conceded this was the operative date. Thus, for the use of this property for a religious

institution to be permitted under subsection 2 of 1B01.1.B.2, the use must have been established there by December 6, 2010. It is undisputed that the subject property was *not* lawfully established as a house of worship on or before December 6, 2010. Indeed, Petitionerss are petitioning precisely because they wish to convert an established single-family dwelling, used as such since the lot was first developed 30 years ago, into a synagogue as a completely new use, *i.e.,* to establish that use for the first time.

This reading of Subsection 2 is entirely consistent with the plain and ordinary meaning of the word "established." Something has been "established" (past tense) when it is settled or already exists. Webster's Third New International Dictionary[1] defines "established" as follows:

> **established** *adj* 1: introduced from another region and persisting without aid or cultivation; NATURALIZED 2: surviving and multiplying on a host or substrate.

This definitions may be contrasted with the definition of the verb "establish" (present or future tense):

> **establish** *vb* 1 a: to make firm or stable... b: to place, install, or set up in a permanent or relatively enduring position esp. as regards living quarters, business, social life, or possession

Here, Petitioners seeks to "establish" a religious use for this property; it is not a use that has never been or is now "lawfully established." *See also Trip Associates, Inc. v. Mayor and City Council of Baltimore*, 392 Md. 563, 573 (2006) ("A valid and lawful nonconforming use is established if a property owner can demonstrate that before, and at the time of, the adoption of a new zoning ordinance, *the property was being used* in a then-lawful manner....") (emphasis added); *Lapidus v. Mayor and City Council of Baltimore*, 222 Md. 260, 262, (1960) (noting that an applicant claiming that a nonconforming use had been established before the effective date of the

[1] The definitions section of the Zoning Regulations states that "[a]ny word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." § 101.1.

city zoning ordinance needed to prove that the use asserted existed prior to the date of the ordinance).

In sum, Subsection 2 of 1B01.1.B clearly applies here. The subject property is the type of lot described in A1 of 1B02.3 (Petitioners concedes this) and a synagogue is a use that is neither indicated on the subdivision plan for Green Spring Manor nor a use that has been lawfully established (and therefore was certainly not established by the enactment date of the provision). Petitioners' petition for zoning hearing should be dismissed.

**3. Mr. Kellman's theory of "lawfully established"**

Mr. Kellman agreed that Green Spring Manor is an "existing development" as described in subsection A.1 of 1B02.3 and that the subject property has been used, occupied or improved in accordance with the approved subdivision. (T2, pp. 171-72, 185). He also agreed that the word "now" in the phrase "now lawfully established" refers to the date when subsection B.2 was enacted, 2010. (T2, p. 193). He contended, however, that "lawfully established" simply means "permitted by right." He testified:

> [I]f a house was permitted or [] a religious institution was permitted back when the plat was recorded, to me, that, that means lawfully established. You're allowed to have that use.... [I]f it was permitted by right when the plat was recorded and it was permitted by right now, to me that's lawfully established. You can have that use.

(T2, pp. 194-95).

This is an extremely strained reading. If the Council intended "now lawfully established" to mean "permitted by right," then it would have simply used those words. Indeed, in the very next section of the regulations, which parallels the language in subsection 2, the Council used that that word to describe what uses are allowed in existing subdivision tracts:

> Uses regulations in existing subdivision tracts. On subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A2 of

> Section 1B02.3, the uses permitted shall be those indicated in the plan or, where the use is not indicated if not inconsistent with the plan, *the uses shall be those permitted under zoning regulations* in effect at the time the tentative approval was granted.

1B01.1.B.2 (emphasis added).

**4. Petitioners' clever "re-platting" strategy is classic bootstrap, speculative, and manipulative of County law**

Prior to the hearing, Protestants filed a motion to dismiss based on the argument, discussed above, that a synagogue use is prohibited as a matter of law. In response to this motion, counsel for Petitioners argued that there are questions of fact that needed to be resolved before the Board can rule on the motion and he should be permitted to introduce evidence on the issue.

During the hearing, the "evidence" that counsel was referring to became clear. Counsel solicited from Mr. Warfield the argument that Petitioners could avoid the fact that the subject property is in an "existing development" – and thus avoid the effect of the reverse grandfathering provision in Subsection 2 of 1B01.1.B – by simply (1) filing a request with the Development Review Committee ("DRC") to approve a limited exemption from the development review process under section 32-4-106(b)(viii) of the Code, and (2) if the exemption was approved and if the development plan Petitioners filed was subsequently approved, then Petitioners could simply "re-plat" the property which would change the status of the subdivision from an "existing development" to a "new development" and therefore this property would not be subject to 1B01.1.B.2. (T., pp. 51-70).[2] Counsel's theory, as it goes, is that forcing Petitioners to undertake such a process would be time consuming and expensive, and exalt form over substance. (*Id.*). "It

[2] Mr. Warfield was allowed to testify, over objection, that this hypothetical DRC request would "likely" be granted. (*Id.*, p. 56). The reason why he thinks it "likely," is because he believes this proposal would meet the definition of "minor development" in the Code. (*Id.*, 58-60).

serves absolutely no purpose except to change the status of the property under that section of the Code. [W]e should not be required to do it." (*Id.*, p. 52).[3]

This argument insults the Board's intelligence and hardly merits a response. It assumes the DRC would allow Petitioners to undertake this end-around and not recognize it for what it is - a manipulative filing that violates basic principles of statutory interpretation. Subsection 2 of 1B01.1.B would be rendered completely meaningless if a property owner could avoid reverse grandfathering by simply re-platting his or her property. In any event, the end-around Petitioners proposes would *not* result in the entire Green Spring Manor magically becoming a "new development." Petitioners proposes be re-platting only the subject property, not the entire development. Re-platting the property would not change the fact the Green Spring Manor is "a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission." 1B02.3.A.1.

Perhaps more troubling is Petitioners' attempt to raise the specter of RLUIPA by suggesting that if the Board were to require Petitioners to go through the process of filing this fictitious DRC request, it would be imposing an undue burden on a religious institution. This veiled threat should not trouble the Board. Even if the hypothetical DRC request were not a farce, and even if Petitioners could magically render Green Spring Manor a new development by obtaining approval of the request, the process that Petitioners proposes is the same for religious

[3] The irony of this argument, and its inconsistency with Petitioners' other positions in this case, should not go unnoticed. As will be discussed below, Petitioner contends that the Green Spring Manor subdivision is an "existing development" for purposes of arguing that a synagogue use is grandfathered under Subsection h of 1B01.1.B.2. Assumedly, if Petitioner filed a DRC request, was granted an exemption, and then re-platted the property, the synagogue use would no longer be grandfathered.

and non-religious institutions and could never implicate RLUIPA. Mr. Warfield acknowledged this simple fact. (T, p. 81).[4]

**5. Protestants' argument under Subsection 2 does not implicate RLUIPA because the Board's consideration of the issue does not require an individualized assessment of the synagogue use**

RLUIPA prohibits governments from imposing or implementing land use regulations in a manner that imposes a substantial burden on religious exercise. *See* 42 USC § 2000 cc(a)(1)A), (B). RLUIPA only applies where:

> the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, *individualized assessments of the proposed uses for the property involved.*

*Id.*, § 2000cc(a)(2)(C) (emphasis added).

A government makes an individualized assessment, thus triggering RLUIPA, "when [it] may take into account the particular details of an applicant's proposed use of land when deciding to permit or deny that use." *Redeemed Christian Church of God (Victory Temple) Bowie, Maryland v. Prince George's County, Maryland*, 17 F.4th 497, 506-07 (2021) (*quoting Guru Nanak Sikh of Yuba City v. Cnty. of Sutter,* 456 F.3d 978, 986 (9th Cir. 2006).

Here, the issue for the Board's consideration - whether the use of the subject property for a religious institution is allowed under Subsection 2 - is one that does not require any review or assessment of the nature of the proposed use or any of its details, or even that the use is a synagogue as opposed to some other use. The issue simply requires an objective determination of whether

[4] Mr. Warfield also acknowledged that he has not seen any conduct by the County that would suggest that this synagogue is being treated any differently than any other religious institution or other property owner. (T., p. 82). Notably, he is not aware of the fact that the synagogue has been operating illegally for many months, suggesting that there have been no burdens or impediments imposed on it. (*Id.*, p. pp. 82-83).

this category of use is one that is reflected in the subdivision plan or one that has been lawfully established. Under these circumstances, RLUPIA is not implicated.

## OTHER ARGUMENTS

Even if we assume Subsection 2 of 1B01.1.B does not bar the Petition for Zoning Hearing, Petitioners' other arguments are unavailing.

### A. The Grandfathering Provision In Subsection h of 1B01.1.B.1 Is Not Applicable

Subsection h of 1B01.1.B.1 is a grandfathering provision that exempts certain developments from the RTA regulations. Subsection h states:

> The provisions contained in Paragraphs a through e of Subsection B.1 shall not apply to existing developments as described in Subsection A.1 of Section 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of said section.

Mr. Kellman opined that Subsection h applies here because the subject property (1) is a lot in a recorded residential subdivision as described in subsection A.1 of 1B02.3, and (2) has been used, occupied or improved in accordance with the approved subdivision, *i.e.,* as a residence. As discussed above, Protestants fully agree with these points. Where Mr. Kellman and Protestants disagree is whether the change in use of the property from a residence to a synagogue matters under Subsection h. The *only* argument advanced by Mr. Kellman on this critical point is that the change in use does not matter because of the word "alteration" in the prefatory language of 1B02.3:

> In DR Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of, *alteration* or expansion *of structures upon*; and administrative procedures respect to:
>
> 1. Any lot....

1B02.3.A (emphasis added). According to Mr. Kellman, the word "alteration" means that the use of any of the lots in the development can be changed (*i.e.*, "altered") and yet still be grandfathered under Subsection h of 1B01.1.B.1.

This is an extraordinarily loose, if not bizarre, argument. Subsection h of 1B01.1.B.1 refers only to Subsection A.1 of 1B02.3, not to the prefatory language in 1B02.3 cited by Mr. Kellman. The prefatory language has no connection to Subsection h or the issue of grandfathering. Even if there was some connection, the word "alteration" clearly refers to *structures* on the property, not uses of the property.

Grandfathering protects a property owner's expectancy interest, that is, the expectation that he or she may continue to use the property in the same fashion without regard to any changes in the law. Here, the right that Petitioners claims is grandfathered is the use of the subject property for a synagogue without the restrictions imposed on such a use by the RTA regulations. In order for this right to be grandfathered, it is necessary for Petitioners, or perhaps its predecessors, to have actually used the property as a synagogue. This is borne out by the plain language of subsection A.1., which requires the property to have been "used, occupied or improved in accordance with the approved subdivision plan." Consistent with grandfathering principles, this language can only mean that the property must have been used, occupied or improved as a synagogue. It was not. Therefore, no expectancy interest could ever have arisen. And no expectancy interest would arise if the property was simply used, occupied, or improved for a residential use, as Mr. Kellman apparently contends.

Mr. Kellman's argument also does not make much sense in consideration of the regulations as a whole. If the County Council intended Subsection h to exempt from the RTA regulations any and all lots approved by the Planning Commission regardless of how the lot was then or

subsequently used, then Subsections 2 (discussed above) and 3 would be meaningless. There would be no need to limit the uses as those sections do. There is nothing magical about Planning Commission approval as far as the RTA regulations are concerned. If the County Council intended to grandfather lots from the RTA regulations irrespective of how they have been used, it could have simply done so without the language in Subsection h or Subsections 2 and 3, for lots that existed as of the date the RTA regulations were enacted, which is typically how grandfathering provisions operate.

In sum, Mr. Kellman's reading of Subsection h is far too expansive and contrary to its plain language. Subsection h does not grandfather or exempt a lot from the RTA regulations simply because that lot was approved by the Planning Commission and irrespective of how the property has been used. To the contrary, the plain language of Subsection h, as well as Subsections 2 and 3, make clear that a lot is exempted from the RTA regulations only to the extent to which, and in the nature of which, it has been used, occupied or improved. The subject property is not grandfathered under Subsection h.

### B. Mr. Kellman's Theory That Petitioners Is Grandfathered Under Section 103.1 Is Half-Baked[5]

Section 103.1 sets forth the Zoning Regulations' more generally applicable grandfathering clause. It states:

> 103.1. Applicability; when effective.
> These regulations shall apply as of the date of their adoption but the provisions pertaining to use height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.

[5] In their Petition for Zoning Hearing, Petitioners do not ask for a ruling based on section 103.1

According to Mr. Kellman, the use of the subject property for a synagogue is grandfathered under section 103.1 because the Green Spring Manor subdivision was tentatively approved by Planning Commission on March 7, 1995, prior to the adoption of the Zoning Regulations on March 30, 1995. (T2, pp. 175-182).

Mr. Kellman's argument ignores the footnote to section 103.1, which references Bill 24-2006. Bill 24-2006 was enacted by the Council "for the purpose of requiring previously approved developments to comply with the current law." (*See* Bill attached at **Tab 1**). The Bill added provisions to the Code clarifying that any material amendment to an approved development plan is to be reviewed "in accordance with *current law and regulations*, including the development regulations and the zoning regulations." (Tab 1, at 32-4-262(2); *see also id.* at Section 3). In fact, Section 4 of the Bill explicitly references section 103 and makes clear that any vesting afforded by that section is superseded and abrogated:

> SECTION 4. AND BE IT FURTHER ENACTED, that this Act is adopted independently of Section 103 of the Baltimore County Zoning Regulations so that it supersedes and abrogates the rights to vesting of a development that would otherwise accrue from the zoning or development regulations or other County laws.

(*Id.*, Section 4).

On this point, Protestants called Jeff Perlow of the Zoning Review Office to confirm the obvious - that a change in use of the subject property from a residence to a synagogue would constitute a material amendment to the Green Spring Manor subdivision plan and, therefore, a synagogue use would not be grandfathered. Section 103.1 is simply not applicable here. It would turn this grandfathering provision on its head if any and all new or future changes in the use of the property would automatically be grandfathered. This would not advance the expectancy interests that grandfathering provisions are intended to protect in property owners. A property owner who

purchases property in a subdivision knowing that the subdivision consists of exclusively residential uses cannot argue that he or she purchased the property in reliance on, or with the expectation that, the property could be used for some other use. The Zoning Regulations may or may not permit that other use, but the use is not grandfathered.

In sum, the use of the subject property for a synagogue is not grandfathered under section 103.1. This, like Petitioners' argument under Subsection h, is not even a close call.

### C. Petitioners Has Not Met Its Burden Of Demonstrating Entitlement To An Exception To The RTA Requirements For A New Building for Religious Worship Under 1B01.1.B.1.g(6)

A residential transition area (RTA) is a 100-foot area extending from a DR zoned tract boundary into the site to be developed. § 1B01.1.B.1.a. An RTA is generated if the property to be developed is zoned DR and lies adjacent to land zoned DR 1, DR 2, DR 3.5, DR 5.5, or RC which contains a single-family detached, semi-detached or duplex dwelling within 150 feet. § 1B01.1.B.1.b.

Here, there is no dispute that an RTA is generated on the edges of the site because there are single family detached houses within 150 feet on all sides of the site. Because an RTA is generated at these locations, the Petitioners must comply with the requirements of § 1B01.1.B.1(e) (entitled "conditions in residential transition areas"). Among these requirements are (1) the maintenance of 50-foot buffer, measured from each side of site, which must be landscaped and which cannot be graded or cleared or contain drainage areas, stormwater management ponds, parking lots, or other structures; (2) the maintenance of a 75-foot setback which cannot contain parking lots or other structures; and (3) lighting fixtures cannot exceed 16 feet, must be designed and placed so as to prevent the spillage of light into an adjoining dwelling or lots, and cannot exceed .2 candle at the tract boundary. § 1B01.1.B.1.e(3), (4) and (5).

Subsection g of § 1B01.1.B.1 sets forth certain "exceptions" from these RTA conditions, including an exception for "[a] new church or other building for religious worship." § 1B01.1.B.1.g(6). This exception in g(6) requires a Petitioners to prove, at a hearing, that (1) the proposed building is "planned in such a way that compliance to the extent possible with RTA use requirements will be maintained," and (2) the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises." *Id.*

**1. The proposed improvements are not planned in such a way as to comply to the extent possible with the RTA requirements**

As noted, it was Petitioners' burden to demonstrate at the hearing that its plan complies to the extent possible with the RTA requirements. At first blush, it may seem that very little was required of Petitioners in this regard because the Congregation is simply using the existing residence and intends only a small addition to it. This assumes, incorrectly, that Petitioners is entitled to use the structure as a synagogue simply because it is already there. However, Petitioners' burden to prove compliance to the extent possible is no different than if this was a vacant lot and it was constructing this structure from scratch.

Petitioners offered very little, if any, evidence to meet its burden on this point. The only witness offered was Mr. Warfield. When he was asked whether the plan complies to the extent possible, he relied entirely upon the fact that the building was already there and there was nothing that could be done to make it comply more. (T., p. 31) ("I can't think of anything else that we could do to comply and still have the site and the building and [] it be usable for the synagogue"). That is not the question under g(6) and cannot be enough to meet the standard. Moreover, Mr. Warfield candidly admitted that he knows nothing about Petitioners' use of the property or the services or the other programs it hosts. He has never talked to any of the Congregation's representatives about such matters or about how the improvements have been planned. (*Id.*, pp.

89-90, 93). In his words, "[t]hey go to services and then they go home. I don't know really much more than that." (*Id.*, p. 88). With respect to the proposed addition in particular, Mr. Warfield admitted that, given his limited knowledge about the Congregation's use of the property, he could not opine about whether the addition complied to the extent possible with the RTA requirements. (*Id.*, p. 102). Petitioners failed to meet is burden of demonstrating that the improvements at the property comply to the extent possible with the RTA requirements.

**2. The proposed use cannot be expected to be compatible with the character and general welfare of the surrounding residential premises**

Petitioners' evidence on the second part of the standard in g(6) – compatibility with the character and general welfare of the surrounding residential premises – was equally stark. Petitioners' only witness was Mr. Kellman.

Mr. Kellman opined that "compatible" under this provision means "not exact, but similar." (T2, p. 153). He defined "surrounding residential premises" as the properties "adjacent" to the subject property and also the properties adjacent to those adjacent properties. (T2, pp. 150-51). Under this definition, the surrounding residential premises extends to seven (7) properties, including the house next door used by the rabbi. (Pet's Ex. 10). Mr. Kellman concluded that the proposed synagogue use is compatible with the "character" of these seven (7) adjacent properties because the structure has the same massing, architectural style, brick front, and setbacks. (T2, pp. 153, 162).[6] He further concluded that the synagogue is compatible with the "general welfare" of

[6] Mr. Kellman's theory of "surrounding residential premises" is entirely different than the theory he expressed in the recent *Derech Chaim* matter before this Board. There, he defined the surrounding residential premises as all of the surrounding areas from which people could walk to the subject property. This captured dozens, if not hundreds, of properties in other neighborhoods because, as Mr. Kellman explained, those persons shared the same interests. Indeed, in the *Derech Chaim* matter, Mr. Kellman specifically rejected the notion that "surrounding" means "touching" or "adjacent" because those are words used elsewhere in the Zoning Regulations.

the surrounding residential premises because the surrounding area is an Orthodox community and this synagogue contributes to that community. He explained:

> In my opinion, if this synagogue, or other synagogues, are contributing to this Orthodox community, and the surrounding residential premises are part of that community, I believe that the synagogue is compatible.

(T2, p. 167).

Mr. Kellman's opinions are way off the mark. First, his interpretation of "surrounding" as extending only to four adjacent properties and three more that are adjacent to those adjacent properties is far too narrow in the light of the purpose of the RTA regulations, which is to protect against impacts resulting from dissimilar building types and uses. This extends to residential properties beyond the seven adjacent properties identified by Mr. Kellman. *See* § 1B01.1.B.1.a (definitions and purpose of RTA). Indeed, Mr. Kellman's radius does not even capture all of the properties within 150 feet of the subject property, which is the threshold distance that generates the RTA within the property.

Second, Mr. Kellman limits his consideration of "character" to massing, architectural style, brick front, and setbacks, allowing him to easily conclude they are all compatible.[7] "Character" does not include simply the physical attributes of the structures but also the way in which they are *used*. To be compatible with the character of the surrounding residential premises, the use of the subject property must be compatible with the uses of those premises. Mr. Kellman did not take any of this into consideration.

Third, and most troubling is Mr. Kellman's rather obtuse belief that this synagogue is compatible with the "general welfare" of the surrounding residential premises because it is contributing to and part of the Orthodox community. This theory completely ignores the actual

[7] In fact even these aspects of character were altered following his testimony, when the shul constructed an enormous ramp that was not shown on the plan.

welfare and actual interests of the persons who actually live nearby (whether they are Orthodox or not),[8] and focuses instead on some vague notion of whether a greater good would be served. There are some Orthodox Jews in this community, of course, but there is no evidence supporting how many or what percentage of the residents are Orthodox. And even if *all* of the residents are Orthodox, that does not mean that this synagogue is compatible with their welfare.

Because Mr. Kellman failed to consider whether the synagogue is compatible with the general welfare of the surrounding residential premises, there was no evidence at the hearing – none – on this critical point. No one testified, neither Mr. Kellman nor anyone else, that this synagogue is compatible or that it will not be detrimental to the welfare of the surrounding residential premises. Indeed, even if we consider only the seven residences in Mr. Kellman's narrow delineation of "surrounding residential premises," not one of those residents testified in favor of the proposal. Two of those residents, Dr. Segal and Dr. Kahn, are protestants and testified to the impacts they believe have resulted and continue to result from the operation of the synagogue.

### D. Petitioners' Request For A Variance Does Not Come Close To Meeting The Standards In Section 307.1

Petitioners seeks variances from the front and side yard setbacks applicable to non-residential structures, specifically 30 feet in lieu of the required 50 feet front yard setback and 10 feet and 20 feet in lieu of the required 20 feet side yard setback. (*See* Am. Pet. for Zoning Hearing).

The Board is authorized to grant variances from the County's bulk regulations, but only where (1) special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and (2) strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. § 307.1.

[8] Most of the Protestants, in fact, are Orthodox.

The authority to grant a variance "should be exercised sparingly and only under exceptional circumstances." *Cromwell v. Ward*, 102 Md. App. 691, 700 (1995) (citations omitted). The burden on the applicant is "indeed heavy" and "springs from a recognition that variances permit uses that are prohibited and presumed to be in conflict with the ordinance." *Evans v. Shore Communications, Inc.*, 112 Md. App. 284, 308 (1996). The applicant must meet his burden "by satisfying fully the dictates of [each and every element] of the statute authorizing the variance." *North v. St. Mary's County*, 99 Md. App. 502, 510 (1994). It is not enough for an applicant to demonstrate that his or her proposal, if allowed, would be suitable or desirable, would do no harm, or would be convenient for the applicant. *Id.*; *Belvoir Farms Homeowners Ass'n v. North*, 355 Md. 259, 276 (1999) (citations omitted).

The evidence introduced by Petitioners in support of its variance requests consisted of the testimony of Mr. Warfield and Mr. Kellman. On the "uniqueness" standard, Mr. Warfield testified that the subject property is unique because "it's a unique use in this existing structure" and the "structure is unique to this site because the site is [] centrally located to the congregants who walk to and from [] the synagogue." (T, p. 71). The conversion of the structure from a residence to a synagogue "creates a special circumstance, or unique condition...." (*Id.*, p. 72). Mr. Kellman testified that the property is unique because the setbacks exist and they cannot be met unless the building is torn down. (T2, p. 198). He added that the property is also unique because it's across the street from an elementary school and from Lisburne Road. (T2, p. 199).

In terms of practical difficulty, Mr. Warfield opined that the only way to be in compliance with commercial setbacks is to demolish the building and build something smaller. "They didn't create this problem, it already exists, the existing structure is there." (T, p. 73). The practical

difficulty, according to Mr. Kellman, is that "if the variances were not granted you would not be able to grant the use." (T2, p. 200).

This testimony does not come close to meeting the standards in section 307.1. A property is not "unique" simply because the owner's proposed use of it is *new* to the property, as Mr Warfield opined, nor is a property unique because the law imposes setback requirements on the property. If these things were sufficient to make a property "unique," then every setback variance requests would be granted because all such requests, by definition, involve a new improvement or use and a setback requirement. The uniqueness required for a variance is one that involves the land itself, for example, its shape, topography, grade or accessibility. Here, as Mr. Warfield conceded on cross, the subject property is rectangular in shape and similar in shape, size and topography to many lots in Green Spring Manor. (T, p. 109-10). *See Cromwell*, 102 Md. App. at 698-99 ("the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of *that* piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist").

Likewise, with respect to the practical difficulty standard, both Mr. Warfield and Mr. Kellman testified that if a variance from the setbacks is not granted, then Petitioners cannot use the property for a synagogue. This argument, essentially, is that the setback provisions themselves are imposing the practical difficulty. That is always the case – every setback requirement imposes a difficulty. Again, if that were sufficient, all variances would be granted. To the extent any difficulty is imposed on Petitioners, it is self-imposed because Petitioners is seeking relief where should be afforded.

### E. Petitioners' Continued Illegal Use of the Property and Failure to Comply with County Law Should be Considered

Protestants submit that consideration should be given to Petitioners' long history of disregard for County law. Petitioners began using the subject property for a synagogue in September 2020, more than two and one-half years ago, without obtaining approval from the County. (T2, pp. 10, 18). On October 23, 2020, the County issued a Correction Notice instructing Petitioners that use of the property for religious worship must cease and provided a compliance date of November 27, 2020. (Prots' Ex. 15). Petitioners did not comply with the Correction Notice and continued to hold services through the spring of 2021. (T2., p. 20). On April 27, 2021, the County issued a Citation for continuing to use the property for religious gatherings and services. (Prots' Ex. 16). Despite the Correction Notice and Citation, the Congregation continued to hold services throughout the spring, summer, and fall of 2021. (T2., p. 21).[9]

On October 5, 2021, the ALJ issued his Opinion in this matter, which imposed certain conditions on the Congregation's use of the property. Among these conditions was that the Congregation "shall immediately apply for and obtain a change in occupancy permit before any further use of the premises." (ALJ Op., p. 6). Contrary to the ALJ's Order, the Congregation did not obtain a change in occupancy permit before continuing to use the property for a synagogue and, in fact, continued this use for the subsequent months leading up to the hearing in this case. (T2, pp. 22-24). The Congregation obtained a temporary use permit, but that permit only permitted use on the weekends of October 8 and 9, and October 15 and 16, 2021. (Prots' Ex. 6).[10]

Another condition imposed by the ALJ was to "limit off-street parking." The evidence introduced by Protestants demonstrated that Congregation members frequently park on Lisburne Road and on the other roads in the neighborhood, and do not park in the parking lot at Wellwood

[9] There is no evidence that the Code Enforcement case against the Congregation was ever dismissed.

[10] Mr. Attar testified that despite the temporary nature of these use permits, he nevertheless believed that the Congregation had permanent permission to use the property for a synagogue. (T2, p. 131).

Elementary as Mr. Attar represented they would. (*See* Prots' Exs. 19-22). Indeed, traffic cones are used to reserve parking on Northbrook Road. (Prots' Ex. 20). When asked about this, Mr. Attar stated that if anyone parked on the street it was "a mistake" and that the Congregation "at times" checks before a service to see if anyone is parked on the street and, if so, they "try to have them moved." (T2, p. 29). Another condition imposed by the ALJ was no exterior additions or modifications are permitted except as approved by the Department of Planning, the County Fire Marshal, and the County Landscape Architect. The Congregation applied for and obtained a building permit for a "commercial addition" to construct a new ramp and entrance to the front of the house. (Prots' Ex. 29). A ramp may seem innocuous, if not necessary, but this ramp is institutional-looking and sticks out like a sore thumb in this residential neighborhood. (Prots' Ex. 23).

In addition to this disregard for the law, Protestants believe that Petitioners' representations regarding the scope of activities at their synagogue should be considered. Representatives of the Congregation told Protestants and others in the neighborhood that theirs was a small shul with about 20 members, consisted of only 12-15 men attending daily prayers, and would not be growing. (T2, p. 44). This representation lies in stark contrast to representations Petitioners made to their membership and potential donors. In September and October 2019, during a fund raising campaign, the Congregation told people that the shul was bursting at the seams, that membership had grown to hundreds and hundreds of people and that the shul needed a much bigger place. (Prots' Ex. 10). In a video, the rabbi and members of Congregation stated, "[t]here's no place in our community large enough to be able to host us"; "We're all about growth and with growing and growing and growing we're going to need a much bigger place." (Prots' Ex. 14B, p. 5). In a facebook post, the Congregation showed the community a rendering of a large synagogue. (Prots'

Ex. 9). When asked whether this rendering, which was prepared by an architect at the Congregation's request, was what they proposed constructing at the subject property, Mr. Attar alarmingly answered "I'm not sure.... I don't know what may come or may not come.... I'm not able to speak to that." (T2, pp. 53, 56; Prots' Ex. 30).

It is a fair assumption that Petitioners will use, or rather continue to use, the subject property in the manner described to their membership rather than as represented to Protestants. In considering the evidence and the applicable standards, Protestants submit that those descriptions should control in the Board's analysis.

## CONCLUSION

For the reasons stated, Protestants respectfully request that the Board deny the requested relief.

Respectfully submitted,

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Towson, MD 21204
(410) 825-2150

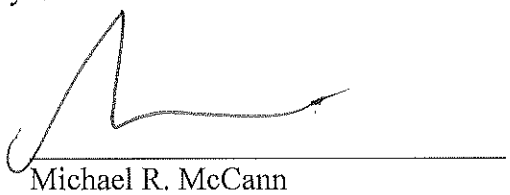
*Attorneys for Protestants*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 2022 copy of the foregoing Post-Hearing Memorandum was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire

The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204



Michael R. McCann

# Tab 1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 3

Bill No. 24-06

Councilmembers Kamenetz, Bartenfelder, Moxley , McIntire & Olszewski

By the County Council, February 6, 2006

A BILL
ENTITLED

AN ACT concerning

Development

FOR the purpose of requiring previously approved developments to comply with the current law and the current development procedural review process; defining terms; defining the manner of the vesting of a project; clarifying the methodology employed by the Office of Planning in compiling its annual recommendation regarding overcrowded school districts; providing for the extension and expiration of development plan approvals; providing for the application of the Act; providing for the effective date of the Act; and generally relating to the scope of the County's development regulations and the vesting of development plans and plats.

BY repealing and re-enacting, with amendments

Sections 32-4-104, 32-4-261(a) and (b), 32-4-262, 32-4-273(d) and 32-6-103(d)
Article 32 - Planning, Zoning and Subdivision Control
Baltimore County Code 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Section 32-4-101(bbb)
Article 32 - Planning, Zoning and Subdivision Control
Baltimore County Code 2003

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 32-4-104, 32-4-261(a) and (b), 32-4-262, 32-4-273(d) and 32-6-103(d) of Article 32, Planning, Zoning and Subdivision Control, of the Baltimore County Code 2003, be and they are hereby repealed and re-enacted, with amendments, to read as follows:

§32-4-104. Scope of Title.

(a) Applicability of title. [Except as provided in subsection (b) of this section, this title shall apply to all development.

(b) Exceptions.

(1) This title does not apply to a development that before the effective date of this article, June 11, 1982:

(i) Received tentative approval of the preliminary plan by the Planning Board;

(ii) Has a valid unexpired building permit;

(iii) Has a current executed public works agreement;

(iv) Received a CRG approval, reclamation plan approval, or was otherwise vested by law; or

(v) Where a CRG plan was accepted for filing by the Department of Public Works before the date of adoption of Bill 1-92.

(2) An exempt development under paragraph (1) of this subsection shall be

governed by the subdivision regulation in effect at the time:

(i) Of the preliminary plan approval in the case of a development that received tentative approval by the Planning Board;

(ii) The development received a CRG approval, reclamation plan approval, or was otherwise vested by law;

(iii) The valid unexpired building permit was issued;

(iv) The current public works agreement was executed; and

(v) Of the acceptance for filing in the case of a CRG plan that was accepted for filing by the Department of Public Works before the date of adoption of Bill 1-92.]

THIS TITLE SHALL APPLY TO THE PROCESS OF REVIEW FOR APPROVAL OF ALL DEVELOPMENT.

[(c)] (B) Present zoning classification. Proposed development shall be in compliance with the present zoning classification on the property to be developed.

§32-4-261. Expiration of Development Plan Approval.

(a) In general. Unless extended under SUBSECTION (B) OR UNDER §32-4-274(a) of this subtitle, Development Plan approval shall expire [5] 4 years after the date [of] A FINAL, NON-APPEALABLE approval was granted.

(b) Request for extension.

(1) An applicant may make a written request to the Hearing Officer for [an] A ONE YEAR extension of the [5] 4 year Development Plan approval period provided under subsection (a) of this section UPON A SHOWING THAT A COUNTY AGENCY FAILED TO PROPERLY PROCESS AN ESSENTIAL REQUEST NECESSARY TO ACHIEVE VESTING IN A TIMELY FASHION, CAUSING A DELAY BEYOND THE INITIAL FOUR YEARS AFTER THE FINAL, NON-APPEALABLE APPROVAL WAS GRANTED.

(2) THE REQUEST FOR EXTENSION SHALL BE FILED PRIOR TO THE EXPIRATION OF FOUR YEARS FROM THE DATE OF APPROVAL OF THE DEVELOPMENT PLAN.

[(2)] (3) The Hearing Officer SHALL ACT WITHIN 60 DAYS OF THE FILING OF THE REQUEST AND may grant, in writing, the request for an extension [upon certification by the applicant that the Development Plan meets the development regulations in effect at the time of the requested extension].

[3] (4) The Hearing Officer may not act upon the request for an extension until comments from the applicable agencies are received.

(5) ANY APPEAL OF THE EXTENSION GRANTED UNDER SUBSECTION (B) SHALL BE ON THE RECORD. THE STANDARD OF REVIEW SHALL BE BASED UPON AN ABUSE OF DISCRETION.

§32-4-262. Amendments to Development Plans.

(1) Any material amendment to an approved NON-RESIDENTIAL Development Plan shall be reviewed and approved in the same manner as the original plan.

[(2) Any other material amendment shall be in accordance with the comprehensive manual of administrative policy.]

(2) ANY MATERIAL AMENDMENT TO AN APPROVED RESIDENTIAL DEVELOPMENT PLAN OR PLAT SHALL BE REVIEWED IN ACCORDANCE WITH THIS TITLE, AND WITH RESPECT TO THAT PORTION OF THE ORIGINAL PLAN OR PLAT TO WHICH THE AMENDMENT PERTAINS, THE AMENDMENT SHALL BE REVIEWED FOR COMPLIANCE WITH ALL CURRENT LAW AND REGULATIONS, INCLUDING THE DEVELOPMENT REGULATIONS AND THE ZONING REGULATIONS.

§32-4-273. Time Limit for [Validity of Plats and Plans.] VESTING.

(d) Development. A subdivision or section or parcel of the subdivision is considered [developed and] vested if [any of the following has occurred with respect to the subdivision, section, or parcel:

(1) Building permits have been issued; or

(2) Substantial construction on required public improvements or private improvements has occurred on the subdivision, section, or parcel in accordance with the applicable regulations and requirements of the Department of Public Works.]

~~BUILDING PERMITS HAVE~~ A BUILDING PERMIT HAS BEEN ISSUED FOR ANY LOT IN ACCORDANCE WITH AN APPROVED PLAN OR PLAT, AND INSPECTION BY THE COUNTY CONFIRMS THAT SUBSTANTIAL CONSTRUCTION HAS OCCURRED ~~ON~~ WITHIN THE SUBDIVISION , INCLUDING ANY LOT, TRACT, SECTION, OR PARCEL THEREOF, WITHIN FOUR YEARS AFTER THE DATE OF THE FINAL, NONAPPEALABLE APPROVAL OF THE PLAN OR PLAT OR ANY EXTENSION THEREOF AUTHORIZED UNDER SECTION 32-4-261(A).

Title 6. Adequate Public Facilities

§32-6-103. Overcrowded School Districts.

(d) Recommendation. [The Office of Planning shall make the recommendation of whether a district is an overcrowded school district and whether the proposed Development Plan, in conjunction with any other proposed or approved development plan, would result in the school district becoming an overcrowded school district at the time of the filing date.]

(1) THE OFFICE OF PLANNING SHALL MAKE THE RECOMMENDATION OF WHETHER A DISTRICT IS AN OVERCROWDED SCHOOL DISTRICT AND

WHETHER THE PROPOSED DEVELOPMENT PLAN WOULD RESULT IN THE SCHOOL DISTRICT BECOMING AN OVERCROWDED SCHOOL DISTRICT AT THE TIME OF THE FILING DATE.

(2) IN MAKING ITS RECOMMENDATION ON THE PROPOSED DEVELOPMENT PLAN, THE OFFICE OF PLANNING SHALL CONSIDER THE CUMULATIVE EFFECT OF:

(I) THE SCHOOL IMPACT ANALYSIS FILED UNDER SUBSECTION (G) WITH RESPECT TO THE PROPOSED PLAN;

(II) THE IMPACT OF ANY DEVELOPMENT PLAN, OR PORTION OF A DEVELOPMENT PLAN, APPROVED WITHIN FOUR YEARS PRIOR TO THE FILING DATE; AND

(III) THE IMPACT OF ANY DEVELOPMENT PLAN APPROVED PRIOR TO THE FILING DATE, IF AN EXTENSION WAS GRANTED.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 32-4-101(bbb) be and it is hereby added to Article 32, Planning, Zoning, and Subdivision Control of the Baltimore County Code 2003, to read as follows:

§32-4-101. Definitions.

(BBB) SUBSTANTIAL CONSTRUCTION MEANS ACTUAL CONSTRUCTION ACTIVITY OCCURRING ON THE GROUND OR BUILDING SITE FOR WHICH A ~~PERMIT IS SOUGHT~~ DEVELOPMENT PLAN OR PLAT HAS BEEN APPROVED THAT IS DIRECTLY RELATED TO THE ~~FACILITY OR STRUCTURE FOR WHICH THE PERMIT IS SOUGHT~~ APPROVED PLAN OR PLAT AND IS SUFFICIENTLY SUBSTANTIVE AND VISIBLE AND IS BEING PURSUED TO COMPLETION WITH REASONABLE DILIGENCE SO AS TO PUT THE PUBLIC ON NOTICE THAT THE GROUND OR SITE IS BEING DEVOTED TO THE CONSTRUCTION OF A FACILITY OR STRUCTURE.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall apply to any development, subdivision, parcel of land, or plat which received any form of approval from Baltimore County prior to the effective date of this Act as follows: ~~, including approval from the Planning Commission or Baltimore County Planning Board or CRG or DRC, prior to the effective date of this Act.~~

(A) A development plan or plat that vested in accordance with the law in effect prior to the effective date of this Act is subject to the zoning regulations and development regulations in effect at the time the plan or plat was approved, if those regulations were not otherwise subsequently abrogated or superseded by other law; however, with respect to a material amendment to the plan or plat, the provisions of Section 32-4-262 shall apply.

(B) An unexpired development plan or plat that was approved prior to the effective date of this Act, but not yet vested, shall have four years from the effective date of this Act to achieve substantial construction, as defined in this Act. The plan or plat shall be in compliance with the zoning regulations and development regulations in effect at the time of the original approval, or any extension properly granted under Section 32-4-261(b), if those regulations were not otherwise subsequently abrogated or superseded by other law. Upon the failure to achieve substantial construction or to obtain an extension within the four-year period, the plan or plat shall be deemed to be expired.

SECTION 4. AND BE IT FURTHER ENACTED, that this Act is adopted independently of Section 103 of the Baltimore County Zoning Regulations so that it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning or development regulations or other County laws.

~~SECTION 5. AND BE IT FURTHER ENACTED, that a development plan that was approved prior to the effective date of this Act, but not yet vested, shall have three years from the effective date of this Act to achieve substantial construction as defined herein. The plan shall be in compliance with the zoning classification in effect on the property at the time of the original approval, or any extension properly granted, as the case may be. Upon the failure to achieve substantial construction or obtain an extension within the three-year period, the plan shall be deemed to be expired.~~

SECTION 5. AND BE IT FURTHER ENACTED, that this Act does not apply to any development plan for which a Hearing Officer's hearing was commenced prior to March 17, 2006 or to any request accepted for filing prior to March 17, 2006 for a material amendment to a previously approved plan.

SECTION 6. AND BE IT FURTHER ENACTED, that this Act, having been approved by the affirmative vote of five members of the County Council, shall take effect on March 17, 2006.

b02406.wpd

## Tammy Zahner

**From:** Appeals Board <appealsboard@baltimorecountymd.gov>
**Sent:** Monday, May 9, 2022 2:49 PM
**To:** Dino La Fiandra
**Subject:** RE: 3009 Northbrook Road - Case 20-299-SPHA

Hi Dino,

The Board is in receipt of your Memorandum.
Thank you.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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**Sent:** Monday, May 9, 2022 2:45 PM
**To:** Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** 3009 Northbrook Road - Case 20-299-SPHA

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached please find Petitioners' Memorandum in Lieu of Closing Argument. Kindly confirm receipt.

Thank you.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

| | | |
|---|---|---|
| **In Re: PETITIONS FOR SPECIAL HEARING AND VARIANCES** | ) | **BEFORE THE** |
| | ) | |
| | ) | **COUNTY BOARD OF APPEALS** |
| | ) | |
| 3009 Northbrook Road | ) | **FOR** |
| | ) | |
| Ahavat Shalom Congregation, et al., *Petitioners* | ) | **BALTIMORE COUNTY** |
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| | ) | **Case No. 2020-299-SPHA** |
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**PETITIONERS' MEMORANDUM IN LIEU OF CLOSING ARGUMENT**

Petitioners, Saman Radparvar and Ahavat Shalom Congregation, Inc. ("Ahavat Shalom"), submit this Memorandum in Lieu of Closing Argument, and state:

INTRODUCTION

Ahavat Shalom seeks zoning approval to convert the single family detached dwelling at 3009 Northbrook Road from residential use to an 80-seat synagogue. Ahavat Shalom is an Orthodox Jewish congregation in the Pikesville area of Baltimore County. Petitioner Saman Radparvar is a member of Ahavat Shalom and on its Board of Directors. Dr. Radparvar owns the subject property at 3009 Northbrook Road. Ahavat Shalom is the contract purchaser.

This case is a *de novo* appeal of the Administrative Law Judge's approval below. The remaining Appellants who have not dismissed their appeal are Debra and Simcha Varon, Sarah and Andrew Segal, and Zalman Kahn. The Appellees are the Petitioners, Ahavat Shalom and Saman Radparvar.

Petitioners presented three witnesses in their case. Steve Warfield, P.E. was accepted as an expert in civil engineering and the Baltimore County Zoning and development regulations. Mr. Warfield testified about the existing conditions as shown on the Redlined Zoning Plan to Accompany Petition for Zoning Hearing (Petitioners' Exhibit 3) and the Conceptual Landscape Plan (Petitioners' Exhibit 5), among other matters. Ahavat Shalom's president, Yaakov Attar, testified about the congregation, its members, the suitability of the subject property for the

congregation's use, the congregation's use and occupancy of the subject property to date, and other matters. Mitch Kellman was accepted as an expert in the Baltimore County Zoning and development regulations and testified in support of the Petition in the context of the zoning regulations. Mr. Kellman testified about several zoning matters involved in the case, among other matters. These witnesses' testimony and evidence will be discussed as needed throughout this memorandum. It bears noting that while several of the Appellants testified in opposition to the requested zoning relief, the Appellants presented no expert witnesses.

Ahavat Shalom Congregation

Ahavat Shalom Congregation is an Orthodox Jewish congregation established in 2013. Ahavat Shalom has a total of approximately 85 member families, approximately 60 of which are in Pikesville area and regularly attend services. The remaining families are outside of the Baltimore area, and they are mostly formerly active members who lived in Baltimore and used to attend services but have moved away.

There are two main sects of Judaism, Ashkenazi and Sephardic. While all the sects fundamentally have the same religious beliefs, they observe different traditions and customs in their religious observance based on their countries of origin. Particularly as it relates to Orthodox Judaism, congregations tend to be either Ashkenazi or Sephardic as individuals with similar religious traditions and customs tend to congregate to form organized congregations to worship and perpetuate their traditions and customs. Ahavat Shalom is a Sephardic congregation, mainly of Iranian Jews.

According to Mr. Attar, the Baltimore area has approximately 40 Ashkenazi congregations and only 4 Sephardic congregations, one of which is Ahavat Shalom. Ahavat Shalom is the only Sephardic congregation in Baltimore County. This is significant because it indicates that growth in Judaism in Baltimore tends to occur within the Ashkenazi sect. Sephardic congregations by comparison are a small minority in the Baltimore Jewish community.

In Orthodox Judaism, “Shabbat” begins on Friday at sundown and continues until Saturday at sundown. Shabbat services are the religious services which begin on Friday evening and continue through Saturday after sundown. Depending on the season, Ahavat Shalom holds either four or five religious services that occur during this time: Friday evening, Saturday morning, Saturday afternoon, and Saturday after sundown. During the summer months, there is an additional service on Saturday evening, before sundown. In addition to the religious services, there are other events that occur during at Ahavat Shalom Shabbat as well: kiddush (refreshments after Saturday morning service), an adult learning class on Saturday afternoon, a kids’ program on Saturday afternoon or early evening, and some light refreshments for congregants late in the day on Saturday.

During Shabbat, congregants come and go from wherever the services or events are being held. Notably, one of the tenets of Orthodox Judaism is that driving is not permitted on Shabbat. Consequently, Orthodox synagogues (also called shuls), must be located within walking distance of the congregants who attend them. Ahavat Shalom’s local membership is shown on Petitioners’ Exhibit 13. Each magenta marker represents the home address of a member family. Every magenta marker is located within 4 or 5 blocks in any direction from the subject property at 3009 Northbrook Road, which is represented by a green marker with a book in the center of the page.

According to Mr. Attar, Ahavat selected the subject property for its permanent location based on several factors, including, importantly, that it is centrally located among and within walking distance of its local members. Mr. Attar testified that physical layout of the structure was an important consideration as well. The structure is one story above grade, plus a basement. A space on the first floor could be created large enough to accommodate Ahavat Shalom’s congregants on Shabbat.

Between 2013 and 2020, Ahavat Shalom rented space in other facilities within walking distance to hold Shabbat services. During this time, they have rented space at other shuls in

which to hold Shabbat services, such as Kol Torah and Ohr Chaim, both of which are within walking distance for the congregation's membership. Most recently before it began holding Shabbat services at the subject property, Ahavat Shalom had a lease for space in which to hold services at the Myerberg Center.

Ahavat Shalom was renting space at the Myerberg Center for Shabbat services when it received notice that Myerberg would not renew Ahavat Shalom's lease after the end of 2020. Dr. Radparvar had acquired the subject property for the use of Ahavat Shalom in late 2017. Accordingly, Ahavat Shalom began using the subject property for services. Initially, in fall of 2020, Ahavat Shalom held only its "high holiday" services (Rosh Hashanah, Yom Kippur, Sukkot) at the subject property. These holidays concluded around mid-October 2020, and Ahavat Shalom did not then have other services at the subject property until January, 2021. Between mid-October, 2020 and January, 2021, Ahavat Shalom continued to have services at the Myerberg Center. However, when the Myerberg lease ended at the end of 2020, Ahavat Shalom began using the subject property for Shabbat services for the simple reason that it had no choice. Ahavat Shalom had no other place to hold services.

Mr. Attar, Ahavat Shalom's president who testified at the Board's hearing in the case, described Ahavat Shalom's current weekly schedule at subject property. On Sundays, Wednesdays, and Thursdays, there are classes for adults held at the property in the evenings which are attended by between 8 and 12 congregants on a regular basis, plus the Rabbi who teaches the classes. On Mondays and Tuesdays, the shul is open to congregants for independent study in the evening. On these evenings, approximately 6 congregants will be in the building. Independent study is not led by the Rabbi.

Shabbat services begin on Friday at sundown. Most congregants walk to the shul for this service, but there are some congregants (most weeks, 9 or 10) who drive before sundown, with the intention of leaving their car until Shabbat concludes on Saturday evening, when they drive home. Friday evening service typically lasts about an hour and is attended by 60 to 65

people, some of whom are not members of Ahavat Shalom, but live nearby and attend Friday evening services at Ahavat Shalom because it is convenient for them to do so. Following Friday evening service, everyone walks home; no one drives because Shabbat has then started.

Saturday morning services begin at 9:00 a.m. and are attended by approximately 65 congregants. Once again, everyone walks to shul for this service because there is no driving on Shabbat. Saturday morning service lasts about 2.5 hours and is followed by the kiddush refreshments.[1] Some additional congregants who did not attend Saturday morning service may arrive for kiddush, but once again these congregants walk to and from the subject property. Following kiddush, everyone leaves the shul, walking again because of Shabbat. Later in the day, congregants begin arriving back at the property for the Saturday afternoon service (50 to 55 congregants), the Shabbat adult learning program (15 to 20 congregants), the Saturday evening service (seasonal, about 15 congregants), the Saturday sunset service (60 to 65 congregants and non-members who live nearby), and the kids' program, which depending on the season, may be held either before or after the Saturday sundown service (15 to 20 children and their parents). As for the Friday service, it is very typical for non-members who live nearby to attend one or more service on Saturday as a matter of convenience, especially the Saturday sunset service. During Shabbat, it is not unusual for congregants and others to come and go from the shul by foot. After Shabbat ends on Saturday, congregants who drove and parked before Shabbat will drive home. If the kids' program is held after Shabbat ends on Saturday, it is not usual for congregants to drive to this program.

During the hearing before the Board, Mr. Attar was asked many questions on cross-examination about fundraising efforts and plans for a larger expansion of its facilities. It seems obvious that such fundraising efforts and plans for expansion are dynamic and not static, and change in scope as the congregation matures. While in 2019, it may have been that Ahavat

[1] There are no cooking facilities at the subject property. The refreshments for kiddush are brought in from an outside vendor.

Shalom contemplated building a new shul building to accommodate greater growth, this never came to fruition and certainly is not now currently proposed. Despite the plans and statements offered by the Protestants which suggest that a large new building with additional space for many more members is planned, Mr. Attar confirmed that the current proposal before this Board is merely to convert the existing dwelling to synagogue use, with a modest addition to accommodate a women's entrance.

Likewise, Mr. Attar was asked many questions on cross-examination about Ahavat Shalom's use of the subject property for services prior to final approval by the Board. Mr. Attar's testimony made clear that the congregation's use of the subject property always has been driven by necessity. Ahavat Shalom simply had no alternative but to use the subject property for services when it did. Mr. Attar's testimony clarifies that there were simply no other suitable venues for services and that the improvements to the Subject Property which were required in order to obtain the Change of Occupancy permit for use as a shul came at great expense and risk to Ahavat Shalom. However, the congregation made these costly improvements to obtain the Change of Occupancy permit because they had no other alternative but to use the subject property for worship. They did so knowing that if this zoning case ultimately does not yield the necessary approvals to convert the dwelling to a shul, they could be required to remove the improvements and restore the property to residential use.

It should be noted that all code enforcement matters against Ahavat Shalom based on its use the premises as a place of worship were dismissed by Baltimore County prior to any Code Enforcement hearing by the ALJ. The current use of the subject property as a shul was approved by the ALJ, and Ahavat Shalom has obtained to necessary Change of Occupancy permit which was required by the ALJ as a condition of his order. See, Petitioners' Exhibit 21.

The Proposed Plan

Petitioners' Exhibit 3 is the redlined zoning site plan which accompanied the Petition for Zoning Hearing. The site plan shows the existing use of the 2370 square foot structure as a

dwelling and notes that the proposed use is a synagogue. The property contains a net area of 0.22 acres (9,375 square feet) and a gross area of 0.27 acres (11,625 square feet). The property is split zoned DR 3.5 and D.R. 5.5[2]. There are two parking spaces on the property. The existing dwelling was built in or about 1993 and is setback 30 feet from the front (north) property line, 10 feet from the east property line, 15 feet from the west property line, and 30 feet from the rear (south) property line.

The property is identified as Lot 11 on the plat entitled, "Section 4, Green Spring Manor", which is recorded among the Plat Records of Baltimore County at PB 21, folio 77. Petitioners' zoning expert, Mitch Kellman, testified that this plat was approved by the Baltimore County Planning Commission on May 8, 1955, which is clear on the bottom of the plat, which was admitted as Petitioners' Exhibit 7. Mr. Kellman also testified that, based on Petitioners' Exhibit 11, Planning Commission / Planning Board Approved Subdivisions, "Section 4, Green Spring Manor" was tentatively approved by the Planning Commission on March 7, 1955.

Petitioners' Exhibit 3, the redlined zoning site plan, shows that the Petitioner proposes to build a small addition to the existing structure in the location of the deck in the rear yard. The proposed addition is shown on Petitioners' Exhibit 3 at the rear of the structure. The proposed addition is shown in heavy blackline and in redline, and will be the combination of both the blackline and redline areas. There is a photograph of the deck and the area in which the addition will be built in Petitioners' Exhibit 9 (top right photo). The addition will be no closer to the rear (south) or west property lines than the existing structure. Ahavat Shalom's president, Yaakov Attar, testified that the proposed addition will be used as a women's entrance for the synagogue. Mr. Attar testified that separate entrances for men and women respect the tenet of

[2] Petitioners' expert witness Steve Warfield, PE, testified that the zoning designations as shown on Petitioners' Exhibit 3 are transposed. The area identified on Petitioners' Exhibit 3 as DR 3.5 is actually zoned DR 5.5, and the area identified as DR 5.5 is actually zoned DR 3.5. The structure is within the DR 3.5 zone and only a narrow strip at the rear of the property is in the DR 5.5 zone. Mr. Warfield did not prepare Petitioners' Exhibit 3. The zoning designations as shown on Petitioners' Exhibit 5, which was prepared by Mr. Warfield, are accurate.

modesty in Orthodox Judaism and separate entrances are required in Orthodox Jewish synagogues.

Mr. Warfield also discussed Petitioners' Exhibit 5, Petitioners' Conceptual Landscape Plan. This Conceptual Landscape Plan shows that there is an existing fence enclosing the side and rear yards. In the space between the fence and the west property line, Petitioner is proposing to plant 10 leatherleaf viburnums. In the space between the fence and the rear (south) property line, the Petitioner proposes to plant 14 Burning Bushes.

As shown on Petitioner's Exhibit 3 and as testified by Mr. Attar, the synagogue will have 80 seats. Under the BCZR, §409.6, an 80-seat house of worship requires 20 parking spaces. Mr. Attar testified that, because there are only two parking spaces on the property, arrangements for additional parking have been made at the nearby Wellwood Elementary School. The school administration approved Ahavat Shalom's use of the hardcourt as a way of approving Ahavat Shalom's use of the school's parking lot, which contains 72 parking spaces. As explained by Mr. Attar, the school system does not have a way of approving the use of the parking lot or parking spaces. As an accommodation, the school suggested that if Ahavat Shalom were to request the use of the hardcourt, then it would have access to all the parking spaces on site during the times when the hardcourt use is approved. Initially, Ahavat Shalom sought approval for hardcourt use (and the associated parking) Friday evenings starting at 5 pm and ending on Saturday evenings at 10 pm. This request was initially made (and approved by BCPS) to accommodate Ahavat Shalom's Shabbat services which occur on Friday evenings and all-day Saturday. See, Exhibits 16 and 17, notifications from BCPS approving Ahavat Shalom's request for the hardcourt. Later, as Ahavat Shalom's started having adult learning classes and permitting independent study in the building during the week, Ahavat Shalom sought and was granted approval approval for use of the hardcourt on Sundays through Thursdays starting at 7 pm and ending at 10 pm. Accordingly, under this arrangement, Ahavat Shalom has access to the parking spaces at Wellwood Elementary every Sunday through

Thursday, from 7 p.m. to 10 p.m., and every Friday starting at 5 p.m., and ending on Saturday at 10 pm. Mr. Attar testified that this arrangement needs to be renewed annually and that BCPS has approved the continued use of hardcourt on these same days and times each week for another year beginning in July, 2022.

Petitioners' Exhibit 15 is an aerial photograph showing the proximity of the Wellwood Elementary School to the subject property. The school parking lot is approximately 725 feet from the subject property at its closest point, and there is a paved path that leads from the parking lot to the corner of Northbrook Road and Lisburne Road, directly across the street from the subject property. The paved path is also shown on the aerial photograph as well as on Petitioner's Exhibit 9, Photo Array, on the photograph on the bottom right.

ARGUMENT

The Petitioner presented evidence which creates two distinct paths by which the Board may approve the conversion of the dwelling to synagogue use. The first path of approval includes i) an exception from the Residential Transition Area ("RTA") regulations by virtue of BCZR, §1B01.1.B.1.g(6) (the new house of worship exception) or BCZR, §1B01.1.B.1.h (the existing development / plat exemption), ii) variances from the non-residential principal building setbacks of BCZR, §1B01.2.C.1.a and iii) approval a modified parking plan for the proposed synagogue under BCZR, §409.12.B. The Petitioners presented evidence in support of these items of relief, which is discussed below and demonstrates Petitioners' entitlement to the approvals on this basis.

Alternatively, the Petitioners also presented evidence from which the Board could find that the RTA regulations, the non-residential principal building setbacks, and the zoning regulations requiring 20 parking spaces for this proposed synagogue do not apply at all. This result would follow if the Board were to find that the case is governed by the 1945 Zoning Regulations instead of the 1955 Zoning Regulations because the subdivision was tentatively approved by the Planning Commission on March 7, 1955 under the 1945 Zoning Regulations,

before the adoption of the 1955 Zoning Regulations on March 30, 1955. The 1945 zoning regulations do not contain RTA regulations, non-residential principal building setbacks, or requirements for parking spaces for a house of worship (or any other use for that matter). Under this view, because the RTA regulations do not apply, there is no need for an exception from the RTA. Likewise, because there are no non-residential principal building setbacks under the 1945 Zoning Regulations, there is no need for a variance from non-residential principal building setbacks. Similarly, because there are no requirements for off-street parking for a house of worship under the 1945 Zoning Regulations, there is no need for a modified parking plan with off-site parking. This second path of approval is presented in the alternative to the first path of approval in this Argument section.

Following the discussion of the two paths by which the Board may approve the conversion of the dwelling to synagogue use, there are three additional items discussed. First, there is a discussion of BCZR, §1B01.1.B.2, "Uses in Existing Developments", upon which Protestants' Motion to Dismiss was based. Next, there is a discussion of the Protestants' opposition. Lastly, there is a discussion of RLUIPA and its implications in this case.

## I The First Path of Approval – RTA Exception, Variance from Non-residential Principal Building Setbacks, and Modified Parking Plan.

### A The RTA and the Exception Therefrom

Mr. Warfield discussed the RTA regulations and the generation of RTA in this case. Under BCZR, §1B01.1.B.1.a.1, the Residential Transition Area (RTA) "is a 100-foot area, including any public road or public right-of-way, extending *from* a D.R. zoned tract boundary *into* the site to be developed." [Emphasis and underscoring added]. An RTA is generated "if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which: (1) Contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary; or (2) Is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can

be erected." BCZR, §1B01.1.B.1.b. Mr. Warfield testified that under these parameters, an RTA is generated on the subject property because the subject property is zoned DR 3.5 and DR 5.5, and it is adjacent to properties zoned DR 3.5 and DR 5.5 which contain single family detached dwellings within 150 feet of the tract boundary. Mr. Warfield testified that because the subject property is only 75 feet wide, and because the RTA is a 100-foot area extending from the tract boundary into the site to be developed, the entire subject property is within the RTA. There is no part of the subject property that is not within the RTA.

In light of the fact that under these regulations, an RTA is generated on the subject property, Mr. Warfield discussed the RTA use requirements. Pursuant to BCZR, §1B01.1.B.1.d(1), a residential transition use is any use permitted by right under §1B01.1.A. Churches and other houses of worship are permitted by right under BCZR, §1B01.1.A. Furthermore, BCZR, §1B01.1.B.1.e contains the following relevant RTA use requirements:

(3) The 50-foot RTA buffer shall remain an upgraded[3], uncleared, landscaped buffer unless otherwise directed by the hearing officer, based upon recommendations of the county. It shall not contain cleared drainage areas, stormwater management ponds or accessory structures, but it may be bisected by roads, paths and trails that are designed to connect to adjoining developments.

(4) The maximum height of any lighting fixtures in an RTA buffer area shall be 16 feet, except for public utility uses which must be of reasonable height. The fixtures shall be designed and placed so as to prevent the spillage of light into any adjoining dwelling or lot. The intensity of the fixture shall not exceed 0.2 candle at the tract boundary.

Against the backdrop of these RTA use requirements, Mr. Warfield next discussed the exception to the RTA which is applicable to new houses of worship found at BCZR, §1B01.1.B.1.g(6), which provides,

> BCZR, §1B01.1.B.g
>
> Exceptions to residential transition. The restrictions contained in Paragraphs a through e above, of this Subsection B.1, do not apply to: (6) A new church or other building for religious worship, the site plan for which has been approved

[3] Mr. Warfield mentioned that the term "upgraded" in this section is generally regarded as a typo and that the intended word is "ungraded", which is consistent with the rest of the section.

> after a public hearing in accordance with Section 500.7. Any such hearing shall include a finding 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 said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Thus, the Board must grant the requested RTA exception if Ahavat Shalom shows i) that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained, and ii) that the plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. Mr. Warfield provided testimony showing compliance with the first part of this test. Mr. Kellman provided testimony showing compliance with the second part of this test.

With regard to the first part of the test, Mr. Warfield testified that the operative RTA use requirements are that there be a 50-foot RTA Buffer which remains an ungraded, uncleared, landscaped buffer not containing cleared drainage areas, stormwater management ponds or accessory structures. BCZR, §1B01.1.B.1.e(3). Likewise, the maximum height of any light fixtures within the buffer may not exceed 16 feet, fixtures shall be designed so as to prevent light spillage onto adjoining lots, and the intensity of the fixture may not exceed 0.2 candle at the tract boundary (property line). BCZR, §1B01.1.B.1.e(4).

In the context of the evidence presented in this case, Mr. Warfield testified that Petitioners' Exhibit 5, the Conceptual Landscape Plan, meets the requirements of the first part of the test for this RTA exception. Mr. Warfield testified that the Conceptual Landscape Plan proposes as much landscaping as is possible on the subject property in compliance with the RTA use requirements – along the west and rear property lines, in the area between the existing fence and the property lines. The lot is already graded and cleared, so it is not possible to "ungrade" or "unclear" it. Likewise, Mr. Warfield testified that it is not possible to provide additional landscaping inside the fenced area for several reasons, including that the area inside the fence is needed for the proposed addition and the exit paths that will be required from

multiple building exits under the building code. There are no cleared drainage areas, stormwater management areas or accessory structures existing or proposed on-site. With regard to lighting, Mr. Warfield confirmed that any lighting would be less than 16 feet in height with fixtures designed to prevent spillage onto adjoining properties, and fixture intensity would not exceed 0.2 candles at the tract boundary.

Mr. Warfield expressed his opinion that the proposed improvements are planned in such a way that RTA use requirements will be maintained *to the extent possible*. Mr. Warfield testified that additional compliance with RTA use requirements as set forth in BCZR, §1B01.1.B.1.e is not possible because the site is constrained by size – there is simply no additional area within the site where additional landscaping or setbacks can be provided. In a very real way, the proposed improvements are planned in such a way that compliance, *to the extent possible* with RTA use requirements, will be maintained. Conversely, Mr. Warfield testified that additional compliance with RTA use requirements is not possible. Accordingly, Mr. Warfield testified that the site plan meets the requirements of the first part of the test for the RTA exception for a new house of worship. Mr. Warfield's testimony in this regard was unrebutted.

Mr. Kellman discussed the second part of the test for RTA exception for new houses of worship, namely that the plan can be expected to be "compatible with the character and general welfare of the surrounding residential premises." In doing so, Mr. Kellman broke his analysis down into two parts: 1) whether the plan can be expected to be compatible with the character of the surrounding residential premises, and 2) whether the plan can be expected to compatible with the general welfare of the surrounding residential premises.

Mr. Kellman described his methodology in undertaking this analysis. Mr. Kellman visited the property on several occasions and also determined the "surrounding residential premises" in order to have a basis for his comparison. In this regard, the subject property and the surrounding residential premises are shown on Petitioners' Exhibit 10, page 2. Mr. Kellman testified that in determining the "surrounding residential premises", he considered those

residential premises that are immediately adjacent to the subject property, and in some instances, those residential premises that have only one intervening lot between them and the subject property. Mr. Kellman testified that in this case, the surrounding residential premises are identified as Lots 2 through 8 on Petitioners' Exhibit 10, page 2. The subject property is identified as Lot 1.

Focusing on whether the plan is compatible with the *character* of the surrounding residential premises, Mr. Kellman discussed that in order to determine whether the proposed plan is compatible with character the surrounding residential premises, he examined the physical characteristics of the surrounding residential premises in a side-by-side comparison with the physical characteristics of the proposed improvements, in this case the proposed synagogue. Mr. Kellman testified that in the context of this regulation, "compatible" means similar but not necessarily the same as.[4] Mr. Kellman went through the photo array of the surrounding residential premises which is included in Petitioners' Exhibit 10. He discussed each of the surrounding residential premises individually and mentioned that in general, they are characterized as having an exterior finish of brick, siding, or both, that they are single story, split level, or two-story structures, that they are all of comparable massing, scale and proportionality, that they all have comparable setbacks from the property line, and with one exception they have parking pads and no garage.

With regard to the subject property, Mr. Kellman noted that the exterior of the subject property will not change as a result of the proposal, with the exception of the proposed addition in the rear of the property and other minor changes to make the property accessible under the ADA. The proposed addition will be finished with siding like the existing siding on the rear façade and will generally not be visible from the street because it is located in the rear of the

[4] Mr. Kellman specifically rejected the view the "compatible" in the context of the RTA exception under BCZR § 1B01.1.B.1.g(6) calls for the same type of analysis as required by BCC, §32-4-401, "Compatibility". Mr. Kellman noted that the analysis under BCC, §32-4-401 is required only in specific types of reviews when this section is referred to by section number.

structure, and it will be within the fenced area. Mr. Kellman commented that the subject property and the proposed addition have similar physical characteristics as the surrounding residential premises: similar architectural style, similar building materials and exterior finish, similar height, massing, and proportionality, similar setbacks, and similarly has a parking pad and no garage. Against this backdrop, Mr. Kellman testified that in his opinion that the proposed improvements can be expected to be compatible with the *character* of the surrounding residential premises, based on this analysis and these similarities. Mr. Kellman's testimony in this regard was unrebutted.

Mr. Kellman also discussed the last part of the RTA exception for houses of worship: whether the proposed plan can be expected to be compatible with the *general welfare* of the surrounding residential properties. BCZR, §1B01.B.1.g(6). As a preliminary matter, Mr. Kellman noted that the "surrounding residential premises" for this final part of the analysis are the same residential properties he had previously identified for the first part of the analysis, which are shown on Petitioners' Exhibit 10.

Mr. Kellman testified that whether the proposed plan will be compatible with the general welfare of the surrounding residential premises is more of a use-based analysis than the comparison of physical characteristics. In this context, Mr. Kellman first noted that houses of worship are (and always have been) permitted by right in the DR zones, a fact which carries with it a presumption that houses of worship are compatible with surrounding residential premises in the DR zones in a broad sense. Mr. Kellman confirmed that houses of worship always have been permitted by right in the residential zones, dating back to the 1945 Zoning Regulations and continuing in the 1955 Zoning Regulations and to today. Mr. Kellman noted that there has never been a time that houses of worship were not permitted by right in the DR zones, or the analogous zones of the earlier zoning regulations. Accordingly, the compatibility of these uses has a long-standing basis in law.

Mr. Kellman next turned to the specific proposal in this case, the conversion of this single-family dwelling to an Orthodox synagogue, and made the following observations. Based on his personal knowledge and his work on similar issues for other cases involving Orthodox synagogues in the area, Mr. Kellman noted that the community surrounding the subject property predominately consists of Orthodox Jews. Because of the tenets of Orthodoxy, many of the effects of the proposed synagogue are identical to the effects of other synagogues in the area. Most notably, these effects include such things as congregants walking to services on Friday evenings and Saturdays, due to the prohibition of using an automobile on the Sabbath in Orthodox Judaism. People in this community commune with each other as they walk to and from their destinations and it is very typical to see people out and about in residential areas on Friday evenings and Saturday.

Ultimately, Mr. Kellman noted that each of the surrounding residential premises is part of the broader community of Orthodox Jews in this area. In his opinion, the use of the subject property as a synagogue is not only *compatible with* the general welfare of the surrounding residential premises, but it also *contributes* to this general welfare, and not only of the surrounding residential premises, but of the broader Orthodox community as well. Mr. Kellman expressed his view that this is because, particularly as it relates to Orthodox Judaism, synagogues are part of the "fabric of the community". Indeed, in this case that is borne out by the fact that it is very typical for non-members to attend certain Shabbat services as a matter of convenience, and Ahavat Shalom welcomes these non-members. Orthodox Jews do not drive on the Sabbath, and therefore Orthodox Jewish communities tend to have synagogues within walking distance of where their congregants live. Mr. Kellman noted that this is true for the proposed synagogue in this case and also for many other Orthodox synagogues and their congregations in the area. By contributing to the community in this way, the proposed synagogue in this case is compatible with the general welfare of the surrounding residential premises, obviously part of this broader Orthodox community. Lastly, Mr. Kellman noted that

the proposed synagogue will be compatible with the general welfare of the surrounding residential premises, even though the residents in the surrounding residential premises might not be members of Ahavat Shalom. This is because the presence of the proposed synagogue will strengthen a fundamental aspect of the community in which these surrounding residential premises exist, regardless of whether the residents of surrounding residential premises are members of the congregation, and regardless of whether they are even Jewish. Once again, Mr. Kellman's testimony in this regard was unrebutted.

Piecing together the testimony of Mr. Warfield and Mr. Kellman, the Petitioners' entitlement to the RTA exception for houses of worship becomes clear. As noted above, the RTA exception requires

> [A] finding 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 said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.
>
> BCZR, §1B01.1.B.1.g(6).

Mr. Warfield provided testimony in support of his opinion that the first part of the test is met, that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements will be maintained. This is because the Conceptual Landscape Plan, Petitioners' Exhibit 5, shows that the Petitioners have proposed the required RTA Buffer *to the extent possible*. Landscaping has been proposed in compliance with the RTA use requirements to the extent possible. There are no cleared drainage areas, stormwater management ponds or accessory structures on the subject property, and any lighting will comply with the height, fixture and luminosity requirements of BCZR, §1B01.1.B.1.e(4). As noted by Mr. Warfield, additional compliance with these RTA use requirements is simply not possible given the size of the site. Likewise, Mr. Kellman's testimony establishes both that the proposed improvements will be compatible with the character of the surrounding residential premises, and that they will be compatible with the general welfare of the surrounding

residential premises. Against this backdrop, the Board must grant the requested RTA exception for new houses of worship under BCZR, §1B01.1.B.1.g(6).

Mr. Kellman also discussed another basis upon which the Board could find that Ahavat Shalom is exempt from the RTA regulations. BCZR, §1B01.1.B.1.h provides,

> The provisions contained in Paragraphs a through e of Subsection B.1 shall not apply to existing developments as described in Subsection A.1 of Section 1B02.3, nor to subdivision tracts for which tentatively approved plans remain in effect as described in Subsection A.2 of said section.

Parsing out the language above, "the provisions contained in Paragraphs a through e of Subsection B.1" refers to the RTA regulations, and in particular, the RTA use requirements. Accordingly, if the subject property is "existing development as described in Subsection A.1 of Section 1B02.3," the RTA regulations do not apply.

Next, turning to BCZR, §1B02.3.A.1, that section describes the existing developments to which the RTA regulations do not apply as follows,

> (A) In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to <u>the use, occupancy and development of; alteration or expansion of structures upon</u>; and administrative procedures with respect to: (1) Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan[.]

Referring to Petitioners' Exhibit 7, Mr. Kellman confirmed that the subject property is an "existing development" within the context of BCZR, §1B02.3.A.1, because i) it is a lot which is in a recorded residential subdivision approved by the Baltimore County Planning Commission on or about May 8, 1955, and ii) the lot has been used, occupied and improved in accordance with the approved plat. Mr. Kellman noted that by the plain meaning of its terms, this provision of law exempts the Petitioners' lot from the RTA regulations of BCZR, §1B01.1.B.1 (a) through (e). Mr. Kellman noted that there is no time frame within which the use, occupancy, or improvement of the lots must have occurred in order to qualify for the exemption, meaning that the use of the

lot, occupancy of it, and improvement to it as late as 1993 (when the dwelling was built) is sufficient to achieve this exempt status. Likewise, Mr. Kellman rejected the contention that the fact that the use of the lot is changing from residential to synagogue use disqualifies it for the exemption. In this regard, Mr. Kellman noted that BCZR, §1B02.3.A.1, specifically speaks to the use, occupancy, and development of, and the alteration and expansion of structures upon such lots. Change of use of the exempt lot does not disqualify the exemption because the language of the exemption specifically addresses the dynamic issues of use, occupancy, development, alteration and expansion of structures upon such lots. This exemption provides yet another basis upon which the conversion of the dwelling in this "existing development" should be deemed exempt from the RTA regulations.

B Variance from Non-residential Principal Building Setbacks

As shown on the Redlined Plan to Accompany Zoning Petition, Petitioners' Exhibit 3, the existing structure on the subject property is setback from the property lines as follows: 30 feet from the front (north) property line, 10 feet from the east property line, 15 feet from the west property line, and 30 feet from the south (rear) property line. While these existing setbacks comply with the setback regulations for dwellings in the DR zones, when the use is converted to a synagogue, different setbacks apply. The proposed synagogue is a non-residential principal building, and in the DR zones, the setbacks found in BCZR, §1B01.2.C.1(a), "Non-residential Principal Building Setbacks", apply.[5],[6] In the DR 3.5 zone in which the proposed synagogue is located, the required setbacks are 50 feet from the front property line, 20 feet from the side property lines, and 30 feet from the rear property line. Accordingly, when the use of the

[5] The Comprehensive Manual of Development Policies (CMDP) adopts these same non-residential principal building setbacks at page 35, Table 5.

[6] It should be noted that there was a Second Amended Petition for Zoning Hearing filed and accepted by the ALJ at the hearing below, a copy of which is attached hereto as Exhibit A. The only change between the First Amended Petition and the Second Amended Petition was to substitute the CMDP references for the non-residential principal building setback variances for those of the BCZR. The amendment merely changed the references for the sections from the variances are required from BCZR, §1B01.2.C.1(a) to CMDP, Page 35, Table 5. Substantively, the setbacks required by each of those sections is the same.

structure changes from residential to non-residential, a variance is required from BCZR, §1B01.2.C.1(a) because the existing setbacks in the front and side yards do not meet the setback requirements for non-residential principal buildings in the DR 3.5 zone.

BCZR, §307.1 authorizes the Board of Appeals to grant variances from the height and area regulations "where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship". This is the familiar "uniqueness" and "practical difficulty" test set out in *Cromwell v. Ward*, 102 Md. App. 695 (1995). Nonetheless, it is worth noting that BCZR, §307.1 specifically allows consideration of "special circumstances or conditions that are peculiar to the land *or structure*".

Mr. Kellman testified in support of the the requested non-residential principal building setback variances. In Mr. Kellman's view, special circumstances peculiar to the structure exist in this case in that Ahavat Shalom is converting the use of this existing structure from residential to non-residential synagogue use. Mr. Kellman testified that, in his opinion, this qualifies as "uniqueness" in the context of *Cromwell v. Ward* because it is an existing structure which presently meets the setback requirements for the *existing* use. When the use of this structure is changed to a different use *which is permitted by right in the DR 3.5 zone*, it is not possible to move or otherwise relocate the building to meet the enhanced setback requirements for nonresidential principal buildings in the zone. Likewise, Mr. Kellman testified that a practical difficulty would result if the variances were not granted because that would preclude the use of the property for the intended use as a synagogue.

In light of the Mr. Kellman's testimony, the Board should grant the requested variances for non-residential principal building setbacks which are required to convert the use of the existing structure from residential to synagogue use.

C The Modified Parking Plan

As noted on the Redlined Site Plan to Accompany Petition for Zoning Hearing, the proposed synagogue will have 80 seats. See, Petitioners' Exhibit 3, Note 18. For a synagogue or other house of worship, the zoning regulations require 1 parking space for each 4 seats. BCZR, §409.6. This means, for this proposed synagogue, 20 parking spaces are required. However, as noted on the site plan, there are only 2 parking spaces on site.

BCZR, §409.12.B provides that if the requirements for parking space or loading space in Section 409.6 would create *an undue hardship*, a modified parking plan may be approved after a public hearing. Interestingly, while a modified parking plan allows a deviation from the requirements of BCZR, §409, it only requires a showing of undue hardship. There is no showing of uniqueness required, as in the case of a variance under BCZR, §307.1

Against this backdrop, it seems clear that in the context of the proposed conversion of the existing dwelling on this 0.22 acre lot, the parking regulations of BCZR, §409.6, which would require 20 parking spaces would create an undue hardship on Ahavat Shalom. There is an existing structure being converted to synagogue use. There is an on-site parking pad with sufficient space for 2 parking spaces. It is not possible to provide additional parking on-site, particularly while still maintaining compliance with the RTA use requirements to the extent possible. The site is constrained by its size, and there is no room for additional parking spaces, and certainly not 18 additional parking spaces. Obviously, the strict application of the parking requirements of BCZR, §409.6 would create an undue hardship because it would prevent the conversion of this dwelling to a synagogue, which is a use permitted by right in the DR zones. Accordingly, because the parking requirements of BCZR, §409.6 would create an undue hardship, the Board may approve a modified parking plan which reduces the number of parking spaces to the two spaces on-site.

Mr. Attar testified that on most Fridays, 9 or 10 congregants will drive to the synagogue before the Sabbath begins at sundown. These cars remain parked until after the Sabbath ends

on Saturday evening. Because of the limited use of the synagogue on other nights, parking demand is usually even less. Because the congregation is Orthodox, all the congregants live within walking distance. See, Petitioners' Exhibit 13, which shows the location of the congregation's members in magenta.

In support of its request for a modified parking plan, as noted above, Ahavat Shalom has made arrangements for parking spaces at Wellwood Elementary School, approximately 725 feet from the subject property. Wellwood has a total of 72 parking spaces, which are available for the use of the congregants of Ahavat Shalom every evening from Sunday to Thursday 7 pm to 10 pm, and every weekend starting on Friday at 5 pm through Saturday at 10 pm. Although the mechanism for approving Ahavat Shalom's use of these parking spaces is a bit convoluted, in that it requires the reservation for the hardcourt use during these times in order to gain availability of the parking spaces at the school, the suggestion to do it this way was made by BCPS staff at Wellwood School, all of whom have been accommodating and helpful to Ahavat Shalom in its request for use of the parking spaces. Although this arrangement needs to be renewed each year through BCPS, the school has shown willingness to do so, and has in fact already done so for next year.

It is worth noting that parking is unrestricted on Northbrook Road and nearby Lisburne Road. As pointed out on cross-examination of Mr. Attar, some congregants park on Lisburne Road. Although there are times these roads are congested with traffic due to the community use of the fields at Wellwood School, as shown in Petitioners' Exhibit 19A and 19B, there was no testimony in this case that there is a shortage of street parking in this area, particularly on Friday evenings and Saturdays.

The modified parking plan can be approved without adverse effect on the general welfare of the community. In light of the undue hardship that will ensue if not granted and the accommodations for parking at the nearby Wellwood School, the Board should approve the modified parking plan.

D First Path of Approval – Conclusion

As demonstrated above, Ahavat Shalom has shown that it is entitled to the zoning relief which would approve the conversion of the existing dwelling to an Orthodox synagogue. Foremost among these items of relief is the RTA exception for a new house of worship, the proof for which demonstrates that the use of the subject property as a synagogue is not only compatible with the general welfare of the surrounding residential properties, but it also would be a benefit to the community at large. Alternatively, the Board may find that the use, occupancy, development of, and alteration or expansion of structures upon the subject property is exempt from the RTA use requirements under BCZR, §1B01.1.B.1.(h). In addition, Mr. Kellman's testimony was unrebutted regarding uniqueness and practical difficulty in support of the requested non-residential principal building setback variances. Likewise, the modified parking plan should be approved in light of the minimal parking demand created by the use, the more than adequate accommodations for parking at Wellwood School, and the undue hardship that would result if it were not approved. The Petitioners respectfully request that the Board grant these items of relief and approve the conversion of the dwelling to synagogue use.

## II The Second Path of Approval – Application of the 1945 Zoning Regulations

In the alternative to the zoning relief noted above which would approve the conversion of the existing dwelling to a synagogue, based on the evidence presented at the hearing the Board could find instead that the case is governed by the 1945 Zoning Regulations. The 1945 Zoning Regulations were much simpler than the current version of the 1955 Zoning Regulations. Because the 1945 Zoning Regulations do not contain RTA regulations, nonresidential principal building setbacks, or requirements for off-street parking spaces, if the Board were to find that the 1945 Zoning Regulations apply, that would obviate the need for any of the zoning relief sought in the Petition for Zoning Hearing.

BCZR, §103.1 provides,

> §103.1 – Applicability; When Effective.
>
> These regulations shall apply as of the date of their adoption **but the provisions pertaining to use, height, area and density of population shall not apply to any** development, **subdivision** or parcel of land, **the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and** approved or **tentatively approved** (including any approval made subject to any condition or conditions) **under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.**[45] The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission. * * *
>
> [45] Editor's Note—Refers to the Baltimore County Zoning Regulations (BCZR) adopted 3-30-1955.
>
> [Emphasis added.]

This provision makes clear that the zoning regulations applicable to subdivisions which were tentatively approved by the Planning Commission prior to the date of adoption of the 1955 Zoning Regulations are the zoning regulations that were in effect when the subdivision was originally submitted to the Planning Commission.

As noted above, Mr. Kellman testified that the subject property is shown as Lot 11 on the plat of "Section 4, Green Spring Manor", Plat Book 21, folio 77. An examination of the plat, Petitioners' Exhibit 7, reflects that this plat was approved by the Director of the Planning Commission on or about May 8, 1955. Mr. Kellman further noted that based on his review of the document maintained by the Office of Zoning Review entitled "Planning Commission / Planning Board Approved Subdivisions", Petitioners' Exhibit 11, the Planning Commission tentatively approved the subdivision of "Section 4, Green Spring Manor" on March 7, 1955. See, Petitioners' Exhibit 11, page 5 (District 3).

In the context of BCZR, §103, because "Section 4, Green Spring Manor" was tentatively approved by the Planning Commission on March 7, 1955, *twenty-three days before the adoption*

*of the 1955 Zoning Regulations on March 30, 1955*, the zoning regulations applicable to the subdivision are the 1945 Zoning Regulations. The 1945 Zoning Regulations are accessible and can be found in Appendix K of the 1955 Zoning Regulations.

An examination of the 1945 Zoning Regulations finds that houses of worship were permitted by right in all residential zones. See, BCZR (1945 ed.), §§ III(A)(1), IV(A)(1), V(A)(1) and VI(A)(1). There are no RTA (or comparable) regulations in the 1945 Zoning Regulations. Although we do not know for sure which Residence zone the subject property was in at the time it was subdivided, we do know that the largest required setbacks applicable to any of the Residence zones under the 1945 Zoning Regulations was: front yard – 25 feet, side yard – 10 feet, rear yard – 25 feet. See, BCZR (1945 ed.), §VI(C), and sections referred to therein. The existing building on the subject property meets these setback requirements and there were no separate setbacks prescribed in the 1945 Zoning Regulations for non-residential principal buildings. Finally, the 1945 Zoning Regulations do not include any requirements for off-street parking. Accordingly, the conversion of the existing dwelling to a synagogue is permitted by right under the 1945 Zoning Regulations, without any special zoning approvals like RTA exceptions, setback variances, or modified parking plans.

Notably, the Appellants presented the testimony of Jeffrey Perlow, Zoning Supervisor. Mr. Perlow believed, despite this evidence to contrary, the "present day" 1955 Zoning Regulations apply to Section 4, Green Spring Manor. In support of his position, Mr. Perlow pointed to BCC, §32-4-262, which states:

> 32-4-262 – Amendments to Development Plans
>
> * * *
>
> (b) Any material amendment to an approved residential Development Plan or plat shall be reviewed in accordance with this title, and with respect to that portion of the original plan or plat to which the amendment pertains, the amendment shall be reviewed for compliance with all current law. For purposes of this paragraph, any amendment to a plan or plat that results in an increase in density or increase in the number of buildable lots is a material amendment.

> Editor's Note: Section 2 of Bill No. 24-08 provides that this Act [BCC, §32-4-262] is adopted independently of Section 103 of the Baltimore County Zoning Regulations so that it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning regulations or other county laws.

Mr. Perlow was of the opinion that because, according to the Editor's Note, BCC, §32-4-262 was "adopted independently of Section 103 of the Baltimore County Zoning Regulations so that it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning regulations", that means that BCZR, §103, cited above, is of no effect and has been repealed. However, this position fails to appreciate that, by its terms, BCC, §32-4-262 of the Baltimore County development regulations applies only to *material amendments to an approved residential Development Plan or plat*, neither of which is involved in this case. Mr. Perlow appeared to not know the procedural status of this case and his erroneous conclusion in this regard is likely based on the fact that he believed, wrongly, that Ahavat Shalom's proposal had been presented to the Development Review Committee for some type of development plan amendment or other type of development approval. There is no Development Plan for Section 4, Green Spring Manor; there is only the subdivision plat. Furthermore, this case does not present an amendment to the subdivision plat. By its own terms, BCC, §32-4-262(b) does not apply.

Furthermore, certainly the County Council knew how to repeal BCZR, § 103 when it passed BCC, §32-4-262 in 2006 and 2008, and if the County Council intended for BCZR, §103 to be of no ongoing effect in zoning cases after the passage of BCC, §32-4-262, the County Council could have, and would have, repealed BCZR, §103 when it passed BCC, § 32-4-262. But County Council did not do so; it passed BCC, §32-4-262 and left BCZR, §103 intact. Accordingly, these two sections of law must be read in concert with each other and in a way to give section its intended effect. The only way to do that is to recognize that BCC, § 32-4-262 applies to "material amendments to Development Plans and plats" within the context of *the*

*development regulations*. But, if the development regulations are not implicated, because, for example, as in the current case, there is no material amendment of a development plan or plat and the relief sought is strictly within the realm of the Zoning Regulations, then BCZR, § 103 must mean what it says, that subdivisions which were tentatively approved by the Planning Commission prior to the adoption of the 1955 Zoning Regulations are governed by the zoning regulations in effect at the time the subdivision was submitted to the Planning Commission. In this case, those were the 1945 Zoning Regulations, which do not contain RTA use provisions, non-residential principal building setbacks, or off-street parking regulations.

It bears noting that BCZR, §103 was most recently amended by the County Council in 2011 by Bill 55-2011. If the County Council intended for BCZR, §103 to have been repealed or of no effect as a result of the adoption of BCC, § 32-4-262 in 2006 and 2008, the Council certainly would <u>not</u> have amended BCC, §103 in 2011. It also bears noting that, although the term "material amendment" has a different meaning based on whether the amendment is to a residential or non-residential development plan, BCC, §32-4-262(b) specifically states that with regard to residential development plans and plat, a material amendment is one which increases the density or the number of buildable lots on the development plan or plat, neither of which would result from an amendment designed to reflect the conversion of the dwelling to synagogue use.

The conversion of the dwelling on the subject property to synagogue use is permitted by right under the 1945 Zoning Regulations. If the Board finds that BCZR, §103 provides that Section 4, Green Spring Manor is governed by the 1945 Zoning Regulations, the relief sought in the Petition for Zoning Hearing is no longer necessary, because there are no RTA regulations, non-residential principal building setbacks, or off-street parking requirements in the 1945 Zoning Regulations. The Board should so find.

## III BCZR, §1B01.B.2, "Use Regulations in Existing Developments", Does Not Preclude Approval in this Case.

Prior to the hearing before the Board in this matter, Protestants moved to dismiss the case contending that BCZR, §1B01.1.B.2, "Use Regulations in Existing Developments" precludes the use of the property as a synagogue. Although the Board denied the Motion to Dismiss prior to the hearing, the Protestants will certainly reassert this argument in their Memorandum in Lieu of Closing Argument. Accordingly, the Petitioners substantively respond to this argument here.

BCZR, §1B01.1.B.2 provides,

> Use regulations in existing developments. In existing developments as described in Subsection A.1 of Section 1B02.3, uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

Petitioners and Protestants apparently agree that the subject property is an "existing development" as described in BCZR, §1B02.3.A.1. Protestants assert that given its status as an existing development under BCZR, §1B02.3.A.1, BCZR, §1B01.1.B.2, set forth above, limits the permissible uses to "those now lawfully established". Under the Protestants' view, the use of the subject property is limited to its use on December 6, 2010, as a single family residential dwelling. Protestants contend the subdivision plans on file with the Department of Permits, Approvals, and Inspections do not authorize any other uses. Likewise, Protestants assert the "provisions adopted pursuant to the authority of Section 504", do not authorize any other uses.

### A <u>The Term "Now Lawfully Established" Refers to Uses Permitted by Right on December 6, 2010</u>

Petitioners' zoning expert, Mr. Kellman, testified about the impact of BCZR, §1B01.1.B.2 on the subject property. Mr. Kellman acknowledged that this is a relatively new provision of the BZCR, having been passed into law on December 6, 2010. Mr. Kellman was unaware of any instances in which this provision has been raised let alone analyzed. Indeed, this provision was

not raised in several recent cases before the Board of Appeals where it might have otherwise been relevant, including conversions of dwellings to shuls. That being the case, it is relevant at this time to note that even the Department of Planning's comment *in this case* takes the position that a house of worship is permitted by right on the subject lot. The Department of Planning had no objection to the requested relief, subject to the proposed conditions set forth in the comment.[7]

Taking a step back from the proposal of the Petition in this case and considering the impact of the provision broadly on proposed uses in "existing developments" as defined in this section, Mr. Kellman considered the following scenario. As a preliminary matter, Mr. Kellman testified that, particularly as it relates to older subdivisions that might be otherwise impacted by this section, it is not usual at all for the only evidence of the "subdivision plans on file with the Department of Permits, Approvals and Inspections", to be the subdivision plat itself. In many instances, subdivision plats approved by the Planning Commission 60 or 70 years ago, do not have "subdivision plans" on file with the Department of Permits, Approvals, and Inspections. This is true of the subject property. Mr. Kellman also indicated that the Comprehensive Manual of Development Policies, which is adopted pursuant the authority of BCZR, §504, relates primarily to *design* issues like setbacks, lot layouts, and building orientation and only speaks in vague and broad terms about *uses*.

Against this backdrop, if the Board were to restrictively interpret the term "now lawfully established", that would lead to absurd results. For example, Mr. Kellman pointed to the situation where a lot in an existing development is vacant on the date of passage of BCZR, §1B01.1.B.2. Restrictively interpreting the term "now lawfully established" as limiting the use of the lot to the existing use on the date of passage of the section would require that the lot be persistently vacant forever. This is because under the overly restrictive view of the terms "now

[7] The Department of Planning's comment in this case is attached to the ALJ's decision and is attached as Exhibit B to this memorandum.

lawfully established" urged by the Protestants as meaning the then-existing use of the lot on the date of passage of the section, the use of the lot could never be changed to a use other than open space, or simply, vacant. Such an interpretation would obviously have far-reaching legal implications such as effecting a taking or running afoul of RLUIPA (discussed below).

Instead, Mr. Kellman offered an interpretation of the phrase "now lawfully established" as meaning permitted by right in the DR zones on December 6, 2010, the date of passage of the provision. According to Mr. Kellman, this interpretation is required to avoid the situation where the use of a lot in an existing development as defined in BCZR, §1B02.3.A.1 may never be changed to any other use if, as in this case, there are no other "subdivision plans" on file with the Department of Permits, Approvals and Inspections. Mr. Kellman's interpretation also accords with the actual language of the section itself. Reviewing the section again, its states, "In existing developments [as defined in BCZR, §1B02.3.A.1], *uses* shall be limited to *those* now lawfully established or to *those* indicated in the subdivision plans on file with [PAI]." The consistent reference to plural "uses" obviously refers to more than one use – a set or range of uses. To limit the use of a particular affected lot to the singular use existing on the lot on December 6, 2010 runs afoul of this language which prescribes a range of uses which are permitted on the lot. According to Mr. Kellman, this range of uses must mean the set of uses permitted in the DR zones as of the date of passage, December 6, 2010. Mr. Kellman testified that houses of worship were permitted by right in the DR zones on date of passage. In fact, Mr. Kellman testified that houses of worship have always been permitted by right in the residential zones, since 1945.

If the County Council had intended to limit the use of a lot in an "existing development" as described in BCZR, §1B02.3.A.1 to the use then currently existing on the date of passage of the act, it would have made that intention clear by simply stating something akin to, "the use of the lot shall be limited to the now existing use". But instead, the Council referred to a range of uses being available to a lot.

B The Subdivision Plat Incorporates the Full Range of Uses Permitted by Right in the Residential Zones

As Mr. Kellman noted, the only evidence of the "subdivision plans on file with the Department of Permits, Approvals and Inspections" in this case, and in many other similar instances where this issue is or will be implicated, is the subdivision plat itself. Petitioners' Exhibit 7 is the subdivision plat for Section 4, Green Spring Manor. The Petitioners and the Protestants apparently agree this is a *residential* subdivision plat. A close examination of the plat reveals there are no references to the zoning of the property on the date it was approved and there are no use restrictions on the subdivision plat. Conversely, there are no uses specifically identified as being permitted. There are no express indications on the plat related to uses at all. The plat merely creates lots which appear to be residential lots.

Like Mr. Kellman's interpretation of "[uses] now lawfully established", a reasonable interpretation of the phrase "those [uses] indicated in the subdivision plans on file with the Department of Permits, Approvals and Inspections" means the full range of uses permitted in the residential zones on the date of approval of the plat. Mr. Kellman confirmed that houses of worship have always been permitted by right in the residential zones in Baltimore County. It would be manifestly unjust to limit the use of a lot to the singular then-existing use when the language does not require such a restrictive interpretation.

C The Comprehensive Manual of Development Policies Authorizes "Non-Residential Principal Buildings" in the Residential Zones.

The final clause of BCZR, §1B01.1.B.2 states, "except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504." The Comprehensive Manual of Development Policies (CMDP) is promulgated under BCZR, §504. Accordingly, an indication in the CMDP that a house of worship remains permitted by right in the DR Zones even after the passage of BCZR, §1B01.1.B.2 on December 6, 2010 is yet another basis upon

which to find that the proposed shul is not precluded on the subject property because of this provision of law.

As Mr. Kellman noted, the CMDP is primarily concerned with design factors. Nonetheless, the CMDP obviously contemplates non-residential principal buildings in the residential zones, without any discussion of whether such buildings may be in an "existing development" under BCZR, §1B02.3.A.1 or otherwise. See, CMDP, Page 35, Table 5, "Non-residential Principal Buildings in DR Zones", and "Non-residential Principal Building Setbacks in DR Zones".

In light of the absurd results that would arise from an unduly restrictive view of BCZR, §1B01.1.B.2, the Board should conclude that the reference in the CMDP to Non-residential Principal Buildings in the DR Zones permits such uses and buildings in such existing developments.

D Conclusion of Discussion of BCZR, §1B01.1.B.2

The interpretation of BCZR, §1B01.1.B.2 appears to be an issue of first impression for the Board. Interpreting the phrase "[uses] now lawfully established" as meaning those uses permitted by right in the DR Zones on December 6, 2010 avoids the absurd result of forever limiting the use of a singular particular lot in an existing development to its use on the date of passage of the section. Alternatively, the Board could find that where a subdivision plat approved by the Planning Commission contains neither an affirmative statement of allowed uses in a residential subdivision nor an affirmative statement of disallowed uses, that the Planning Commission intended for the full range of uses permitted in the residential zones on the date of Planning Commission's approval of the subdivision plat, which in this case was May 8, 1955. Yet another alternative available to the Board which would avoid the absurd result of forever limiting the use of a lot in an existing development to the then-existing use on December 6, 2010 is for the Board to conclude that the CMDP authorizes non-residential principal buildings in existing developments by virtue of the regulations contained on CMDP, Page 35,

Table 5, “Non-residential Principal Buildings in DR Zones”, a copy of which is attached as Exhibit C to this memorandum.

Finally, it should be noted that BCZR, §1B01.1.B.2 nor any analogous provision, was present in the 1945 Zoning Regulations. Accordingly, a finding that the use and expansion of the subject property is governed by the 1945 zoning regulations would eliminate this section as a consideration in this matter.

## IV The Protestants’ Opposition

Several of the Appellants / Protestants testified in opposition to the zoning petition. Almost all the Protestants’ opposition reflected concern about effects that would be typical of any house of worship locating in a residential area: increase in vehicular traffic, increase in pedestrian traffic, adequacy of existing street layout to handle the traffic, adequacy of approval process in vetting concerns of nearby property owners. Nonetheless, as this Board held in *In the matter of: 2429 Lightfoot, LLC*, Case No. 20-309-SPHA (decided March 23, 2022), “[C]hurches, other buildings for religious worship or other religious institutions” are permitted by right in the (“DR”) 5.5 zone. It can be inferred that traffic related to such uses were contemplated in the County Council’s decision to include such uses in the zone by right.” Id., page 12.

There was quite a bit of Protestants’ opposition based on the “blind curve” in Northbrook Road several hundred feet to the east of the subject property. As a preliminary matter, as shown in Protestants’ Exhibit 36, the curve does not appear to be “blind” at all. There is several hundred feet of visibility to the west from a position on the curve itself. In addition, there is no suggestion that the road around the supposedly “blind curve” is not built to county standards, and Protestants did not present any expert testimony with regard to this issue, any traffic issue, or any issue in the case. Finally, the curve has obviously existed for many years and there was no evidence of a single accident occurring on the curve, or anywhere on Northbrook Road or Lisburne for that matter. There is no evidence the curve is dangerous in any manner, and

obviously, the curve will continue to exist whether the Petition for Zoning Hearing is granted or denied.

## V Denial of this Petition Would Violate RLUIPA

Aside from the Petitioners' demonstrated entitlement to the relief requested in its Petition under traditional considerations of zoning law and statutory interpretation, the federal Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA") is a significant factor in the Board's consideration of this case and compels approval. RLUIPA provides, in relevant part,

> 42 USCA §2000cc. Protection of land use as religious exercise.
> (a) Substantial burdens
> (1) General rule
> **No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution**, unless the government demonstrates that imposition of the burden on that person, assembly, or institution--
> (A) is in furtherance of a compelling governmental interest; and
> (B) is the least restrictive means of furthering that compelling governmental interest.
> (2) Scope of application
> **This subsection applies in any case in which**
> * * *
> (C) **the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.**
> (b) Discrimination and exclusion
> * * *
> (2) No government shall impose or implement a land use regulation discriminates against any assembly or institution on the basis of religion or religious denomination.
> (3) Exclusions and limits
> No government shall impose or implement a land use regulation that
> * * *
> (2) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

This Board proceeding in which the Petition is being considered is a component of a "system of land use regulations under which [Baltimore County] makes . . . individualized assessments of the proposed uses of the property involved." Accordingly, this proceeding is subject to RLUIPA and the Board[8] is not merely an impartial decision maker in this case, but the Board's own actions are subject to the law's constraints.

As set out above, RLUIPA prohibits the imposition or implementation of a land use regulation "in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution" in the absence of a compelling governmental interest. A "substantial burden" is one in which the government regulation at issue creates a need for the religious organization to change its behavior. *Bethel World Outreach Ministries v. Montgomery County Council*, 706 F.3d 548, 556 (4th Cir. 2013). See also, *Jesus Christ Is the Answer Ministries, Inc. v. Baltimore County, Maryland* ("*JCIAM*"), 915 F.3d 356, 261 (4th Cir 2019) (The implementation of a land use regulation in a manner which effects of total prohibition of use of the property for religious exercise is a substantial burden). "Religious exercise" under RLUIPA includes "the use, building, *or conversion of real property* for the purpose of religious exercise . . . ." 42 USCA §2000cc-5(7)(B) [Emphasis added].

RLUIPA provides in 42 USCA §2000-3(e),

---

[8] The Board of Appeals is within the scope of the term "government" as an agency of Baltimore County. RLUIPA defines the term "government" as follows:

42 U.S.C.A. § 2000cc-5

**(4) Government**

The term "government"--

**(A)** means--

**(i)** a State, county, municipality, or other governmental entity created under the authority of a State;

**(ii)** any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

**(iii)** any other person acting under color of State law; and

**(B)** for the purposes of sections 2000cc-2(b) and 2000cc-3 of this title, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

.

> (e) Governmental discretion in alleviating burdens on religious exercise
>
> A government may avoid the preemptive force of any provision of this chapter by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, *or by any other means that eliminates the substantial burden*. [Emphasis added.]

Accordingly, the Board has broad discretion to eliminate a substantial burden in this case by any means necessary.

The Fourth Circuit has held that where the Baltimore County Zoning Regulations permit *by right the use of DR zoned land for houses of worship* and provide an exemption to the RTA regulations in broad and permissive terms, such as complying with the RTA regulations *to the extent possible*, the religious institution has a "reasonable expectation" of acquiring the approvals, and denial of such approvals under these circumstances constitutes a substantial burden. See, *JCIAM*, 915 F.3d, at 261. In this case, Ahavat Shalom through the unrebutted testimony of Mr. Warfield, has shown compliance with the RTA regulations *to the extent possible*. Mr. Kellman repeated confirmed that houses of worship are now and have always been permitted by right in the residential zones in Baltimore County. The denial of the Petition in light of this evidence would be a substantial burden giving rise to a RLUIPA claim.

Similarly, RLUIPA prohibits the implementation of a land use regulation that discriminates against a religious institution on the basis of religion. 42 USCA §2000cc(b)(2). The non-residential principal building setbacks of BCZR, §1B02.1.2.C.1(a) impose greater setbacks for the use of the *existing structure* as a shul than as a dwelling. As applied to this Petition, the regulation makes this distinction solely based on the use of the same existing structure for either residential or religious purposes, in violation RLUIPA's nondiscrimination clause. Denial of the variance for non-residential principal building setbacks would violate RLUIPA, particular where the Board has previously treated such variances as housekeeping

matters where the use qualifies for the RTA exception under BCZR, §1B01.1.B.1.g(6). Such a denial would also be a substantial burden under 42 USCA §2000cc(a)(1).

Likewise, RLUIPA prohibits implementation of a land use regulation that unreasonably limits religious institutions. 42 USCA §2000cc(b)(3)(B). Where, as in this case, a religious institution has made reasonable (indeed, abundant) alternate arrangements for parking nearby, the denial of the modified parking plan would violate RLUIPA. Under these circumstances, denial of the modified parking plan would constitute not only a substantial burden but also an unreasonable limitation upon Ahavat Shalom in violation of RLUIPA.

Lastly, an interpretation of BCZR, §1B01.1.B.2, "Uses in Existing Developments" which denies Ahavat Shalom use of the subject property for its shul would not only constitute a substantial burden because of the total prohibition it would create on the religious use of the property despite the Petitioners' reasonable expectation it would gain the approvals necessary for a shul, but also it would unreasonably limit Ahavat Shalom's use of the property as a shul, particularly in light of the facts that houses of worship have always been permitted by right in the residential zones, this regulation makes no exception for the religious use of the property, and it has never once been used to limit a religious institution despite having been adopted 12 years ago.

For the reasons described above and elsewhere in this Memorandum and in order to avoid the preemptive force of RLUIPA in accord with 42 USCA §2000-3(e), the Board should grant the Petitioners' requested relief.

## CONCLUSION

The long-standing view of this Board has been that shuls and other houses of worship are permitted by right in the DR zones provided that the RTA, setback and parking regulations have been complied with. The RTA regulations broadly provide for an exception where shuls comply with the regulations to the extent possible and the plan can be expected to be compatible with the character and general welfare of the surrounding residential premises. Mr.

Warfield testified that Ahavat Shalom has done everything it could do to comply with the RTA regulations – additional compliance is not possible due to the physical constraints of the property. Mr. Kellman testified the plan will be compatible with the character and general welfare of the surrounding residential premises in this predominately Orthodox Jewish community.

As testified by Mr. Attar, the location of the proposed shul is critical because it must be located within walking distance of its congregants. The conversion of this dwelling to a shul for this purpose is a special and unique circumstance peculiar to the location of the land and the structure itself. When the use is changed to shul use, enhanced setbacks are required. It seems quite obvious that an undue hardship would result to the Petitioners the variance for these enhanced setbacks was not granted. The variances for non-residential principal building setbacks should be granted.

The proposed shul requires 20 parking spaces but it has only 2 parking spaces on site. Accordingly, Ahavat Shalom has made arrangements for parking at the Wellwood school approximately 725 feet away. In light of the undue hardship that would result if the modified parking plan were not approved, the Board should approve it.

As demonstrated herein, an alternate path of approval is for the Board to find that the 1945 Zoning Regulations are applicable to this property under BCZR §103.1 because the tentative plan was approved by the Planning Commission before the adoption of the 1955 Zoning Regulations. Such a finding eliminates the need for any relief in this case because the 1945 Zoning Regulations permit the use by right and do not contain RTA regulations, non-residential principal building setbacks, or off-street parking requirements. Likewise, BCZR, §1B01.1.B.2, Uses in Existing Developments, was not present in the 1945 Zoning Regulations.

A reasonable interpretation of BCZR, §1B01.1.B.2, “Uses in Existing Developments”, does not preclude the use of the subject property as a shul. This section has never been used to deny the conversion of a dwelling in the DR zones to a shul. To do so now would violate

RLUIPA, especially where, as here, there are numerous reasonable interpretations of this section which would permit the conversion to shul use.

RLUIPA is a consideration in this case. The Board is bound to not impose or implement land use regulations in a way that substantially burdens the Petitioners in the absence of a compelling governmental interest and the least restrictive means of furthering the compelling interest. In light of the fact that the Petitioners have presented substantial evidence of compliance with the wide range of land use regulations which govern the conversion of the property to a shul, denial of the Petition would violate RLUIPA.

Accordingly, the Petitioners urge the Board to grant the Petitions for Special Hearing and Variance.

WHEREFORE, the Petitioners, Ahavat Shalom Congregation, Inc., and Saman Radparvar, respectfully request that the Petitions be granted.

Respectfully submitted,

May 9, 2022
Date

**Dino C. La Fiandra, Esquire**
**THE LAW OFFICE OF DINO C. LA FIANDRA, LLC**
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
410-204-3473
Attorney for Appellant

Certificate of Service

I certify that on May 9, 2022, I sent a copy of the foregoing Memorandum in Lieu of Closing Argument by email Michael McCann, michael@mmccannlaw.net.

Dino C. La Fiandra

Petitioners' Memorandum, Exhibit A

SECOND AMENDED

# 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** 3009 Northbrook Road **which is presently zoned** DR 3.5 & DR 5.5

Deed References: 39754/228 10 Digit Tax Account # 0319065178

Property Owner(s) Printed Name(s) Saman Radparvar

**(SELECT THE HEARING(S) BY MARKING X 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 continuation sheet.

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

3. ✔ **a Variance** from Section(s)

See continuation sheet.

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 shown at 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:**

Ahavat Shalom Congregation, Inc.
Name- Type or Print

Eli F. Hakkakian, Rabbi
Signature

3009 Northbrook Road, Baltimore, MD
Mailing Address City State

21209 / / 
Zip Code Telephone # Email Address

**Legal Owners (Petitioners):**

Saman Radparvar /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

6521 Gardenwick Road, Baltimore, MD
Mailing Address City State

21209 / / 
Zip Code Telephone # Email Address

**Attorney for Petitioner:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**Representative to be contacted:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**CASE NUMBER**_____ **Filing Date** __/__/____ **Do Not Schedule Dates:** _____ **Reviewer**____

REV. 10/4/11

SECOND AMENDED Petition for Zoning Hearing
Continuation Sheet
3009 Northbrook Road

The Petitioner seeks:

☑ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

☑ Variance from:

1. CMDP, Page 35, Table 5 to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

    a. Front yard of 30 feet in lieu of 50 feet otherwise required.

    b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

Petitioners' Memorandum, Exhibit B

# BALTIMORE COUNTY, MARYLAND
## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

**DATE:** 2/25/2021

**FROM:** Steve Lafferty
Director, Department of Planning

**SUBJECT:** **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number**:** 20-299

**INFORMATION:**
**Property Address:** 3009 Northbrook Road
**Petitioner:** Saman Radparvar
**Zoning:** DR 3.5, DR 5.5
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for Special Hearing and Variance to determine whether or not the Administrative Law Judge should permit the following relief:

*Special Hearing*

1. A determination that the RTA Regulations of BCZR § 1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1 (f).
2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through .e do not apply to the proposed project.
3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1 (c).1 that the RTA Buffer and RTA Setback of zero (0) feet for the parking spaces and 10 feet for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.
5. Such further and other relief as the nature of this case may require.

*Variances*

1. BCZR § 1B01.2.C.1 (a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:
   a. Front yard of 30 feet in lieu of 50 feet otherwise required.
   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.
2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR § 1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing request 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

A site visit was conducted on December 29, 2020. The area is residential with the Wellwood International School to the north of the subject property. The petitioner is proposing to add onto the existing dwelling and convert the building into a synagogue. Places of Worship are permitted in residential zones but Residential Transition Areas (RTA) should be applied, to the fullest extent possible.

Although the petition states that two (2) parking spaces are shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for those parking spaces. The parking arrangement should be confirmed with the Administrative Law Judge.

No lighting is shown on the site plan, therefore it is assumed none is proposed. If any lighting is to be proposed, a landscape and lighting plan is required. The plan should be submitted to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting pan to the Baltimore County Landscape Architect for review and approval.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. Limit the on-street parking for use of the synagogue.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

**Prepared by:**

Krystle Patchak

**Division Chief:**

Jenifer G. Nugent

SL/JGN/KP/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra, Esq. The law Office of Dino C. La Fiandra, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

# Non-Residential Principal Buildings in D.R. Zones

| TABLE V<br>Nonresidential Principal Building Setbacks in DR Zones | | | | |
|---|---|---|---|---|
| | Front Yard | Side Yard Inter. | Corner Street Side | Rear Yard |
| DR 1 | 70 | 40 | 65 | 50 |
| DR 2 | 60 | 30 | 50 | 40 |
| DR 3.5 | 50 | 20 | 35 | 30 |
| DR 5.5 | 40 | 20 | 35 | 30 |
| DR 10.5 | 25 | 20 | 35 | 50 |
| DR 16 | 30 | 25 | 25 | 30 |

**Building Setback Standards for Principal Buildings Permitted in any DR Zone Other Than For Residential Use**

Principal buildings other than for residential use shall conform to the minimum setback requirements as set forth in Table V opposite.

**Other requirements:**

The total building length or fullest building width shall not exceed 200 feet.

Upon favorable recommendation by the Director of the Office of Planning and Zoning to the Hearing Officer, non-residential uses permitted in the density residential zones may be increased up to a maximum length of 300 feet subject to the following guidelines:

1. The materials are specified;

2. The buildings are segmented and architecturally varied to break up their massing;

3. Landscaping is used to visually break up the massing of the facade;

4. The architectural details reflect regional residential elements; and

5. Buildings shall comply with Sections 32-4-224.(d), "Additional Requirements by Director of Planning," and 32-4-402, "Compatibility," of the Development Regulations.

Board of Appeals of Baltimore County

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

January 31, 2023

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204-5025

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-22-004872
In the Matter of: Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
Board of Appeals Case No.: 20-299-SPHA

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Saman Radparvar
Ashkan Attar, President/Ahavat Shalom Congregation, Inc.
Rabbi Eli Hakkakian/Ahavat Shalom Congregation, Inc.
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

| | | |
|---|---|---|
| IN THE CIRCUIT COURT<br>FOR BALTIMORE COUNTY | * | |
| PETITION OF:<br>ANDREW AND SARAH SEGAL, *et al.* | * | |
| AND | * | |
| CROSS-PETITION OF:<br>AHAVAT SHALOM CONGREGATION, INC., *et al.* | * | |
| FOR JUDICIAL REVIEW OF THE OPINION OF<br>THE BOARD OF APPEALS<br>OF BALTIMORE COUNTY<br>Jefferson Building, Suite 203<br>105 W. Chesapeake Avenue<br>Towson, MD 21204 | * | CIVIL ACTION<br>NO.: C-03-CV-22-004872 |
| IN THE MATTER OF:<br>SAMAN RADPARVAR – LEGAL OWNER<br>AHAVAT SHALOM CONGREGATION, INC. –<br>CONTRACT PURCHASERS<br>Petition for Special Hearing and Variance<br>on the Property located at 3009 Northbrook Road | * | |
| 3RD ELECTION DISTRICT<br>2ND COUNCIL DISTRICT | * | |
| BOARD OF APPEALS CASE NO.: 20-299-SPHA | * | |

* * * * * * * * * * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE**
**AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS OF BALTIMORE COUNTY**

December 15, 2020 Petition for Special Hearing and Variance filed by Dino C. La Fiandra, Esquire on behalf of Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser and Petitioner as follows:

Special Hearing under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR §1B01.1.B.1(f).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR §1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

Variance from:

1. BCZR §1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

   a. Front yard of 30 feet in lieu of 50 feet otherwise required.

   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3 above. Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

February 9, 2021 Certificate of Posting

February 11, 2021 Certificate of Publication in newspaper.

February 22, 2021 ZAC Comments

February 24, 2021 Request for Postponement from Dino C. La Fiandra, Esquire.

February 25, 2021 Email from ALJ advising a postponement would be appropriate.

February 26, 2021 Certificate of Posting Recertification

March 2, 2021 Revised ZAC Comments from Bureau of Development Plans Review.

April 21, 2021 Memorandum and Amended Petition for Special Hearing and Variance filed by Dino C. La Fiandra, Esquire to correct a typo in Request 1 under Petition for Special Hearing.

April 28, 2021 Amended Petition for Special Hearing and Variance filed by Dino C. La Fiandra, Esquire on behalf of Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser and Petitioner as follows:

Special Hearing under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR §1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR §1B01.1.B.1.g(6), including a finding that the

restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

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2. In the alternative to Special Hearing Requests 1, 2 and 3 above. Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

February – July 2021 Letters in Opposition

September 1, 2021 Second Amended Petition for Special Hearing and Variance filed by Dino C. La Fiandra, Esquire on behalf of Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser and Petitioner as follows:

Special Hearing under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR §1B01.1.B.1(h).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR §1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

Variance from:

1. CMDP, Page 35, Table 5 to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

   a. Front yard of 30 feet in lieu of 50 feet otherwise required.

   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3 above. Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

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| September 1, 2021 | Petitioners' Post-Hearing Memorandum filed by Dino C. La Fiandra, Esquire. |
| September 1, 2021 | Post-Hearing Memorandum filed by Michael R. McCann, Esquire on behalf of the Protestants. |
| October 5, 2021 | Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the Residential Transition Area ("RTA") regulations under BCZR § 1B01.1.B.1.g(6); and to permit a modified parking plan pursuant to BCZR § 409.12 to allow two parking spaces as shown on the site plan was GRANTED, with conditions; all other request relief was DISMISSED as MOOT. |
| November 4, 2021 | Notice of Appeal filed by Michael R. McCann, Esquire on behalf of Avron and Galya Elbaum, Andrew and Sara Segal, Noam and Leah Efron, Zalman Kahn, and Simcha and Debra Varon, Protestants. |
| November 8, 2021 | Appeal received by the Board. |
| December 3, 2021 | Notice of Assignment issued by the Board. |
| December 9-23, 2021 | Miscellaneous scheduling emails. |
| January 6, 2022 | Notice of Postponement and Reassignment issued by the Board. |
| January 6-7, 2022 | Miscellaneous scheduling emails between Board and counsel. |
| January 11, 2022 | Letter to Chief of Code Enforcement from Michael R. McCann, Esquire |
| February 10, 2022 | Motion to Dismiss and Request for Hearing filed by Michael R. McCann, Esquire on behalf of Protestants, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron. |
| February 22-23, 2022 | Emails between Board and counsel advising that a hearing on preliminary motions cannot be scheduled and will be address at the hearing. |
| March 7, 2022 | Petitioners' Response to Motion to Dismiss filed by Dino C. La Fiandra, Esquire. |

March 10, 2022 Withdrawal of Appearance filed by Michael R. McCann, Esquire on behalf of Appellants Avron and Galya Elbaum only.

March 10, 2022 Board convened for a Hearing, Day 1.

March 14, 2022 Board convened for a Hearing, Day 2.

March 23, 2022 Board convened for a Hearing, Day 3.

*Exhibits submitted at Hearing before the Board of Appeals:*

Petitioners' Exhibit No.

1 – Warfield Curriculum Vitae
2 – Kellman Curriculum Vitae
3 – Site Plan
4 – Zoning Map
5 – Conceptual Landscape Plan
6 – Title Deed 39754/228
7 – Plat 21/77 – Green Spring Manor Section 4
8 – Photo Array 1
9 – Photo Array 2
10 – Surrounding Residential Properties
11 – Planning Commission / Board Approved Subdivisions
12 – Shuls within 15 minute walk
13 – Map of Members and Supporters
14 – Map (Close Up) of Members and Supporters
15 – Aerial Photo of 3009 Northbrook
16 – Parking Reservations – Wellwood School
17 – Approved Parking Notification – Wellwood School
18 – Petition
19A and B – Photos
21 – Permit Approval

Protestants' Exhibit No.

1 – Plats – Green Spring Manor
2 – My Neighborhood Map
3 – SDAT sheets (3009 and 3101 Northbrook)
3A – SDAT sheets (all of Section 4 – Green Spring Manor)
4 – Withdrawn
5 – Articles of Incorporation
6 – Temporary Use Permit
7 – Withdrawn
8 – Photos (rentals)
9 – Facebook Image
10 – Facebook Image

11 – Withdrawn
12 – Withdrawn
13 – Withdrawn
14A – Video
14B – Transcript
15 – Correction Notice
16 – Citation
17 – Petition
18 – ZAC comments
19 – Photo of parking
20 – Photo of parking
21 – Photo of parking
22 – Photo – Wellwood
23 – Withdrawn
23A – Photo of ramp
24 – Withdrawn
25 – Withdrawn
26A – Aerial 2015
26B – Aerial 2002
26C – Aerial 1994
26D – Aerial 1993
26E – Aerial 1989
26F – Aerial 1981
26G – Legend
27A – Email from Judge Mayhew
27B – Email attachments (3 letters)
28 – Withdrawn
28A – Photo Wellwood
29 – Building Permit
30 – Donny Akri website
31 – Non-Sephardic 7 Mile and Shawburn Website
32 – Hamizrach Website
32A – Hamizrach Map
33 – Map of Members and Petition Signers
34 – Spreadsheet
35 – Photo of Lisborne and Northbrook
36 – Photo of Lisborne and Northbrook

| | |
|---|---|
| March 23, 2022 | Letter to Board from Mark and Debra Holzman opposing request. |
| March 30, 2022 | Email to Board from Michael R. McCann, Esquire requesting extension of time to file memos, and email from Board to counsel granting extension. |
| April 5, 2022 | Email from Board to counsel sending Exhibit Lists. |

| | |
|---|---|
| April 15, 2022 | Notice of Deliberation issued by the Board. |
| May 3, 2022 | Notice of Dismissal of Appeal by [Only] Appellants Avron and Gayla Elbaum filed by Michael R. McCann, Esquire. |
| May 9, 2022 | Petitioners' Memorandum in Lieu of Closing Argument filed by Dino C. La Fiandra, Esquire. |
| May 9, 2022 | Protestants' Post-Hearing Memorandum filed by Michael R. McCann, Esquire. |
| May 18, 2022 | Notice of Postponement of Deliberation issued by the Board. |
| May 26, 2022 | Notice of Deliberation issued by the Board. |
| June 16, 2022 | Board convened for Public Deliberation. |
| November 1, 2022 | Opinion and Order issued by the Board wherein the Motion to Dismiss filed by the Protestants was DENIED; and the Petition for Special Hearing and Variance was GRANTED, with conditions. |
| December 1, 2022 | Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael R. McCann, Esquire on behalf of Andrew and Sarah Segal, Zalman Kahn, and Simcha and Debra Varon. |
| December 6, 2022 | Copy of Petition for Judicial Review received by the Board. |
| December 9, 2022 | Certificate of Compliance filed in the Circuit Court for Baltimore County and sent to all parties. |
| December 16, 2022 | Cross-Petition filed in the Circuit Court for Baltimore County by Dino C. La Fiandra, Esquire on behalf of Ahavat Shalom Congregation, Inc. and Saman Radparvar, Cross-Petitioners/Respondents. |
| January 31, 2023 | Transcript of testimony filed. |
| January 31, 2023 | Record of Proceedings filed in the Circuit Court for Baltimore County. |

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
*appealsboard@baltimorecountymd.gov*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31st day of January, 2023 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204-5025

Saman Radparvar
6521 Gardenwick Road
Baltimore, MD 21209

Ashkan Attar
President of Congregation
3103 Hatton Road
Baltimore, MD 21208

Rabbi Eli Hakkakian
Ahavat Shalom Congregation, Inc.
3009 Northbrook Road
Baltimore, MD 21209

Noam and Leah Efron
3107 Northbrook Road
Baltimore, MD 21208

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Andrew and Sarah Segal
7500 Lisburne Road
Baltimore, MD 21208

Zalman Kahn
3007 Northbrook Road
Baltimore, MD 21209

Simcha and Debra Varon
3102 Northbrook Road
Baltimore, MD 21208

Tammy A. Zahner

E-FILED; Baltimore County Circuit Court
Docket: 12/16/2022 12:57 PM; Submission: 12/16/2022 12:57 PM

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

**CROSS-PETITION OF:**

AHAVAT SHALOM CONGREGATION, INC.
3009 Northbrook Road
Baltimore, Maryland 21209

and

SAMAN RADPARVAR
6521 Gardenwick Road
Baltimore, Maryland 21209

**FOR JUDICIAL REVIEW OF THE DECISION OF THE BALTIMORE COUNTY BOARD OF APPEALS**
105 W. Chesapeake Avenue, Suite 203
Towson, Maryland 21204

**IN THE CASE OF:**

In the Matter of:
Saman Radparvar, *Legal Owner*
Ahavat Shalom Congregation, Inc., *Contract Purchaser*
Petitioners for Special Hearing and Variance on the
Property Located at 3009 Northbrook Road

Board of Appeals Case No. 20-299-SPHA

**Case No: C-03-CV-22-004872**

## CROSS-PETITION FOR JUDICIAL REVIEW

Ahavat Shalom Congregation, Inc. and Saman Radparvar, Cross-Petitioners / Respondents, by and through their counsel, Dino C. La Fiandra, Esquire, and The Law Office of Dino C. La Fiandra, LLC, request judicial review of the Opinion and Order of the Baltimore County Board of Appeals dated November 1, 2022 in the case of *In the Matter of: Saman Radparvar, Legal Owner and Ahavat Shalom Congregation, Inc., Petitioners for Special Hearing and Variance on the Property Located at 3009 Northbrook Road*, Board of Appeals Case No. 20-299-SPHA. The Cross-Petitioners / Respondents were parties before the Board of Appeals.

A copy of the Opinion and Order of which Judicial Review is sought is Exhibit 1 to this Petition for Judicial Review.

Respectfully submitted,

December 16, 2022
Date

**Dino C. La Fiandra, Esquire**
**THE LAW OFFICE OF DINO C. LA FIANDRA, LLC**
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Email: dcl@lafiandralaw.com
Telephone: 443-204-3473
Client Protection Fund ID: 9512130116
**Attorney for Cross-Petitioners / Respondents**

Certificate of Service

This Cross-Petition for Judicial Review was mailed by prepaid first class mail to Michael R. McCann, Attorney for Petitioners, 118 W. Pennsylvania Avenue, Towson, Maryland 21204, this 16th day of December, 2022.

Dino C. La Fiandra

Exhibit 1

| | | |
|---|---|---|
| IN THE MATTER OF<br>SAMAN RADPARVAR, LEGAL OWNER<br>AND AHAVAT SHALOM CONGREGATION,<br>INC., CONTRACT PURCHASERS -<br>PETITIONERS FOR SPECIAL HEARING AND<br>VARIANCE ON THE PROPERTY LOCATED<br>AT 3009 NORTHBROOK ROAD<br>3RD ELECTION DISTRICT<br>2ND COUNCIL DISTRICT | *<br>*<br>*<br>*<br>*<br>* | BEFORE THE<br>BOARD OF APPEALS<br>OF<br>BALTIMORE COUNTY<br>Case No.: 20-299-SPHA |

* * * * * * * * * * * *

## OPINION

This case comes to the Board of Appeals of Baltimore County ("Board") as the result of a Petition for Special Hearing and Variance filed by Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser (collectively, "Petitioner"). That Petition seeks approval for the conversion of a single family residence at 3009 Northbrook Road into a house of worship, known as a synagogue or shul, for an Orthodox Jewish congregation. The Petition is opposed by residents of the immediate area, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron ("Protestants"). The matter was first heard before Administrative Law Judge Paul M. Mayhew, who by an Order dated October 5, 2021, granted the requested relief with conditions. Protestants noted a timely *de novo* appeal to this Board.

The Board held four days of virtual public hearings on March 10, 14, 23, and 24, 2022. Petitioners were represented by Dino C. La Fiandra, Esquire. Michael R. McCann, Esquire, represented the Protestants. The parties thereafter submitted, and the Board received post-hearing memoranda. The Board held a remote public deliberation using Webex on June 16, 2022. In its deliberation, the Board approved the Petition with conditions as described below.

## INTRODUCTION

Petitioner proposes to re-fit a 2,370 square foot house into a synagogue with a small rear addition. The addition is designed to permit a separate women's entrance. The addition is to be

built on the site of an existing deck so that the structure's total footprint is hardly affected. The synagogue itself will contain 80 seats.

The site of this synagogue is in a residential neighborhood in a subdivision named Greenspring Manor. That it is a residential area generates a number of issues. The Petitioner makes several arguments in support of its position. First, it argues that the project fits an exception to the Residential Transition Area (RTA) requirements because it is a house of worship and ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." *See* Baltimore County Zoning Regulations (BCZR) §§1B01.1.B.1. and 1B01.1.B.1g(6). Under this view, the plan satisfies the RTA "to the extent possible" and is otherwise "compatible" with both the surrounding area and the general welfare. To complete this approach, the Petitioner requires a variance from the setback requirements of § 1B01.2.C.1. and approval of a modified parking plan under § 409.12.B.

Petitioners' second argument is that none of the RTA, setback, or parking restrictions apply because the property is subject to the 1945 zoning regulations and those regulations had no RTA component. Under this view, the RTA and its associated restrictions simply do not apply so no zoning relief is necessary.

Finally, Petitioners argue that any technical zoning non-compliance should be forgiven by reason of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) at 42 USC § 2000cc, *et seq*. This federal provision prohibits a local zoning authority from requiring adherence to a local land use regulation if that regulation imposes "a substantial burden" on the religious exercise unless that regulation is supported by a compelling governmental interest and

is "the least restrictive means of furthering that compelling governmental interest". 42 U.S.C. § 2000cc(a)(1). In addition, RLUIPA prohibits enforcement of a land regulation that "discriminates" against a religious entity by unreasonably limiting "religious assemblies, institutions, or structures" in a particular area.[1] *See generally Jesus Christ Is The Answer Ministries, Inc. v. Baltimore County*, 915 F.3d 256, 260-61 (4th Cir. 2019).

The Protestants argue that § 1B01.1.B limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under that analysis, the project is barred *per se*. Secondly, they disagree that the synagogue complies with the RTA "to the extent possible" nor does it satisfy the variance standard so as to permit the requested setback. Thirdly, the Protestants cite the Petitioners' history of zoning non-compliance and take the position that this non-compliance should cause the Board to deny the requests, or at least to be wary of granting the Petition with limitations which the Protestants say will not be followed. Finally, the Protestants disagree that RLUIPA should have any impact on the resolution of the zoning issues.

## FACTUAL PRESENTATION

The first witness was Stephen Warfield, a civil engineer, stipulated as an expert in civil engineering, the Baltimore County Zoning Regulations (BCZR), and the Development Review Committee process. Mr. Warfield sponsored the site plan which showed that the property is a one story house with a basement. (Pet. Ex. 3). It fronts on Northbrook Road with a sidewalk along the front of the property. It has a 2-space concrete parking pad. The property dimension is just under 10,000 square feet. The house is essentially rectangular though there is a notch

[1] As is evident from the discussion below at p. 16-19, the Board finds no evidence of discrimination under RLUIPA. The RLUIPA finding that the Board has made relates only to the substantial burden prong.

protrusion in the rear where a back porch is attached. The front of the property is zoned DR 3.5, and a portion of the rear is zoned DR 5.5. *Id.*

The proposed exterior modifications are relatively minor. First, it is planned to add a separate women's entrance in the rear in the area next to the notch.[2] The effect of this addition would be to make the building rectangular. It would not extend the outer boundary of the footprint; it simply backfills the rear entrance to the area next to the existing protrusion. Because the building's use would be non-residential, it must comply with the Americans with Disabilities Act. Thus, a ramp was constructed in the front of the building to permit disabled access through the front door. The interior modifications to the house would result in a lobby, an 80 seat sanctuary, and a bathroom.

According to Mr. Warfield, again because the synagogue would be a non-residential use in a DR zone and within 100 feet of a residence, the Residential Transition Area (RTA) requirements apply. These are found in the BCZR at § 1B01.1.B.1 Mr. Warfield testified that under these circumstances, there are certain setback requirements designed to maintain a proper buffer between those pre-existing residences and the non-residential building. Mr. Warfield testified that the proposed synagogue cannot meet the RTA setback standards.[3] Because the proposed use is for a religious services, § 1B01.1.B.g(6) provides that such a use need satisfy the RTA only "to the extent possible". This means that, even under the RTA system, the RTA does not apply by its strictest terms to religious institutions. Mr. Warfield testified that in his opinion, the proposed synagogue does comply with the RTA "to the extent possible".

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[2] In the Orthodox community, every effort is taken to avoid physical touching, even incidental physical touching, between women and unrelated adult men. The separate women's entrance is an effort to achieve this goal.

[3] This issue is discussed *infra* at p.14-15 in the context of the variance request.

The next witness was Yaakov Attar who is president of the Ahavat Shalom Congregation. He testified that this is a Sephardic orthodox community which means it is composed of Jews with largely Middle Eastern roots as opposed to European roots. He indicated that the location was selected because of its proximity to the majority of the congregants who are required to walk to Sabbath services. From 2013 into 2020, the congregation rented space at other facilities. Most recently, it had leased space at the Edward A. Myerberg Community Center, but the Myerberg Center had been unable to renew the lease at the end of 2020. At about this time, the subject property was acquired by Dr. Radparvar for the benefit of the congregation. It began having services at the site on a regular basis once the Myerberg lease ended, but it encountered zoning difficulties resulting in citations issued by the County. Ahavat Shalom had High Holy Day services at the site in the fall of 2021, and some services thereafter, but because of the County enforcement actions, services ceased.

According to Mr. Attar, the synagogue would have an 80 seat capacity which, in turn, requires 20 parking spaces. BCZR § 409.6. The site itself only has two parking spots. Mr. Attar testified that the congregation has arranged with the closely proximate Wellwood Elementary School for additional parking. While those arrangements went through several iterations, at the time of the hearing, Ahavat Shalom has access to 72 additional spots every Sunday through Thursday from 7:00 pm to 10:00 pm, and every Friday starting at 5:00 pm and ending on Saturday at 10:00 pm. This arrangement was to continue until July 2022, at which time it would need to be renewed. There is no reason to believe it has not been renewed. *See* Petitioner's Exhibits 9, 15, 16, and 17. According to Mr. Attar, there is no kitchen or social hall.

Mr. Attar also presented evidence about the anticipated weekly activity schedule. There would be classes scheduled periodically though attendance was anticipated to be small –

approximately eight to twelve attendees. There are some weekday night study sessions but again, with small participation. The bulk of the activity would be Friday Sabbath services beginning at sundown. He indicated that there would be approximately 65 attendees, the vast majority of whom would walk. They would return on Saturday morning for additional Sabbath services. Again, the vast majority of participants would walk. There is an additional afternoon service with about 50 people. The Rabbi may offer a class, there may be some light refreshments, and there is a 20 minute evening prayer at the conclusion of the Sabbath. In the winter, there may be a father and child group activity with 50-55 people. These participants would use automobiles because the event would occur after sundown on Saturdays.

The cross examination of Mr. Attar disclosed that the congregation had been using the site for services in violation of the zoning laws and directives from the Baltimore County zoning authority. Mr. Attar attempted to justify this activity by stating that he and the others were unclear as to the meaning and scope of the directives from the County, but this testimony was not particularly credible. Mr. Attar was also cross-examined about the congregation's ultimate intentions because its website was, as of the time of the hearing, actively fundraising in order to build a significant institutional-style synagogue that was far different than reflected in the site plan for the subject property. Again, Mr. Attar's explanation for the continued operation of that website and by implication, the continued interest in a much larger synagogue, was not convincing.[4]

[4] It is for this reason that the Board, though approving the synagogue, is imposing a special condition that limits its size and design to that which is reflected in the site plan introduced in this case. No significant architectural modifications are permitted now or in the future. The Board's approval is conditioned upon maintaining the residential design of the synagogue so that the building itself blends with the nearby residences.

The first witness called by the opponents to the project was Jeffrey Perlow, Zoning Supervisor in the Department of Permits, Applications, and Inspections (PAI). His testimony was limited to the legal issue regarding the operation of BCZR § 1B01.1.B.h and is addressed below at p. 11-12 in the discussion of those issues.

The first opposition witness on the merits was Debra Varon who has resided at 3102 Northbrook for 27 years. Her home is located diagonally across the street from the subject property. In summary, Ms. Varon's concerns were: (1) the introduction of a non-residential use into a long established residential neighborhood; (2) the increased automobile traffic posing a danger to the many children in the area; (3) the dangerous curve on Northbrook and the additional automobile traffic increasing the likelihood of a significant traffic accident; (4) the synagogue generating more noise; (5) her belief that the congregation will exceed the 80 or so member number to which Mr. Attar had testified; (6) skepticism that the parking at Wellwood Elementary will actually be used, noting that the synagogue has generated increased parking on Lisburne Road which intersects Northbrook; and finally (7) her belief that the seller of the subject property would not have sold to Dr. Radparvar if the seller had known that the use would be non-residential. She acknowledged that many of the problems that she cited – particularly as to parking and traffic – were pre-existing, but she indicated that the proposed synagogue would exacerbate those problems.

The opposition called Zalman Kahn who has resided next door to the subject property for the past 20 years. He is a medical practitioner at three LifeBridge medical facilities. He has a contract with LifeBridge to enable other medical staff who may need to walk to work to use his home as temporary lodging. Because of his employment situation, he only lives in his Northbrook home during weekdays. He resides with his family outside of the Baltimore area on

weekends. His concerns included disruption of the longstanding residential neighborhood, the ever-increasing size of the congregation, the increase in vehicular and foot traffic, and the enhanced risk of vehicular and pedestrian accidents because there was no safe area to discharge passengers in front of the synagogue. He acknowledged that there are a number of similar-sized synagogues within a fifteen minute walk of the neighborhood. He himself had been accepting of this synagogue until its membership grew to its present size.

Stuart Varon, M.D. also testified against the synagogue. His general concerns echoed those of the other opponents regarding the size of the congregation, disruption of the residential character of the neighborhood, and general safety concerns. He indicated that he did not believe that the synagogue's representatives had been candid and open during the process.

The next witness was Judith Estherson Chernak. She has lived at 3114 Hatton Road for 53 years. She indicated that the synagogue will detract from the residential character, and that the preexisting traffic problems will be exacerbated. She also questioned the synagogue's good faith because it has advertised itself as wanting to be a center for Sephardic interests, with resulting activity far exceeding that associated with a simple location for religious services and ancillary study. She had no confidence that the synagogue would abide by any limitations.

The final witness in opposition was Andrew Segal, M.D. Dr. Segal has lived at 7700 Lisburne Road which is at the intersection with Northbrook. His home faces the subject property. His parents bought that home in 1970, and he has lived there since his childhood. He now lives there with his wife. His fundamental concerns related to the increase in pedestrian and vehicular traffic. He indicated that the congregants already park on Lisburne, and not at Wellwood. He offered a number of photos which purported to show that the cars were parking on Lisburne and not at Wellwood, though he did acknowledge that they started using Wellwood after the hearing

before the ALJ. He also counted only 42 spaces at Wellwood so, according to him, it was inadequate even if used.[5] Dr. Segal also presented a petition in opposition (Protestants' Exhibit 17) and critiqued the Petitioner's petition (Petitioner's Exhibit 18). For example, he indicated that 23 out of 105 signatories in the synagogue's petition resided in the Greenspring Manor development whereas 25 out of the 42 signatories in the opponents' petition resided in that area. He also testified that he and his wife made "exit counts" from January 2021 to July 2021. This information was presented in a spreadsheet. (Protestants' Exhibit 34). As with the other opposition witnesses, Dr. Segal questioned the congregation's good faith and ultimate willingness to honor any restrictions that would be imposed.

## ANALYSIS

### I. THE PROPOSED SYNAGOGUE IS NOT PER SE PROHIBITED BECAUSE SUCH A USE WAS NOT PERMITTED IN 2010.

The Protestants filed a Motion to Dismiss arguing that § 1B01.1.B.2 limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under this argument, uses permitted in the Greenspring Manor subdivision were frozen in time as of December 6, 2010, the date upon which § 1B01.1.B.2, the operative section of the BCZR, went into effect.

That provision reads, in part:

> Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

One of the then following restrictions relates to limits on uses in "existing" developments. Section 1B01.1.B.2 states that uses in "existing developments" are limited to those uses "now lawfully established or those indicated in the subdivision plans on file with the Department of

[5] A congregation of 80 requires 20 parking spots. BCZR § 409.6.A.4, and discussion *infra* at p. 15-16.

Permits, Approvals and Inspections. . . " Protestants than argue that because that provision was adopted on December 6, 2010, the only rational meaning is that only uses available as of right on or before that date are permitted. Because a house of worship was not then an enumerated use by right, it remains permanently unpermitted.

The Board rejected this argument. The phrases "now lawfully established" and "existing developments" are central to the analysis. The parties agreed that Greenspring Manor is an "existing development" within the meaning of § 1B01.1.B.2. The Board disagrees with Protestants on the scope of the phrase "now lawfully established". Under Protestants read, any use not specifically enumerated for this subdivision as of 2010 is prohibited. It is necessary, however, to focus on the heading of the section: "Uses permitted as of right". That heading signifies that what the section is intending to do is secure that uses by right shall continue to be uses by right thereafter. In other words, no *use by right* as of 2010 can be eliminated. Any other reading would lead to the conclusion that any alternative development is forever barred.

While Protestants' view can be justified by the literal words, that view leads to an illogical result. This means that the provision is ambiguous. *Kaczorowski v. Mayor and City Council*, 309 Md. 505, 513-15 (1987). Mitchell Kellman essentially testified to the interpretation that uses by right are preserved for the future without necessarily limiting the development to other uses with the resulting stagnation of development. The Board accepts Mr. Kellman's explanation on this point. This is also consistent with the County Council's action in acknowledging that houses of worship can be in an RTA area by right. § 1B01.1.A.3. The Protestants relied solely on their interpretation of the regulatory language without calling an expert to support that interpretation. This is certainly an acceptable route. *Edsall v. Huffaker*, 159 Md. 337, 343 (2004) (litigant not required to present an expert to counter opponent's expert and can rely on other factors to

undermine expert's opinion). At the same time, it cannot be denied that the actual expertise of someone who is familiar with the operation of the zoning regulations – which are obviously complex in their language and in their inter-relationships – is of great use to the Board. In that context, Mr. Kellman's opinion is unrebutted. A factfinder can reject "unrebutted" testimony in whole or in part, and simply because there is no "rebuttal" testimony does not mean that a tribunal is obliged to accept it. *Edsall v. Huffaker*, *supra.*, 159 Md. App. at 341-45. So, while we are not obliged to accept Mr. Kellman's view, in this particular case and on this particular point, Mr. Kellman's expertise was helpful and convincing.

## II. THE RESIDENTIAL TRANSITION AREA REGULATIIONS APPLY.

The Petitioners made a threshold argument that the RTA regulations are not operative here because §1B01.1.B.1(h) provides that the RTA does not apply to property that is in an "existing development as described in Subsection A.1 of Section 1B02.3". That latter provision states that the RTA regulations do not apply to ". . .the use, occupancy, and development of; alteration or expansion of structures upon; and administrative procedures with respect to: . . .(1) any lot which is in a recorded residential subdivision approved by [the County] and which has been used, occupied or improved in accordance with the subdivision plan". In this instance, the recorded subdivision precedes the enactment of the RTA and the structure on the subject property was built in 1993. Therefore, so the argument goes, the use as a residence was in a recorded subdivision predating the RTA; the use as a residence since construction in 1993 is in accord with that subdivision; and the change of the use from a residence to a religious house of worship is irrelevant given section that § 1B02.3.A.1 contemplates the possibility of an altered use without mentioning that the exemption would not thereby apply. This argument was put forward through the testimony of Mitchell Kellman.

The Protestants called Jeffrey Perlow, the Zoning Supervisor from PAI. Mr. Perlow has over 22 years of experience in Baltimore County zoning. His testimony was limited to the application of 1B01.1.B.1(h) and the possible exemption of this project from the RTA. Based on his experience as a central administrator in Baltimore County zoning, he testified clearly and unequivocally that once there is a change in use of a property otherwise subject to the RTA, the exemption from RTA compliance does not apply. When the use of the property changes, it is the standard practice to apply all of the then applicable regulations, including the RTA provisions, to the new use. He specifically referred to BCZR § 103.1 which stands for the proposition that the BCZR uses and requirements existing at the time of the adoption of the regulations remain. He indicated, however, that once any such use changes, the regulations in existence at the time of the change then apply. Certainly, as applicable in this case, the Board accepts Mr. Perlow's (and rejects Mr. Kellman's) testimony on this point. *Kim v. Maryland State Board of Physicians*, 196 Md. App. 362, 371-72 (2010) ("…[a]n administrative agency's interpretation and application of the statute it administers should ordinarily be given considerable weight...") (internal citation omitted).

## III. THE PROJECT SATISFIES THE RTA "TO THE EXTENT POSSIBLE" AND IS OTHERWISE COMPATIBLE WITH THE RTA.

Under BCZR § 1B01.1.B.g(6) a house of worship satisfies the RTA if ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." The Board concluded that this project satisfied those provisions.

The first step in any RTA analysis is to define the "surrounding" area that requires RTA protection. Mr. Kellman testified for the Petitioner that the "surrounding residential" area that

was to be buffered by the RTA was extended to the houses and few adjoining streets around the subject property. This definition was uncontested.[6]

Once the area is defined, it is then necessary to examine subsection g(6). Petitioner's argument is that it has complied with the RTA "to the extent possible" which, in this case, is somewhat limited. Nonetheless, the Board has concluded that the RTA has been satisfied "to the extent possible." We have interpreted that phrase as theoretically including a complete lack of compliance because that would be "the extent possible."[7] Here, however, there is far more than complete lack of compliance.

The exterior of the property which has heretofore been a residence is largely unchanged. The only modifications are the ramp in the front and the entrance addition in the rear. The front ramp – necessitated by the Americans with Disabilities Act – is a trivial architectural modification which most likely could have been added by a homeowner if the use had remained residential. The rear addition is simply enclosing a pre-existing notch which is not visible from the street, nor which will be noticeable architecturally or stylistically. The property will be fenced which contributes to the residential feel. The physical characteristics of the property including height, building materials, and exterior finish will all be consistent with the surrounding homes.[8] In addition, there will be appropriate landscaping.

---

[6] In a previous and similar case, Mr. Kellman had testified that the surrounding area for RTA purposes extended to the entire "walkability" area associated with the synagogue. That view was categorically rejected by this Board in favor of a definition that was comparable with his testimony in this case. *See In re: Petition For Special Hearing and Variance, 6603 and 6605 Pimlico Road (Derek Chaim)*, CBA 20-132-SPHA, Opinion at p.7.

[7] *See Derek Chaim, supra* at p. 7-8.

[8] If the design were something akin to the design of the synagogue on the congregation's website, this decision could well be different. The design used for fundraising is institutional and clearly quite different from the residential design in the neighborhood or as depicted in site plan offered into evidence in this matter. The maintenance of the exterior residential design is crucial to the decision in Petitioner's favor, and it is for that reason that the Board has imposed strict limitations on any future design alterations.

The word "compatible" is not expressly defined in the BCZR. Section 101.1 provides that undefined words "shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." Webster's defines compatibility as "capable of existing together without discord or disharmony." Compatible, therefore, means harmonious or non-discordant. The architectural design that promotes a traditional residential look is by far the component which makes the synagogue compatible. This synagogue looks like the surrounding houses in its design and is therefore stylistically compatible with the surrounding area.

In terms of the anticipated use, the project is compatible and supports the general welfare. This area has many synagogues in former residences for relatively small congregations where the building itself remains largely residential in outward appearance. Because of the necessity to walk on the Sabbath, many of these congregations must have houses of worship that are closely proximate to their members. It can be said that the presence of a synagogue strengthens the surrounding area even where the closest neighbors are not actual members of the synagogue. A religious facility does not lead to the decay of an area like the insertion of an incompatible commercial business can. In short, the Board concludes that the project not only complies with the RTA to the extent possible and is otherwise compatible with the surrounding area, but also supports the general welfare of the community.

At the heart of the RTA regulations is the purpose to ensure that single family residences are adequately protected from dissimilar housing types and uses. But the regulations further acknowledge that houses of religious worship are to be evaluated differently than other types of uses that would be subject to the RTA provisions because that religious use is permitted by right. BCZR § 1B01.1.A.3. While uses like townhomes and apartment buildings must achieve strict

compliance with the RTA standards, houses of religious worship need not do so. The inclusion of the modifying language "to the extent possible" means that houses of religious worship are expressly afforded flexibility in achieving the standards. And, yet, while there is no mistaking that a synagogue, or any other house of religious worship, will look and function at least somewhat differently from nearly any residence, the BCZR makes clear that houses of worship must nevertheless be permitted to exist closer to single family residences than would be permitted for other non-residential uses.

As indicated above, the Board has found that the benefit to the congregation and the Orthodox community in general outweighs the potential impact that this synagogue may have on the closest residents. For all of the reasons already recited, the Board believes that this project complies with the RTA use requirements "to the extent possible" and is "compatible with the character and general welfare of the surrounding residential premises."

## IV. THE REQUESTED SETBACK VARIANCES SATISFY THE *CROMWELL* STANDARD.

The present structure satisfies the setback requirements for residences. However, once the use is changed to a synagogue, different setback requirements apply. For a non-residential use in the DR 3.5 zone (which is the zone for the subject property), there is required a 50 foot front setback, a 20 foot side setback, and a 30 foot rear setback. The present setbacks are 30 feet from the front, 10 feet from the east property line, 15 feet from the west property line, and 30 feet from the rear property line. Accordingly, the project requires front and side setbacks. See BCZR § 1B01.2.C.1(a) and the Comprehensive Manual of Development Policies (CMDP), p. 35, Table 5.

Pursuant to § BCZR 307.1 and *Cromwell v. Ward*, 102 Md. App. 695 (1995), a variance is permitted where the property is unique and the failure to grant a variance will result in a

practical hardship. Mr. Kellman testified that the property is unique because it cannot be converted to any non-residential use –even a use permitted by right -- without a variance and in this instance, the non-residential use is a use permitted by right. In addition, without a variance, there can be no non-residential development of any sort, and thus, there is an economic hardship as well. The Board accepts this analysis of uniqueness and hardship for the purposes of this case.[9]

## V. THE MODIFIED PARKING PLAN IS APPROVED.

For a house of worship, the BCZR requires one parking space for every four seats. Exhibit 3 shows an 80 seat capacity, meaning that 20 parking spaces are needed. BCZR § 409.6. The site has only 2 spots. Section 409.12.B permits a modified parking plan if a showing of undue hardship is made at a public hearing. No showing of uniqueness is required.

Requiring 20 parking spaces creates an undue hardship in this instance. Indeed, there could be no conversion to any other use permitted by right except for a residence, and thus there is an undue hardship. Even more, the parking issues associated with an Orthodox synagogue are special. Because of the prohibition against driving on the Sabbath and certain other religiously significant days, the times when the synagogue will be most utilized are the times when there will be the least number of cars. On the other nights of the week, the synagogue activities will be much less intense, making the stress on the neighborhood much less. Even more, the congregation's arrangement with Wellwood Elementary generates a total of 72 parking spaces, which is well above the required 20. It is true that the arrangement is on a year-to-year basis. While this is a contingency that cannot be entirely controlled by Ahavat Shalom, the Board finds

[9] In the event that the *Cromwell* standard is not met, the Board finds that the setback variance should be granted as a result of RLUIPA, as discussed *infra* at p.18-19.

that so long as the congregation makes every good faith effort to perpetuate that arrangement, the parking situation is satisfactory.[10]

## VI. THE RELIGIOUS LAND USE AND INSTITUIONALIZED PERSONS ACT REQUIRES THAT THE BALITMORE COUNTY ZONING RESTRICTIOINS BE ELAXED IN ORDER TO PERMIT THE AHAVAT SHALOM SYNAGOGUE

Even if our interpretation of the RTA provisions, setback variances, the parking modification plan, and any the other technical zoning matters is incorrect, we find alternatively that the provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 USC 2000cc, *et seq.* override strict compliance with the zoning restrictions applicable in this matter. It is prohibited under RLUIPA for a local zoning authority to require adherence to zoning regulations by a religious institution unless the governmental authority can demonstrate that adherence to that zoning requirement furthers a compelling state interest and is the least restrictive means of furthering that compelling interest. 42 U.S.C. 2000cc(a)(1). This is an exceedingly difficult standard for a local zoning authority to meet.

A threshold consideration under RLUIPA is whether the religious entity's effort to establish "a religious assembly or institution" is reasonable under the circumstances. *Jesus Christ Is The Answer Ministries, Inc., et al. v. Baltimore County*, 915 F.3d 256, 261 (4th Cir. 2019); *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d 548, 556-58 (4th Cir. 2013). This requires a highly fact-based assessment.

There is no question that the congregation needs a home. It had no home whatsoever after its lease with the Myerberg Center ended. *See Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007) (absence of an adequate facility is a "burden"

[10] Once again, the requirements of RLUIPA operate to justify the modified parking plan even if the 409.12.B requirements are not satisfied. *Infra* at p 18-19.

under RLUIPA). Dr. Radparvar purchased the property with an expectation that it would be able to be used as a synagogue for a small congregation because, in part, as has been said throughout this Opinion, a place for religious worship is a permitted use by right in this zone. *See Jesus Christ Is the Answer Ministries v. Baltimore County*, *Id.* (holding that there is a reasonable expectancy where a use is permitted by right). Even if there are contingencies like those associated with special exceptions, the expectation that permission will be granted is reasonable. S*ee Hunt Valley Baptist Church v. Baltimore County*, 2017 WL 4801542 (D, Md.) at p. 27 (even where church is required to obtain a special exception (for a presumptively valid use), there is a reasonable basis to believe that the development will be allowed). The reasonableness of the belief is particularly apt here where the contingency associated with the RTA regulations is expressly ameliorated for religious institutions.

There was also evidence that there are a significant number of small synagogues scattered throughout the immediate vicinity. The presence of these other synagogues bears on the reasonableness of the congregation's belief that it, like those other congregations, would be able to use the facility for religious worship. *See Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 557-58. It is true that some of these synagogues are in the City with different zoning requirements, and it is true that there are distinctions between the building sizes, locations, congregation sizes, and level of neighborhood opposition that make it impossible to say that the Ahavat Shalom situation is like every or indeed, any other of these synagogues. Yet the overarching fact is that the Orthodox community that has self-located in this part of the metropolitan area has established a strong presence. Part of this presence is the creation of small and moderate-sized congregations operating in buildings, many of which were originally residential. The more there are, the more reasonable it becomes for a group like the Ahavat

Shalom congregation to believe that its utilization for religious services of a pre-existing residence will be accommodated. And, of course, the religious use is a use permitted by right in this zone, a fact which bears on the reasonableness of the belief that the effort to establish a synagogue can be accommodated by the zoning authority.

Under all of these circumstances we cannot say that there is a compelling governmental interest in strict enforcement of the RTA or the other relevant zoning restrictions. A good illustration of the failure to perceive a compelling governmental interest is the setback variance. If one were to assume *arguendo* that the *Cromwell* standard is unmet, then we are left with a situation where a building that was a residence in compliance with all residential setbacks will remain a residence in style but simply with a different use. That new use does not impact the setbacks because the building footprint and architecture remain the same. Though the intensity of use will increase, that use is sporadic throughout the week, with modest uses except for Friday evening through Saturday evening. There is no kitchen nor social hall. How then, one wonders, does requiring strict adherence to the non-residential setbacks support a *compelling* governmental interest? What is the compelling interest in requiring a 50 foot front setback instead of a 30 foot front setback? "Compelling" must mean something well beyond simple adherence to the law, otherwise "compelling" has no meaning distinct from compliance with the law. What is the extraordinary interest in demanding that extra 20 foot setback? The same type of analysis applies to the RTA zoning and modified parking plan as well. There is always a salutary benefit in requiring adherence to rules of general applicability governing land use conduct; these are rules which provide notice, clarity, predictability, and consistency in development. *See e.g. Sylvia Development Corp. v. Calvert County*, 48 F.3d 810, 820n.3 (4th Cir. (Md.) 1995) (recognizing the positive role of zoning in land development). But, like it or not, we have been specifically

directed by Congress and the federal judiciary that in the special of case of land use for religious institutions, zoning restrictions for a use, particularly a use permitted by right, must give way to other concerns, absent a special and significant reason for requiring strict adherence to the zoning requirements. *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 55-59. We see no such special and significant justifications in this matter, and the opponents to the Ahavat Shalom project have not suggested any to us.

Accordingly, we hold that even if the requisites of the standard zoning principles are not satisfied, then the operation of RLUIPA requires that those zoning standards be relaxed to allow the Ahavat Shalom synagogue with the restrictions recited in our Order.

## CONCLUSION

For all of the reasons stated above, the Board grants the requested relief in accord with the Order.

## ORDER

**THEREFORE, IT IS THIS** 1st day of November, 2022, by the Board of Appeals of Baltimore County,

**ORDERED** that the Motion to Dismiss filed by the Protestants is hereby **DENIED**; and it is further

**ORDERED** that the Petition for Special Hearing and Variance is hereby **GRANTED** for the reasons and on the bases as described in the Opinion issued this same date, subject to the following limitations:

1. The exterior of the building will not be modified in any way that alters the residential style of said building, and any alterations of any sort will require the approval of the Department of Planning, the County Fire Marshall, and the County Landscape Architect;

2. Except for the Sabbath and the High Holy Days, Petitioners shall not hold services or otherwise schedule any events after 10:00 p.m.; and

3. Petitioners shall make every good faith effort to maintain an adequate parking arrangement with Wellwood Elementary School, and if necessary, make a good faith effort to arrange reasonable alternative parking if necessary.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

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

Joseph L. Evans, Panel Chair

Sharonne R. Bonardi

Adam T. Sampson

| | | |
|---|---|---|
| IN THE CIRCUIT COURT<br>FOR BALTIMORE COUNTY | * | |
| | * | |
| PETITION OF:<br>ANDREW AND SARAH SEGAL, *et al.* | * | |
| FOR JUDICIAL REVIEW OF THE OPINION OF<br>THE BOARD OF APPEALS<br>OF BALTIMORE COUNTY<br>Jefferson Building, Suite 203<br>105 W. Chesapeake Avenue<br>Towson, MD 21204 | * | CIVIL ACTION<br>NO.: C-03-CV-22-004872 |
| | * | |
| IN THE MATTER OF:<br>SAMAN RADPARVAR – LEGAL OWNER<br>AHAVAT SHALOM CONGREGATION, INC. –<br>CONTRACT PURCHASERS<br>Petition for Special Hearing and Variance<br>on the Property located at 3009 Northbrook Road | * | |
| | * | |
| 3RD ELECTION DISTRICT<br>2ND COUNCIL DISTRICT | * | |
| | * | |
| BOARD OF APPEALS CASE NO.: 20-299-SPHA | | |

* * * * * * * * * * * * *

## CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204-5025

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Saman Radparvar
6521 Gardenwick Road
Baltimore, MD 21209

Andrew and Sarah Segal
7500 Lisburne Road
Baltimore, MD 21208

Ashkan Attar
President of Congregation
3103 Hatton Road
Baltimore, MD 21208

Rabbi Eli Hakkakian
Ahavat Shalom Congregation, Inc.
3009 Northbrook Road
Baltimore, MD 21209

Zalman Kahn
3007 Northbrook Road
Baltimore, MD 21209

Simcha and Debra Varon
3102 Northbrook Road
Baltimore, MD 21208

Noam and Leah Efron
3107 Northbrook Road
Baltimore, MD 21208

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

**I HEREBY CERTIFY** that on this 9th day of December, 2022, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.

Tammy A. Zahner

Tammy A. Zahner, Legal Assistant
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
*appealsboard@baltimorecountymd.gov*

Board of Appeals of Baltimore County

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

December 9, 2022

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204-5025

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-22-004872
In the Matter of: Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
Board of Appeals Case No.: 20-299-SPHA

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Michael R. McCann, Esquire, on behalf of Andrew and Sarah Segal, Zalman Kahn, and Simcha and Debra Varon, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on December 6, 2022. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. Mr. McCann, having taken the appeal on behalf of his clients, is responsible for the cost of the transcript of the record and the transcript must be paid for in time to transmit the same to the Circuit Court within the 60 day timeframe as stated in the Maryland Rules.

WebEx was the official record of the hearing before the Board. The recording will be made available by this office and provided to you for transcription. The transcriptionist must meet the requirements set forth in Maryland Rules which states: "*a stenographer, court reporter, or transcription service designated by the court for the purpose of preparing an official transcript from the recording.*" The Board of Appeals can assist in obtaining a qualified transcriptionist upon request. Please contact our office upon receipt to discuss ordering the transcript.

**Please be advised that the ORIGINAL transcript must be provided to the Board of Appeals no later than JANUARY 30, 2023 so that it may be transmitted to the Circuit Court with the record of proceedings, pursuant to the Maryland Rules.**

A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,

Tammy A. Zahner
Legal Assistant

Duplicate Original Cover Letter
Enclosure

c: Saman Radparvar
Ashkan Attar, President/Ahavat Shalom Congregation, Inc.
Rabbi Eli Hakkakian/Ahavat Shalom Congregation, Inc.
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

**CIRCUIT CO RT FOR BALTIMORE COUNTY, MARYLAND**
401 Bosley Avenue, P.O. Box 6754
Towson, MD 21285-6754

Main: 410-887-2601

**Case Number:** C-03-CV-22-004872
**Administrative Agency:** 20-299-SPHA
**Workers Compensation Number**: N/A

**To:** BALTIMORE COUNTY BOARD OF APPEALS
105 WEST CHESAPEAKE AVENUE
SUITE 203
TOWSON, MD 21204

RECEIVED
DEC 06 2022
BALTIMORE COUNTY
BOARD OF APPEALS

**IN THE MATTER OF ANDREW AND SARAH SEGAL ET AL.**

Date: 12/2/2022

## NOTICE TO ADMINISTRATIVE AGENCY OF JUDICIAL REVIEW

You are advised that a petition for judicial review was filed on 12/02/2022 and assigned Civil Action No. C-03-CV-22-004872.

Pursuant to Maryland Rule 7-202(d) (1), a copy of the petition is enclosed for the agency.

Julie L. Ensor

Julie L. Ensor
Clerk of the Circuit Court

cc:

E-FILED; Baltimore County Circuit Court
Docket: 12/1/2022 4:58 PM; Submission: 12/1/2022 4:58 PM

IN THE CIRCUIT COURT FOR BALTMORE COUNTY *

PETITION OF: *

Andrew and Sarah Segal *
7500 Lisburne Road
Baltimore, MD 21208 *

Zalman Kahn *
3007 Northbrook Road
Baltimore, MD 21209 *

Simcha and Debra Varon *
3102 Northbrook Road
Baltimore, MD 21208 *

RECEIVED
DEC 06 2022
BALTIMORE COUNTY
BOARD OF APPEALS

C-03-CV-22-004872
Civ. A. No.:_____

FOR JUDICIAL REVIEW OF THE DECISION OF: *

THE COUNTY BOARD OF APPEALS *

105 W. Chesapeake Avenue *
Towson, Maryland 21204

IN THE CASE OF: *

**IN MATTER OF:** *
**Saman Radparvar-Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchasers, Petitioners** *
**for Special Hearing and Variance for property** *
**located at 3009 Northbrook Road** *

**(Case nos. 20-299-SPHA)** *

* * * * * * * * * * * * * *

## PETITION FOR JUDICAL REVIEW

Petitioners, Andrew and Sarah Segal, Zalman Kahn, and Simcha and Debra Varon, pursuant to Maryland Rule 7-201 *et al.*, by their attorney, Michael R. McCann, file this petition for judicial review of the decision of the Baltimore County Board of Appeals dated November 1,

2022. Petitioners were parties to the proceedings below and are aggrieved by the Board of Appeals' decision.

/s/
Michael R. McCann
CPF No. 8112010099
118 W. Pennsylvania Avenue
Towson, Maryland 21204
michael@mmccannlaw.net
(410) 825-2150

*Attorneys for Petitioners*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 1st day of December 2022, a copy of the foregoing Petition for Judicial Review was sent via MDEC to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

County Board of Appeals
105 W. Chesapeake Avenue. 2nd Floor
Towson, Maryland 21204

/s/
Michael R. McCann

| | | |
|---|---|---|
| IN THE MATTER OF<br>SAMAN RADPARVAR, LEGAL OWNER<br>AND AHAVAT SHALOM CONGREGATION,<br>INC., CONTRACT PURCHASERS -<br>PETITIONERS FOR SPECIAL HEARING AND<br>VARIANCE ON THE PROPERTY LOCATED<br>AT 3009 NORTHBROOK ROAD<br>3RD ELECTION DISTRICT<br>2ND COUNCIL DISTRICT | * | BEFORE THE<br>BOARD OF APPEALS<br>OF<br>BALTIMORE COUNTY<br>Case No.: 20-299-SPHA |

* * * * * * * * * * * *

## OPINION

This case comes to the Board of Appeals of Baltimore County ("Board") as the result of a Petition for Special Hearing and Variance filed by Saman Radparvar, Legal Owner, and Ahavat Shalom Congregation, Inc., Contract Purchaser (collectively, "Petitioner"). That Petition seeks approval for the conversion of a single family residence at 3009 Northbrook Road into a house of worship, known as a synagogue or shul, for an Orthodox Jewish congregation. The Petition is opposed by residents of the immediate area, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron ("Protestants"). The matter was first heard before Administrative Law Judge Paul M. Mayhew, who by an Order dated October 5, 2021, granted the requested relief with conditions. Protestants noted a timely *de novo* appeal to this Board.

The Board held four days of virtual public hearings on March 10, 14, 23, and 24, 2022. Petitioners were represented by Dino C. La Fiandra, Esquire. Michael R. McCann, Esquire, represented the Protestants. The parties thereafter submitted, and the Board received post-hearing memoranda. The Board held a remote public deliberation using Webex on June 16, 2022. In its deliberation, the Board approved the Petition with conditions as described below.

## INTRODUCTION

Petitioner proposes to re-fit a 2,370 square foot house into a synagogue with a small rear addition. The addition is designed to permit a separate women's entrance. The addition is to be

built on the site of an existing deck so that the structure's total footprint is hardly affected. The synagogue itself will contain 80 seats.

The site of this synagogue is in a residential neighborhood in a subdivision named Greenspring Manor. That it is a residential area generates a number of issues. The Petitioner makes several arguments in support of its position. First, it argues that the project fits an exception to the Residential Transition Area (RTA) requirements because it is a house of worship and ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." *See* Baltimore County Zoning Regulations (BCZR) §§1B01.1.B.1. and 1B01.1.B.1g(6). Under this view, the plan satisfies the RTA "to the extent possible" and is otherwise "compatible" with both the surrounding area and the general welfare. To complete this approach, the Petitioner requires a variance from the setback requirements of § 1B01.2.C.1. and approval of a modified parking plan under § 409.12.B.

Petitioners' second argument is that none of the RTA, setback, or parking restrictions apply because the property is subject to the 1945 zoning regulations and those regulations had no RTA component. Under this view, the RTA and its associated restrictions simply do not apply so no zoning relief is necessary.

Finally, Petitioners argue that any technical zoning non-compliance should be forgiven by reason of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) at 42 USC § 2000cc, *et seq*. This federal provision prohibits a local zoning authority from requiring adherence to a local land use regulation if that regulation imposes "a substantial burden" on the religious exercise unless that regulation is supported by a compelling governmental interest and

is "the least restrictive means of furthering that compelling governmental interest". 42 U.S.C. § 2000cc(a)(1). In addition, RLUIPA prohibits enforcement of a land regulation that "discriminates" against a religious entity by unreasonably limiting "religious assemblies, institutions, or structures" in a particular area.[1] *See generally Jesus Christ Is The Answer Ministries, Inc. v. Baltimore County*, 915 F.3d 256, 260-61 (4th Cir. 2019).

The Protestants argue that § 1B01.1.B limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under that analysis, the project is barred *per se*. Secondly, they disagree that the synagogue complies with the RTA "to the extent possible" nor does it satisfy the variance standard so as to permit the requested setback. Thirdly, the Protestants cite the Petitioners' history of zoning non-compliance and take the position that this non-compliance should cause the Board to deny the requests, or at least to be wary of granting the Petition with limitations which the Protestants say will not be followed. Finally, the Protestants disagree that RLUIPA should have any impact on the resolution of the zoning issues.

## FACTUAL PRESENTATION

The first witness was Stephen Warfield, a civil engineer, stipulated as an expert in civil engineering, the Baltimore County Zoning Regulations (BCZR), and the Development Review Committee process. Mr. Warfield sponsored the site plan which showed that the property is a one story house with a basement. (Pet. Ex. 3). It fronts on Northbrook Road with a sidewalk along the front of the property. It has a 2-space concrete parking pad. The property dimension is just under 10,000 square feet. The house is essentially rectangular though there is a notch

[1] As is evident from the discussion below at p. 16-19, the Board finds no evidence of discrimination under RLUIPA. The RLUIPA finding that the Board has made relates only to the substantial burden prong.

protrusion in the rear where a back porch is attached. The front of the property is zoned DR 3.5, and a portion of the rear is zoned DR 5.5. *Id.*

The proposed exterior modifications are relatively minor. First, it is planned to add a separate women's entrance in the rear in the area next to the notch.[2] The effect of this addition would be to make the building rectangular. It would not extend the outer boundary of the footprint; it simply backfills the rear entrance to the area next to the existing protrusion. Because the building's use would be non-residential, it must comply with the Americans with Disabilities Act. Thus, a ramp was constructed in the front of the building to permit disabled access through the front door. The interior modifications to the house would result in a lobby, an 80 seat sanctuary, and a bathroom.

According to Mr. Warfield, again because the synagogue would be a non-residential use in a DR zone and within 100 feet of a residence, the Residential Transition Area (RTA) requirements apply. These are found in the BCZR at § 1B01.1.B.1 Mr. Warfield testified that under these circumstances, there are certain setback requirements designed to maintain a proper buffer between those pre-existing residences and the non-residential building. Mr. Warfield testified that the proposed synagogue cannot meet the RTA setback standards.[3] Because the proposed use is for a religious services, § 1B01.1.B.g(6) provides that such a use need satisfy the RTA only "to the extent possible". This means that, even under the RTA system, the RTA does not apply by its strictest terms to religious institutions. Mr. Warfield testified that in his opinion, the proposed synagogue does comply with the RTA "to the extent possible".

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[2] In the Orthodox community, every effort is taken to avoid physical touching, even incidental physical touching, between women and unrelated adult men. The separate women's entrance is an effort to achieve this goal.

[3] This issue is discussed *infra* at p.14-15 in the context of the variance request.

The next witness was Yaakov Attar who is president of the Ahavat Shalom Congregation. He testified that this is a Sephardic orthodox community which means it is composed of Jews with largely Middle Eastern roots as opposed to European roots. He indicated that the location was selected because of its proximity to the majority of the congregants who are required to walk to Sabbath services. From 2013 into 2020, the congregation rented space at other facilities. Most recently, it had leased space at the Edward A. Myerberg Community Center, but the Myerberg Center had been unable to renew the lease at the end of 2020. At about this time, the subject property was acquired by Dr. Radparvar for the benefit of the congregation. It began having services at the site on a regular basis once the Myerberg lease ended, but it encountered zoning difficulties resulting in citations issued by the County. Ahavat Shalom had High Holy Day services at the site in the fall of 2021, and some services thereafter, but because of the County enforcement actions, services ceased.

According to Mr. Attar, the synagogue would have an 80 seat capacity which, in turn, requires 20 parking spaces. BCZR § 409.6. The site itself only has two parking spots. Mr. Attar testified that the congregation has arranged with the closely proximate Wellwood Elementary School for additional parking. While those arrangements went through several iterations, at the time of the hearing, Ahavat Shalom has access to 72 additional spots every Sunday through Thursday from 7:00 pm to 10:00 pm, and every Friday starting at 5:00 pm and ending on Saturday at 10:00 pm. This arrangement was to continue until July 2022, at which time it would need to be renewed. There is no reason to believe it has not been renewed. *See* Petitioner's Exhibits 9, 15, 16, and 17. According to Mr. Attar, there is no kitchen or social hall.

Mr. Attar also presented evidence about the anticipated weekly activity schedule. There would be classes scheduled periodically though attendance was anticipated to be small –

approximately eight to twelve attendees. There are some weekday night study sessions but again, with small participation. The bulk of the activity would be Friday Sabbath services beginning at sundown. He indicated that there would be approximately 65 attendees, the vast majority of whom would walk. They would return on Saturday morning for additional Sabbath services. Again, the vast majority of participants would walk. There is an additional afternoon service with about 50 people. The Rabbi may offer a class, there may be some light refreshments, and there is a 20 minute evening prayer at the conclusion of the Sabbath. In the winter, there may be a father and child group activity with 50-55 people. These participants would use automobiles because the event would occur after sundown on Saturdays.

The cross examination of Mr. Attar disclosed that the congregation had been using the site for services in violation of the zoning laws and directives from the Baltimore County zoning authority. Mr. Attar attempted to justify this activity by stating that he and the others were unclear as to the meaning and scope of the directives from the County, but this testimony was not particularly credible. Mr. Attar was also cross-examined about the congregation's ultimate intentions because its website was, as of the time of the hearing, actively fundraising in order to build a significant institutional-style synagogue that was far different than reflected in the site plan for the subject property. Again, Mr. Attar's explanation for the continued operation of that website and by implication, the continued interest in a much larger synagogue, was not convincing.[4]

[4] It is for this reason that the Board, though approving the synagogue, is imposing a special condition that limits its size and design to that which is reflected in the site plan introduced in this case. No significant architectural modifications are permitted now or in the future. The Board's approval is conditioned upon maintaining the residential design of the synagogue so that the building itself blends with the nearby residences.

The first witness called by the opponents to the project was Jeffrey Perlow, Zoning Supervisor in the Department of Permits, Applications, and Inspections (PAI). His testimony was limited to the legal issue regarding the operation of BCZR § 1B01.1.B.h and is addressed below at p. 11-12 in the discussion of those issues.

The first opposition witness on the merits was Debra Varon who has resided at 3102 Northbrook for 27 years. Her home is located diagonally across the street from the subject property. In summary, Ms. Varon's concerns were: (1) the introduction of a non-residential use into a long established residential neighborhood; (2) the increased automobile traffic posing a danger to the many children in the area; (3) the dangerous curve on Northbrook and the additional automobile traffic increasing the likelihood of a significant traffic accident; (4) the synagogue generating more noise; (5) her belief that the congregation will exceed the 80 or so member number to which Mr. Attar had testified; (6) skepticism that the parking at Wellwood Elementary will actually be used, noting that the synagogue has generated increased parking on Lisburne Road which intersects Northbrook; and finally (7) her belief that the seller of the subject property would not have sold to Dr. Radparvar if the seller had known that the use would be non-residential. She acknowledged that many of the problems that she cited – particularly as to parking and traffic – were pre-existing, but she indicated that the proposed synagogue would exacerbate those problems.

The opposition called Zalman Kahn who has resided next door to the subject property for the past 20 years. He is a medical practitioner at three LifeBridge medical facilities. He has a contract with LifeBridge to enable other medical staff who may need to walk to work to use his home as temporary lodging. Because of his employment situation, he only lives in his Northbrook home during weekdays. He resides with his family outside of the Baltimore area on

weekends. His concerns included disruption of the longstanding residential neighborhood, the ever-increasing size of the congregation, the increase in vehicular and foot traffic, and the enhanced risk of vehicular and pedestrian accidents because there was no safe area to discharge passengers in front of the synagogue. He acknowledged that there are a number of similar-sized synagogues within a fifteen minute walk of the neighborhood. He himself had been accepting of this synagogue until its membership grew to its present size.

Stuart Varon, M.D. also testified against the synagogue. His general concerns echoed those of the other opponents regarding the size of the congregation, disruption of the residential character of the neighborhood, and general safety concerns. He indicated that he did not believe that the synagogue's representatives had been candid and open during the process.

The next witness was Judith Estherson Chernak. She has lived at 3114 Hatton Road for 53 years. She indicated that the synagogue will detract from the residential character, and that the preexisting traffic problems will be exacerbated. She also questioned the synagogue's good faith because it has advertised itself as wanting to be a center for Sephardic interests, with resulting activity far exceeding that associated with a simple location for religious services and ancillary study. She had no confidence that the synagogue would abide by any limitations.

The final witness in opposition was Andrew Segal, M.D. Dr. Segal has lived at 7700 Lisburne Road which is at the intersection with Northbrook. His home faces the subject property. His parents bought that home in 1970, and he has lived there since his childhood. He now lives there with his wife. His fundamental concerns related to the increase in pedestrian and vehicular traffic. He indicated that the congregants already park on Lisburne, and not at Wellwood. He offered a number of photos which purported to show that the cars were parking on Lisburne and not at Wellwood, though he did acknowledge that they started using Wellwood after the hearing

before the ALJ. He also counted only 42 spaces at Wellwood so, according to him, it was inadequate even if used.[5] Dr. Segal also presented a petition in opposition (Protestants' Exhibit 17) and critiqued the Petitioner's petition (Petitioner's Exhibit 18). For example, he indicated that 23 out of 105 signatories in the synagogue's petition resided in the Greenspring Manor development whereas 25 out of the 42 signatories in the opponents' petition resided in that area. He also testified that he and his wife made "exit counts" from January 2021 to July 2021. This information was presented in a spreadsheet. (Protestants' Exhibit 34). As with the other opposition witnesses, Dr. Segal questioned the congregation's good faith and ultimate willingness to honor any restrictions that would be imposed.

## ANALYSIS

### I. THE PROPOSED SYNAGOGUE IS NOT PER SE PROHIBITED BECAUSE SUCH A USE WAS NOT PERMITTED IN 2010.

The Protestants filed a Motion to Dismiss arguing that § 1B01.1.B.2 limits the permitted uses to those that were permitted in 2010, which does not include a house of worship. Under this argument, uses permitted in the Greenspring Manor subdivision were frozen in time as of December 6, 2010, the date upon which § 1B01.1.B.2, the operative section of the BCZR, went into effect.

That provision reads, in part:

> Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

One of the then following restrictions relates to limits on uses in "existing" developments. Section 1B01.1.B.2 states that uses in "existing developments" are limited to those uses "now lawfully established or those indicated in the subdivision plans on file with the Department of

[5] A congregation of 80 requires 20 parking spots. BCZR § 409.6.A.4, and discussion *infra* at p. 15-16.

Permits, Approvals and Inspections. . . " Protestants than argue that because that provision was adopted on December 6, 2010, the only rational meaning is that only uses available as of right on or before that date are permitted. Because a house of worship was not then an enumerated use by right, it remains permanently unpermitted.

The Board rejected this argument. The phrases "now lawfully established" and "existing developments" are central to the analysis. The parties agreed that Greenspring Manor is an "existing development" within the meaning of § 1B01.1.B.2. The Board disagrees with Protestants on the scope of the phrase "now lawfully established". Under Protestants read, any use not specifically enumerated for this subdivision as of 2010 is prohibited. It is necessary, however, to focus on the heading of the section: "Uses permitted as of right". That heading signifies that what the section is intending to do is secure that uses by right shall continue to be uses by right thereafter. In other words, no *use by right* as of 2010 can be eliminated. Any other reading would lead to the conclusion that any alternative development is forever barred.

While Protestants' view can be justified by the literal words, that view leads to an illogical result. This means that the provision is ambiguous. *Kaczorowski v. Mayor and City Council*, 309 Md. 505, 513-15 (1987). Mitchell Kellman essentially testified to the interpretation that uses by right are preserved for the future without necessarily limiting the development to other uses with the resulting stagnation of development. The Board accepts Mr. Kellman's explanation on this point. This is also consistent with the County Council's action in acknowledging that houses of worship can be in an RTA area by right. § 1B01.1.A.3. The Protestants relied solely on their interpretation of the regulatory language without calling an expert to support that interpretation. This is certainly an acceptable route. *Edsall v. Huffaker*, 159 Md. 337, 343 (2004) (litigant not required to present an expert to counter opponent's expert and can rely on other factors to

undermine expert's opinion). At the same time, it cannot be denied that the actual expertise of someone who is familiar with the operation of the zoning regulations – which are obviously complex in their language and in their inter-relationships – is of great use to the Board. In that context, Mr. Kellman's opinion is unrebutted. A factfinder can reject "unrebutted" testimony in whole or in part, and simply because there is no "rebuttal" testimony does not mean that a tribunal is obliged to accept it. *Edsall v. Huffaker*, *supra.*, 159 Md. App. at 341-45. So, while we are not obliged to accept Mr. Kellman's view, in this particular case and on this particular point, Mr. Kellman's expertise was helpful and convincing.

## II. THE RESIDENTIAL TRANSITION AREA REGULATIIONS APPLY.

The Petitioners made a threshold argument that the RTA regulations are not operative here because §1B01.1.B.1(h) provides that the RTA does not apply to property that is in an "existing development as described in Subsection A.1 of Section 1B02.3". That latter provision states that the RTA regulations do not apply to ". . .the use, occupancy, and development of; alteration or expansion of structures upon; and administrative procedures with respect to: . . .(1) any lot which is in a recorded residential subdivision approved by [the County] and which has been used, occupied or improved in accordance with the subdivision plan". In this instance, the recorded subdivision precedes the enactment of the RTA and the structure on the subject property was built in 1993. Therefore, so the argument goes, the use as a residence was in a recorded subdivision predating the RTA; the use as a residence since construction in 1993 is in accord with that subdivision; and the change of the use from a residence to a religious house of worship is irrelevant given section that § 1B02.3.A.1 contemplates the possibility of an altered use without mentioning that the exemption would not thereby apply. This argument was put forward through the testimony of Mitchell Kellman.

The Protestants called Jeffrey Perlow, the Zoning Supervisor from PAI. Mr. Perlow has over 22 years of experience in Baltimore County zoning. His testimony was limited to the application of 1B01.1.B.1(h) and the possible exemption of this project from the RTA. Based on his experience as a central administrator in Baltimore County zoning, he testified clearly and unequivocally that once there is a change in use of a property otherwise subject to the RTA, the exemption from RTA compliance does not apply. When the use of the property changes, it is the standard practice to apply all of the then applicable regulations, including the RTA provisions, to the new use. He specifically referred to BCZR § 103.1 which stands for the proposition that the BCZR uses and requirements existing at the time of the adoption of the regulations remain. He indicated, however, that once any such use changes, the regulations in existence at the time of the change then apply. Certainly, as applicable in this case, the Board accepts Mr. Perlow's (and rejects Mr. Kellman's) testimony on this point. *Kim v. Maryland State Board of Physicians*, 196 Md. App. 362, 371-72 (2010) ("...[a]n administrative agency's interpretation and application of the statute it administers should ordinarily be given considerable weight...") (internal citation omitted).

## III. THE PROJECT SATISFIES THE RTA "TO THE EXTENT POSSIBLE" AND IS OTHERWISE COMPATIBLE WITH THE RTA.

Under BCZR § 1B01.1.B.g(6) a house of worship satisfies the RTA if ". . . the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that said plan can be otherwise expected to be compatible with the character and general welfare of the surrounding residential premises." The Board concluded that this project satisfied those provisions.

The first step in any RTA analysis is to define the "surrounding" area that requires RTA protection. Mr. Kellman testified for the Petitioner that the "surrounding residential" area that

was to be buffered by the RTA was extended to the houses and few adjoining streets around the subject property. This definition was uncontested.[6]

Once the area is defined, it is then necessary to examine subsection g(6). Petitioner's argument is that it has complied with the RTA "to the extent possible" which, in this case, is somewhat limited. Nonetheless, the Board has concluded that the RTA has been satisfied "to the extent possible." We have interpreted that phrase as theoretically including a complete lack of compliance because that would be "the extent possible."[7] Here, however, there is far more than complete lack of compliance.

The exterior of the property which has heretofore been a residence is largely unchanged. The only modifications are the ramp in the front and the entrance addition in the rear. The front ramp – necessitated by the Americans with Disabilities Act – is a trivial architectural modification which most likely could have been added by a homeowner if the use had remained residential. The rear addition is simply enclosing a pre-existing notch which is not visible from the street, nor which will be noticeable architecturally or stylistically. The property will be fenced which contributes to the residential feel. The physical characteristics of the property including height, building materials, and exterior finish will all be consistent with the surrounding homes.[8] In addition, there will be appropriate landscaping.

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[6] In a previous and similar case, Mr. Kellman had testified that the surrounding area for RTA purposes extended to the entire "walkability" area associated with the synagogue. That view was categorically rejected by this Board in favor of a definition that was comparable with his testimony in this case. *See In re: Petition For Special Hearing and Variance, 6603 and 6605 Pimlico Road (Derek Chaim)*, CBA 20-132-SPHA, Opinion at p.7.

[7] *See Derek Chaim, supra* at p. 7-8.

[8] If the design were something akin to the design of the synagogue on the congregation's website, this decision could well be different. The design used for fundraising is institutional and clearly quite different from the residential design in the neighborhood or as depicted in site plan offered into evidence in this matter. The maintenance of the exterior residential design is crucial to the decision in Petitioner's favor, and it is for that reason that the Board has imposed strict limitations on any future design alterations.

The word "compatible" is not expressly defined in the BCZR. Section 101.1 provides that undefined words "shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." Webster's defines compatibility as "capable of existing together without discord or disharmony." Compatible, therefore, means harmonious or non-discordant. The architectural design that promotes a traditional residential look is by far the component which makes the synagogue compatible. This synagogue looks like the surrounding houses in its design and is therefore stylistically compatible with the surrounding area.

In terms of the anticipated use, the project is compatible and supports the general welfare. This area has many synagogues in former residences for relatively small congregations where the building itself remains largely residential in outward appearance. Because of the necessity to walk on the Sabbath, many of these congregations must have houses of worship that are closely proximate to their members. It can be said that the presence of a synagogue strengthens the surrounding area even where the closest neighbors are not actual members of the synagogue. A religious facility does not lead to the decay of an area like the insertion of an incompatible commercial business can. In short, the Board concludes that the project not only complies with the RTA to the extent possible and is otherwise compatible with the surrounding area, but also supports the general welfare of the community.

At the heart of the RTA regulations is the purpose to ensure that single family residences are adequately protected from dissimilar housing types and uses. But the regulations further acknowledge that houses of religious worship are to be evaluated differently than other types of uses that would be subject to the RTA provisions because that religious use is permitted by right. BCZR § 1B01.1.A.3. While uses like townhomes and apartment buildings must achieve strict

compliance with the RTA standards, houses of religious worship need not do so. The inclusion of the modifying language "to the extent possible" means that houses of religious worship are expressly afforded flexibility in achieving the standards. And, yet, while there is no mistaking that a synagogue, or any other house of religious worship, will look and function at least somewhat differently from nearly any residence, the BCZR makes clear that houses of worship must nevertheless be permitted to exist closer to single family residences than would be permitted for other non-residential uses.

As indicated above, the Board has found that the benefit to the congregation and the Orthodox community in general outweighs the potential impact that this synagogue may have on the closest residents. For all of the reasons already recited, the Board believes that this project complies with the RTA use requirements "to the extent possible" and is "compatible with the character and general welfare of the surrounding residential premises."

## IV. THE REQUESTED SETBACK VARIANCES SATISFY THE *CROMWELL* STANDARD.

The present structure satisfies the setback requirements for residences. However, once the use is changed to a synagogue, different setback requirements apply. For a non-residential use in the DR 3.5 zone (which is the zone for the subject property), there is required a 50 foot front setback, a 20 foot side setback, and a 30 foot rear setback. The present setbacks are 30 feet from the front, 10 feet from the east property line, 15 feet from the west property line, and 30 feet from the rear property line. Accordingly, the project requires front and side setbacks. See BCZR § 1B01.2.C.1(a) and the Comprehensive Manual of Development Policies (CMDP), p. 35, Table 5.

Pursuant to § BCZR 307.1 and *Cromwell v. Ward*, 102 Md. App. 695 (1995), a variance is permitted where the property is unique and the failure to grant a variance will result in a

practical hardship. Mr. Kellman testified that the property is unique because it cannot be converted to any non-residential use –even a use permitted by right -- without a variance and in this instance, the non-residential use is a use permitted by right. In addition, without a variance, there can be no non-residential development of any sort, and thus, there is an economic hardship as well. The Board accepts this analysis of uniqueness and hardship for the purposes of this case.[9]

## V. THE MODIFIED PARKING PLAN IS APPROVED.

For a house of worship, the BCZR requires one parking space for every four seats. Exhibit 3 shows an 80 seat capacity, meaning that 20 parking spaces are needed. BCZR § 409.6. The site has only 2 spots. Section 409.12.B permits a modified parking plan if a showing of undue hardship is made at a public hearing. No showing of uniqueness is required.

Requiring 20 parking spaces creates an undue hardship in this instance. Indeed, there could be no conversion to any other use permitted by right except for a residence, and thus there is an undue hardship. Even more, the parking issues associated with an Orthodox synagogue are special. Because of the prohibition against driving on the Sabbath and certain other religiously significant days, the times when the synagogue will be most utilized are the times when there will be the least number of cars. On the other nights of the week, the synagogue activities will be much less intense, making the stress on the neighborhood much less. Even more, the congregation's arrangement with Wellwood Elementary generates a total of 72 parking spaces, which is well above the required 20. It is true that the arrangement is on a year-to-year basis. While this is a contingency that cannot be entirely controlled by Ahavat Shalom, the Board finds

[9] In the event that the *Cromwell* standard is not met, the Board finds that the setback variance should be granted as a result of RLUIPA, as discussed *infra* at p.18-19.

that so long as the congregation makes every good faith effort to perpetuate that arrangement, the parking situation is satisfactory.[10]

## VI. THE RELIGIOUS LAND USE AND INSTITUIONALIZED PERSONS ACT REQUIRES THAT THE BALITMORE COUNTY ZONING RESTRICTIOINS BE ELAXED IN ORDER TO PERMIT THE AHAVAT SHALOM SYNAGOGUE

Even if our interpretation of the RTA provisions, setback variances, the parking modification plan, and any the other technical zoning matters is incorrect, we find alternatively that the provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 USC 2000cc, *et seq.* override strict compliance with the zoning restrictions applicable in this matter. It is prohibited under RLUIPA for a local zoning authority to require adherence to zoning regulations by a religious institution unless the governmental authority can demonstrate that adherence to that zoning requirement furthers a compelling state interest and is the least restrictive means of furthering that compelling interest. 42 U.S.C. 2000cc(a)(1). This is an exceedingly difficult standard for a local zoning authority to meet.

A threshold consideration under RLUIPA is whether the religious entity's effort to establish "a religious assembly or institution" is reasonable under the circumstances. *Jesus Christ Is The Answer Ministries, Inc., et al. v. Baltimore County*, 915 F.3d 256, 261 (4th Cir. 2019); *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d 548, 556-58 (4th Cir. 2013). This requires a highly fact-based assessment.

There is no question that the congregation needs a home. It had no home whatsoever after its lease with the Myerberg Center ended. *See Petra Presbyterian Church v. Village of Northbrook*, 489 F.3d 846, 851 (7th Cir. 2007) (absence of an adequate facility is a "burden"

[10] Once again, the requirements of RLUIPA operate to justify the modified parking plan even if the 409.12.B requirements are not satisfied. *Infra* at p 18-19.

under RLUIPA). Dr. Radparvar purchased the property with an expectation that it would be able to be used as a synagogue for a small congregation because, in part, as has been said throughout this Opinion, a place for religious worship is a permitted use by right in this zone. *See Jesus Christ Is the Answer Ministries v. Baltimore County, Id.* (holding that there is a reasonable expectancy where a use is permitted by right). Even if there are contingencies like those associated with special exceptions, the expectation that permission will be granted is reasonable. S*ee Hunt Valley Baptist Church v. Baltimore County*, 2017 WL 4801542 (D, Md.) at p. 27 (even where church is required to obtain a special exception (for a presumptively valid use), there is a reasonable basis to believe that the development will be allowed). The reasonableness of the belief is particularly apt here where the contingency associated with the RTA regulations is expressly ameliorated for religious institutions.

There was also evidence that there are a significant number of small synagogues scattered throughout the immediate vicinity. The presence of these other synagogues bears on the reasonableness of the congregation's belief that it, like those other congregations, would be able to use the facility for religious worship. *See Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 557-58. It is true that some of these synagogues are in the City with different zoning requirements, and it is true that there are distinctions between the building sizes, locations, congregation sizes, and level of neighborhood opposition that make it impossible to say that the Ahavat Shalom situation is like every or indeed, any other of these synagogues. Yet the overarching fact is that the Orthodox community that has self-located in this part of the metropolitan area has established a strong presence. Part of this presence is the creation of small and moderate-sized congregations operating in buildings, many of which were originally residential. The more there are, the more reasonable it becomes for a group like the Ahavat

Shalom congregation to believe that its utilization for religious services of a pre-existing residence will be accommodated. And, of course, the religious use is a use permitted by right in this zone, a fact which bears on the reasonableness of the belief that the effort to establish a synagogue can be accommodated by the zoning authority.

Under all of these circumstances we cannot say that there is a compelling governmental interest in strict enforcement of the RTA or the other relevant zoning restrictions. A good illustration of the failure to perceive a compelling governmental interest is the setback variance. If one were to assume *arguendo* that the *Cromwell* standard is unmet, then we are left with a situation where a building that was a residence in compliance with all residential setbacks will remain a residence in style but simply with a different use. That new use does not impact the setbacks because the building footprint and architecture remain the same. Though the intensity of use will increase, that use is sporadic throughout the week, with modest uses except for Friday evening through Saturday evening. There is no kitchen nor social hall. How then, one wonders, does requiring strict adherence to the non-residential setbacks support a *compelling* governmental interest? What is the compelling interest in requiring a 50 foot front setback instead of a 30 foot front setback? "Compelling" must mean something well beyond simple adherence to the law, otherwise "compelling" has no meaning distinct from compliance with the law. What is the extraordinary interest in demanding that extra 20 foot setback? The same type of analysis applies to the RTA zoning and modified parking plan as well. There is always a salutary benefit in requiring adherence to rules of general applicability governing land use conduct; these are rules which provide notice, clarity, predictability, and consistency in development. *See e.g. Sylvia Development Corp. v. Calvert County*, 48 F.3d 810, 820n.3 (4th Cir. (Md.) 1995) (recognizing the positive role of zoning in land development). But, like it or not, we have been specifically

directed by Congress and the federal judiciary that in the special of case of land use for religious institutions, zoning restrictions for a use, particularly a use permitted by right, must give way to other concerns, absent a special and significant reason for requiring strict adherence to the zoning requirements. *Bethel World Outreach Ministries v. Montgomery City Council*, 706 F.3d at 55-59. We see no such special and significant justifications in this matter, and the opponents to the Ahavat Shalom project have not suggested any to us.

Accordingly, we hold that even if the requisites of the standard zoning principles are not satisfied, then the operation of RLUIPA requires that those zoning standards be relaxed to allow the Ahavat Shalom synagogue with the restrictions recited in our Order.

## CONCLUSION

For all of the reasons stated above, the Board grants the requested relief in accord with the Order.

## O R D E R

**THEREFORE, IT IS THIS** 1st day of November, 2022, by the Board of Appeals of Baltimore County,

**ORDERED** that the Motion to Dismiss filed by the Protestants is hereby **DENIED**; and it is further

**ORDERED** that the Petition for Special Hearing and Variance is hereby **GRANTED** for the reasons and on the bases as described in the Opinion issued this same date, subject to the following limitations:

1. The exterior of the building will not be modified in any way that alters the residential style of said building, and any alterations of any sort will require the approval of the Department of Planning, the County Fire Marshall, and the County Landscape Architect;

2. Except for the Sabbath and the High Holy Days, Petitioners shall not hold services or otherwise schedule any events after 10:00 p.m.; and

3. Petitioners shall make every good faith effort to maintain an adequate parking arrangement with Wellwood Elementary School, and if necessary, make a good faith effort to arrange reasonable alternative parking if necessary.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

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

Joseph L. Evans, Panel Chair

Sharonne R. Bonardi

Adam T. Sampson

Board of Appeals of Baltimore County

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

November 1, 2022

Dino C. La Fiandra, Esquire
Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204-5025

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: In the Matter of: *Saman Radparvar – Legal Owner*
*Ahavat Shalom Congregation, Inc. – Contract Purchaser*
Case No.: 20-299-SPHA

Dear Counsel:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
**Administrator**

KLC/taz
Duplicate Original Cover Letter
Enclosure

c: See Distribution List following

In the matter of: *Saman Radparvar – Legal Owner*
*Ahavat Shalom Congregation, Inc. – Contract Purchaser*
Case No.: 20-299-SPHA
November 1, 2022
Distribution List

Saman Radparvar
Ashkan Attar, President/Ahavat Shalom Congregation, Inc.
Rabbi Eli Hakkakian/Ahavat Shalom Congregation, Inc.
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Board of Appeals of Baltimore County

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

May 26, 2022

# NOTICE OF DELIBERATION

**IN THE MATTER OF:** Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
20-299-SPHA 3009 Northbrook Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing under BCZR § 500.7:

1. For a determination that the Residential Transition Area ("RTA") regulation of BCZR § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1(h).
2. In the alternative to Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project;
3. In the alternative to Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces;
5. Such further and other relief as the nature of this cause may require.

Petition for Variance:

1. From BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone as follows:
   (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required;
   (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required;
2. In the alternative to Special Hearing Requests 1, 2, and 3, above Variances from BCZR §1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required.
3. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

10/5/21 Opinion and Order of the Administrative Law Judge wherein the Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the RTA regulations under BCZR § 1B01.1.B.1.g(6) was GRANTED; and the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow 2 parking spaces as shown on the site plan was GRANTED; with conditions; and Ordered that all other requested relief was dismissed as MOOT.

*This matter having been heard on March 10, March 14, and concluded on March 23, 2022, a public deliberation has been*

**ASSIGNED FOR: JUNE 16, 2022 AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

**NOTE:** Closing briefs were previously received by the Board and the record is now closed. No further documentation will be accepted.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

c. Counsel for Petitioners : Dino La Fiandra, Esquire
Legal Owner : Saman Radparvar
Contract Purchaser : Ahavat Shalom Congregation
Rabbi Eli Hakkakian

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

Patrick Richardson, P.E./Richardson Engineering, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

## Tammy Zahner

**From:** Appeals Board
**Sent:** Thursday, May 19, 2022 2:38 PM
**To:** Michelle Bernstein
**Subject:** RE: Constituent inquiry

Good Afternoon,

Unfortunately one of the Board Members that sat on the panel had two deaths in the family, and the services will be held next week.
The Public Deliberation will be rescheduled as soon as possible.

**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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**From:** Michelle Bernstein <mbernstein@baltimorecountymd.gov>
**Sent:** Thursday, May 19, 2022 2:34 PM
**To:** Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** Constituent inquiry

Hello,

A constituent has asked if you can share any information about why the public deliberation scheduled for May 25th was cancelled? This was for 6603/5 Pimlico Road. Thank you.

Michelle Bernstein (she/her)
*District 2 Outreach Coordinator*
Office of Community Engagement

Office of Baltimore County Executive John Olszewski, Jr.
Historic Courthouse
400 Washington Avenue
Towson, MD 21204
410.887.5652 (office)
443.991.9286 (cell)

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, May 18, 2022 11:54 AM
**To:** Dino La Fiandra; Michael McCann, Esquire
**Cc:** Tammy Zahner
**Subject:** Radparvar 20-299-SPHA
**Attachments:** Radparvar 20-299-SPHA Postponement of Deliberation.pdf

Good morning,

One of our Board members has had a death in the family and services are being scheduled for next week. As such, they have asked that the public deliberation in the above referenced matter be postponed and rescheduled to a later date.

At this time, please find the Notice of Postponement which will be going out in today's mail. I am working with the Board to determine the next available date for deliberation and we will issue a new notice as soon as possible.

We thank you for your understanding and apologize for any inconvenience.

Sunny

Board of Appeals of Baltimore County

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

May 18, 2022

# NOTICE OF DELIBERATION

**IN THE MATTER OF:** Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
20-299-SPHA 3009 Northbrook Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing under BCZR § 500.7:

1. For a determination that the Residential Transition Area ("RTA") regulation of BCZR § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1(h).
2. In the alternative to Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project;
3. In the alternative to Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces;
5. Such further and other relief as the nature of this cause may require.

Petition for Variance:

1. From BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone as follows:
   (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required;
   (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required;
2. In the alternative to Special Hearing Requests 1, 2, and 3, above Variances from BCZR §1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required.
3. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

10/5/21 Opinion and Order of the Administrative Law Judge wherein the Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the RTA regulations under BCZR § 1B01.1.B.1.g(6) was GRANTED; and the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow 2 parking spaces as shown on the site plan was GRANTED; with conditions; and Ordered that all other requested relief was dismissed as MOOT.

***The public deliberation scheduled for May 24, 2022 at 9:00 a.m. has been postponed by the Board of Appeals and will be reassigned to a later date. We apologize for any inconvenience.***

**Krysundra Cannington, Administrator**

c. Counsel for Petitioners : Dino La Fiandra, Esquire
Legal Owner : Saman Radparvar
Contract Purchaser : Ahavat Shalom Congregation
Rabbi Eli Hakkakian

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

Patrick Richardson, P.E./Richardson Engineering, LLC
Ashkan Attar
Afshin Attar
Daniel Reihani
Avraham Feldman
Alen Reyhan
Rabin Barkhordar
Yakov Shafranovich
David Fayz
Daniel Katiban

Iman Fakheri
Eliyahu Nourmand
Ora Nafisi
Steven Chamama
Rodney Hakimi
David Nafisi
Yosef Mehdizadeh
Juda Gabaie
Omid Rahmanfar
Bennett Goldberg

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES<br><br>8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | BEFORE THE |
| | * | COUNTY BOARD OF APPEALS |
| | * | HEARINGS FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

**NOTICE OF DISMISSAL OF APPEAL**
**BY [ONLY] APPELLANTS AVRON AND GAYLA ELBAUM**

Appellants Avron and Galya Elbaum hereby dismiss their appeal in this matter.

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

*Attorneys for Protestants*

RECEIVED
MAY – 5 2022
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2022 copy of the foregoing notice was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

Board of Appeals of Baltimore County

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

April 15, 2022

# NOTICE OF DELIBERATION

**IN THE MATTER OF:** Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
20-299-SPHA 3009 Northbrook Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing under BCZR § 500.7:

1. For a determination that the Residential Transition Area ("RTA") regulation of BCZR § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1(h).
2. In the alternative to Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project;
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   (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required;
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10/5/21 Opinion and Order of the Administrative Law Judge wherein the Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the RTA regulations under BCZR § 1B01.1.B.1.g(6) was GRANTED; and the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow 2 parking spaces as shown on the site plan was GRANTED; with conditions; and Ordered that all other requested relief was dismissed as MOOT.

*This matter having been heard on March 10, March 14, and concluded on March 23, 2022, a public deliberation has been*

**ASSIGNED FOR:** **MAY 24, 2022 AT 9:00 A.M.**

The above scheduled public deliberation will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the public deliberation will be posted on our web calendar the night before at** www.baltimorecountymd.gov/departments/appeals.html.

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION AND A COPY SENT TO ALL PARTIES.

**NOTE:** Closing briefs are due on **MAY 9, 2022 no later than 3:00 p.m.**
**(Electronic copy emailed to: appealsboard@baltimorecountymd.gov)**

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled deliberation.

**Krysundra Cannington, Administrator**

c. Counsel for Petitioners : Dino La Fiandra, Esquire
Legal Owner : Saman Radparvar
Contract Purchaser : Ahavat Shalom Congregation
Rabbi Eli Hakkakian

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Avron and Galya Elbaum
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Patrick Richardson, P.E./Richardson Engineering, LLC
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Afshin Attar
Daniel Reihani
Avraham Feldman
Alen Reyhan
Rabin Barkhordar
Yakov Shafranovich
David Fayz
Daniel Katiban
Iman Fakheri
Eliyahu Nourmand
Ora Nafisi
Steven Chamama
Rodney Hakimi
David Nafisi
Yosef Mehdizadeh
Juda Gabaie
Omid Rahmanfar
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Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

## Tammy Zahner

**From:** Tammy Zahner
**Sent:** Tuesday, April 5, 2022 10:00 AM
**To:** Michael McCann; Dino La Fiandra
**Subject:** Radparvar 20-299-SPHA
**Attachments:** Petitioner's Exhibit List (official).pdf; Protestants' Exhibit List (official).pdf

Counsel,

Attached are copies of the Exhibit Lists in the matter of Saman Radparvar, Case No.: 20-299-SPHA

Please let us know if you have any questions.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, March 30, 2022 1:27 PM
**To:** Michael McCann; Dino La Fiandra
**Cc:** Tammy Zahner
**Subject:** RE: Case No. 2020-0299-SPHA (3009 Northbrook)

Good afternoon,

I spoke with the Board and they have no objection to the extension for the Memos. Closing Memos are now due on May 9th, no later than 3:00 p.m.

Thank you,

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Wednesday, March 30, 2022 10:09 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Tammy Zahner <tzahner@baltimorecountymd.gov>
**Cc:** Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** Case No. 2020-0299-SPHA (3009 Northbrook)

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny/Tammy: The parties' briefs in this matter are presently due on May 2nd. For scheduling reasons, I need an extension of this deadline until May 9th.

I have asked Mr. LaFiandra and he consents.

Please let me know if the Board is ok with that.

Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Wednesday, March 30, 2022 10:09 AM
**To:** Krysundra Cannington; Tammy Zahner
**Cc:** Dino La Fiandra
**Subject:** Case No. 2020-0299-SPHA (3009 Northbrook)

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Sunny/Tammy: The parties' briefs in this matter are presently due on May 2nd. For scheduling reasons, I need an extension of this deadline until May 9th.

I have asked Mr. LaFiandra and he consents.

Please let me know if the Board is ok with that.

Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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## Tammy Zahner

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, March 24, 2022 8:51 AM
**To:** Tammy Zahner; Krysundra Cannington
**Cc:** Dino La Fiandra
**Subject:** Re: 3009 Northbrook

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Ok thanks!

Get Outlook for iOS

---

**From:** Tammy Zahner <tzahner@baltimorecountymd.gov>
**Sent:** Thursday, March 24, 2022 8:21:56 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: 3009 Northbrook

Mr. McCann:

I don't have the official Exhibit Lists yet. Once I have them, I will send them to you and Mr. La Fiandra.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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---

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Wednesday, March 23, 2022 4:42 PM
**To:** Tammy Zahner <tzahner@baltimorecountymd.gov>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** 3009 Northbrook

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny/Tammy: I am preparing a revised and final exhibit list to send to you, along with the exhibits that have not already been provided.

I think my exhibits 29-32 are out of order. Would you have a list of them?

If not, I will listen to the video and confirm the order. Thanks!

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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Get your COVID-19 vaccine today.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Mark & Debra Holzman
3110 Hatton Road
Baltimore, Maryland 21208
410-484-2228

RECEIVED
MAR 23 2022
BALTIMORE COUNTY
BOARD OF APPEALS

March 23, 2022

Via Email - appealsboard@baltimorecountymd.gov

Baltimore County Board of Appeals
105 W. Chesapeake Ave
Towson Md 21204

Re: Case 20-299-SPHA

To the Baltimore County Board of Appeals:

We are writing to you to respectfully urge you to vote **AGAINST** the repurposing of 3009 Northbrook Road, Baltimore, MD 21208 from residential property to the use of the property as a synagogue.

We moved into the neighborhood in the winter of 1981. Since that time this neighborhood has remained as single-family houses, and to our knowledge there has been no attempts to change the quiet and peaceful character of our neighborhood. The only times when the streets are cluttered are when Wellwood International School has recreation league events at which time the parking is more challenging however, all of us purchased our homes knowing that the school was so close to our homes and we learned to deal with the traffic issues. But we felt secure in knowing that our charming neighborhood would remain basically quiet as there is a clause in all of our deeds that protects us by indicating that our properties must be used for residential use only.

We were quite surprised to find that the house on Northbrook had been converted to a synagogue. If you were to visit this property you would see that it is located right beyond a curve in the road from Marnat Road to Northbrook. Without any traffic, this curve has to be taken very slowly because there are always people walking in the neighborhood, especially at dusk, and one has to be very careful of these pedestrians. We can't even imagine the potential traffic situation if this synagogue is allowed to stay and grow.

We were also disturbed to learn that the property had even been allowed by the zoning board to begin construction and actually hold services. We have never visited the property as a synagogue as a participant but, we could tell that there was significant activity there as cars were parked up and down Lisburne (a perpendicular street to said property) prior to the Sabbath on Friday night until after Sabbath on Saturday night. So even before the doors had legally opened at this synagogue already the traffic flow had increased and the available parking had diminished significantly. We started wondering how the neighborhood would deal with parking and traffic from the synagogue in addition to the parking and traffic generated in the spring, summer and fall when the fields are being used for Baltimore County recreation sports. Perhaps the zoning board did not realize that Baltimore Country recreation leagues would be competing with a synagogue for limited parking.

The allowance of this synagogue in this area is not compatible with the character and general welfare of the neighborhood surrounding this building. Our deeds indicate that houses can only be used for residential purposes and to repurpose this residential property as a synagogue is directly against the deeds of all of the houses in the Greenspring Manor Development.

Many of the neighbors in our neighborhood belong to a synagogue in the area. Some walk to their synagogue, some drive. We happen to belong to Beth Tfiloh Congregation on Old Court Road. Beth Tfiloh planned their synagogue by purchasing sufficient land that would enable them to have a parking lot so that their events did not affect the neighbors. But this proposed synagogue on Northbrook purchased a residential house that does not have any land for parking. Through the appeals hearing I learned that the synagogue "rented" the basketball courts at Wellwood International School for an entire year so that they could use the parking lots at the school, which apparently are significantly further away from the synagogue than the apparently allowed distance. They are not playing basketball on these courts yet they have made the county believe that they will use the courts in order to have the parking available to them even though they apparently still decide to park on the street closest to their building. Hence the line of cars during the Sabbath. What happens when children actually want to use the recreation facilities at the school? Will they be precluded from doing so since this synagogue has rented the facilities for a year and are in fact getting ready to renew this rental?

This synagogue will grow and probably fairly quickly. The zoning board's approval of changing the use of this residence will just be the beginning of their plan to grow. They will purchase another home. They will have more activities, services all through the week, cars coming and going all throughout the day and night. They will park in front of the neighbor's houses, block driveways, probably make U turns in the street possibly causing accidents. Walking at specific times during the day around this area will be unsafe because of the traffic. Parents will be hesitant to let their children play outside because of the traffic. This is not the neighborhood we bought into.

The zoning board, perhaps not the current board, was involved in the decision regarding Pikesville Jewish Center on Carla Road. It started as a small synagogue in the basement. We actually visited this synagogue on a few occasions. But then somehow, they were permitted to purchase another property on Lightfoot Drive. The synagogue grew and grew and now they have been allowed to construct a two-story huge edifice that is such an eyesore in the neighborhood. The traffic is absolutely horrible and creates a dangerous situation for cars traveling whenever there is an event that is not on the Sabbath. This building has destroyed that nearby neighborhood. It should have never been allowed to be erected. You, as the current board, have the ability to stop another building of this type from changing another neighborhood. And if any one on this board was involved in that decision, you have the ability to recognize the likely growth of these non-residential buildings and prevent another one from being constructed.

Please understand that we want this synagogue to have a home and a place to worship. But they need to find a place that is truly suited for this purpose rather than fundamentally changing the character of a neighborhood. Our home is in the next block to the synagogue. For the neighbors directly affected because their property abuts to this property or is in direct view or on Lisburne their properties are totally destroyed by changing the zoning. They have already lost so much by the board allowing this synagogue to begin construction. They will have lights shining for days when it is a holiday at a time when lights are forbidden to be turned on and off, they will hear the noise on the Sabbath when they were used to a peaceful sabbath, they will have their weeknights affected by synagogue members parking in their spaces in front of their houses, blocking their driveways, causing potential accidents. For those of us just a little bit farther away, the effects on parking, traffic, noise, etc., have already begun to spread through the neighborhood, and will continue to spread as the synagogue, and the families who attend it, grow.

We strongly urge you to vote against allowing this property to be used as a very active non-residential facility. It will preserve the character of our neighborhood and keep it in accordance with our expectations based on our long experience living here, our deeds, and the purely residential vision of the original developers and owners of this land. Your vote against repurposing this property will prevent accidents from occurring, some of which could be fatal. This just is not the right location for a growing synagogue of this size and this board has the power to halt construction now and return this house to residential use.

Respectfully submitted,

Debra & Mark Holzman

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

March 10, 2022

*Via Email & US Mail*

Krysundra Cannington
County Board of Appeals
105 W. Chesapeake Avenue, Ste. 203
Towson, MD 21204

RECEIVED
MAR 14 2022
BALTIMORE COUNTY
BOARD OF APPEALS

Re: 3009 Northbrook
Case No. 2020-0299-SPHA

Dear Ms. Cannington:

Please note the withdrawal of my appearance for Appellants Avron and Galya Elbaum *only* in this matter.

Thank you.

Sincerely,

Michael R. McCann

cc: Dino LaFiandra (*via* email)

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

March 10, 2022

*Via Email & US Mail*

Krysundra Cannington
County Board of Appeals
105 W. Chesapeake Avenue, Ste. 203
Towson, MD 21204

Re: 3009 Northbrook
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Thank you.

Sincerely,

Michael R. McCann

cc: Dino LaFiandra (*via* email)

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, March 10, 2022 8:31 AM
**To:** Krysundra Cannington; Tammy Zahner; Appeals Board
**Cc:** Dino La Fiandra
**Subject:** 3009 Northbrook
**Attachments:** 20220310084530795.pdf

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: Please see attached. Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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| | | |
|---|---|---|
| **In re: PETITIONS FOR SPECIAL HEARING AND VARIANCES** | ) | **BEFORE THE** |
| | ) | **COUNTY BOARD OF APPEALS** |
| 3009 Northbrook Road | ) | **FOR** |
| Ahavat Shalom Congregation, et al., *Petitioners* | ) | **BALTIMORE COUNTY** |
| | ) | **Case No. 2020-299-SPHA** |

**PETITIONERS' RESPONSE TO MOTION TO DISMISS**

Petitioners, Saman Radparvar and Ahavat Shalom Congregation, Inc., respond to the Motion to Dismiss, and state:

1. The Protestants move to dismiss the underlying Petitions on the basis that the property at issue appears on a plat dated 1955, that the conversion to a synagogue use is "clearly *not* in accordance with the approved subdivision plan", and therefore "as a matter of law", the use as a synagogue is prohibited under the zoning regulations. In making this argument, Protestants seek to introduce, without any authentication, a record plat purporting to show the property. They also seek to introduce an SDAT printout showing the ownership and other information regarding the property. See, Motion to Dismiss Exhibits 1 and 2. The Protestants claim that these operative facts are undisputed and ask the Board to draw inferences in favor of the moving party, the Protestants. It is upon these facts, which are not in the pleadings, let alone the record, and these inferences that the Protestants ask the Board to dismiss the Petition.

2. A Motion to Dismiss tests the adequacy of the pleading itself. See, for example, *Ricketts v. Ricketts*, 393 Md. 479 (2006). In that case, the Court said,

> A motion to dismiss for failure to state a claim tests the sufficiency of the pleadings. Md. Rule 2–322(b)(2); *see Converge Services Group, LLC v. Curran,* 383 Md. 462, 475, 860 A.2d 871, 878–79 (2004) ('consideration of the universe of "facts" pertinent to the court's analysis of the motion are limited generally to the four corners of the complaint and its incorporated supporting exhibits, if any'); Paul V. Niemeyer & Linda M. Schuett, Maryland Rules Commentary, 206 (3d ed.2003) ('[t]he object of the motion is to argue that as a matter of law relief cannot be granted on the facts alleged')."

3. A Motion to Dismiss is properly granted when there is a defect in the pleading itself. In a case before the Board of Appeals, such a defect might be the timeliness of the appeal, the jurisdiction of the Board under the Express Powers Act to hear the appeal, and perhaps standing or a similar jurisdictional issue. Generally, however, consideration of Motion to Dismiss is limited to the "four corners" of the operative pleading. In this case, the operative "pleadings" are the Petition for Zoning Hearing and the Notice of Appeal.

4. The Protestants have not argued that the Petition for Zoning Hearing is defective. Certainly, the Protestants would not argue that their Notice of Appeal is defective, as they took the appeal. Instead, they argue that facts that are not in the record, and inferences to be drawn from those facts, support a decision in favor of the Protestants, i.e., that the Petition should be denied. Here, not only are the Protestants relying on facts that are not within the four corners of the operative pleadings, but they are asking the Board to draw inferences in favor of the Protestants and against the Petitioners in order to dismiss the Petition. On a

Motion to Dismiss, all inferences should be drawn for the non-moving party. For these reasons alone, the Motion to Dismiss should be denied.

5. Nonetheless, even assuming that the facts are as the Protestants assert, the Protestants' Motion fails to acknowledge that there could be (indeed, are) other facts, which likewise are not in the record (because there is no record, as there has been no hearing yet), and which will provide a factual basis of opposition to the "Motion to Dismiss". Stated another way, this means that the Protestants surely will present the factual basis of their Motion to Dismiss during the hearing in this case, and the Petitioners will present other facts, which together will provide the "universe of facts" from which the Board will ultimately decide the case. This decision necessary will come at the conclusion of the hearing, after all the evidence has been presented to the Board. Despite the label "Motion to Dismiss", the Protestants' motion essentially is a factual defense to the relief sought in the Petition itself requiring the presentation of testimony and evidence. The proper time for presenting this defense is during the hearing and in the closing argument or the brief in lieu of closing.

6. The Protestants stated desire in presenting this Motion is to save the time and expense of preparing for the hearing in this case. Yet, the Protestants fail to recognize that the Petitioners are entitled to this hearing. See, Baltimore County Charter, §602(d); Maryland Ann. Code, Local Government Art., §10-305(d). The Protestants do not get to do an "end run" around the hearing by filing a Motion to Dismiss based on a version of facts that are not in the record, seeking inferences that in their favor, merely to avoid the time and expense of preparing for the

hearing. The other facts will come out during the course of the hearing, which is precisely why the hearing is necessary. Furthermore, before this Board there is no procedural mechanism to force the Petitioner to come forth with those facts in advance of the hearing by affidavit or otherwise, merely by the Protestants filing a Motion to Dismiss that goes beyond the four corners of the Petition and the Notice of Appeal.

7. Lastly, the Board should note that the Petitioners have rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA). See, 42 USCA §2000cc. RLUIPA provides, *inter alia*, that

> No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly or institution (a) is in furtherance of a compelling governmental interest; and (b) is the least restrictive means of furthering that compelling governmental interest.

8. The Board has scheduled a 3-day hearing in this matter, with extended days starting at 9 a.m. There are rules and procedures in place to hold a hearing and evaluate the evidence presented by both parties. It seems self-evident that where such rules and procedures exist, to dispense with the hearing and dismiss the case before a single piece of evidence has been taken in this *de novo* hearing, based on "facts" presented by the Protestants which do not appear within the four corners of the operative pleadings and on inferences urged by the Protestants to be drawn against the Petitioner, would far exceed the plain meaning of the term "substantial burden" and violate RLUIPA.

WHEREFORE, the Petitioners, Ahavat Shalom Congregation, Inc., and Saman Radparvar, respectfully request that the Motion to Dismiss be denied.

Respectfully submitted,

March 7, 2022
Date

**Dino C. La Fiandra, Esquire**
**THE LAW OFFICE OF DINO C. LA FIANDRA, LLC**
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
410-204-3473
Attorney for Appellant

Certificate of Service

I certify that on March 7, 2022, I sent a copy of the foregoing Response to Motion to Dismiss by email Michael McCann, michael@mmccannlaw.net.

Dino C. La Fiandra

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, February 23, 2022 7:24 AM
**To:** Michael McCann; Tammy Zahner
**Cc:** Dino La Fiandra
**Subject:** RE: 3009 Northbrook- Case No. -0299-SPHA

Good morning Mr. McCann,

I was unable to coordinate the Board to meet on another day before the scheduled hearing dates. Had a preliminary motions hearing been requested when we were scheduling this matter, we would have had better luck scheduling the extra time. At this point, any preliminary motions will be handled at the beginning of the hearings on March 10, 2022.

As a reminder, all three hearing dates are scheduled to begin at 9:00 a.m.

Thank you,

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Tuesday, February 22, 2022 5:06 PM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Tammy Zahner <tzahner@baltimorecountymd.gov>
**Cc:** Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** FW: 3009 Northbrook- Case No. -0299-SPHA

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: I am following up on my request, in connection with the attached motion, that a hearing be scheduled on the motion in advance of the merits hearing.

The few facts upon which the motion is based are not in dispute and I believe it makes eminent sense to address the motion before the parties spend time and money preparing for the hearing. An early resolution of the motion, one way or the other, would also benefit the Board of course. I imagine the hearing would take no longer than 30-60 minutes.

Please let me know.

Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Tuesday, February 22, 2022 5:06 PM
**To:** Krysundra Cannington; Tammy Zahner
**Cc:** Dino La Fiandra
**Subject:** FW: 3009 Northbrook- Case No. -0299-SPHA
**Attachments:** 20220210160152755.pdf

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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The few facts upon which the motion is based are not in dispute and I believe it makes eminent sense to address the motion before the parties spend time and money preparing for the hearing. An early resolution of the motion, one way or the other, would also benefit the Board of course. I imagine the hearing would take no longer than 30-60 minutes.

Please let me know.

Thank you.

Michael

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*(f) 410-825-2149*

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**From:** Michael McCann
**Sent:** Thursday, February 10, 2022 3:52 PM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Tammy Zahner <tzahner@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** 3009 Northbrook- Case No. -0299-SPHA

Sunny: Please see the attached motion in this matter. I will drop off an original in your box shortly.

Please contact me if you have any questions.

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED
FEB 15 2022
BALTIMORE COUNTY
BOARD OF APPEALS

February 10, 2022

*Via Email & Hand-Delivery*

Krysundra Cannington
County Board of Appeals
105 W. Chesapeake Avenue, Ste. 203
Towson, MD 21204

Re: 3009 Northbrook
Case No. 2020-0299-SPHA

Dear Ms. Cannington:

Enclosed please find Protestants' Motion to Dismiss and Request for Hearing.

As you know, this matter is scheduled for a hearing in March. If the Board's schedule allows, my clients request that the motion be heard on a date prior to the hearing as this might avoid the time and expense of both parties in preparing for the hearing.

Thank you.

Sincerely,

Michael R. McCann

Enclosure
cc: Dino LaFiandra (*via* email and US Mail)

RECEIVED
FEB 15 2022
BALTIMORE COUNTY
BOARD OF APPEALS

| | | |
|---|---|---|
| IN RE: PETITION FOR SPECIAL HEARING and VARIANCES | * | BEFORE THE |
| | * | COUNTY BOARD OF APPEALS |
| 8th Election District<br>2nd Councilmanic District<br>**(3009 Northbrook Road)** | * | HEARINGS FOR |
| | * | BALTIMORE COUNTY |
| | * | Case No. 2020-0299-SPHA |
| | * | |

* * * * * * * * * * * * *

**MOTION TO DISMISS AND REQUEST FOR HEARING**

Protestants, Andrew and Sarah Segal, Zalman Kahn, Simcha and Debra Varon, and Noam and Leah Efron move the Board for an Order dismissing this matter.

**Introduction**

Petitioners filed the instant petitions for special hearing and variances seeking approval to convert the single family residence on the subject property to a synagogue. However, long before they filed the petitions, and indeed during the entire pendency of this case, Petitioners have nevertheless used the property as a synagogue without approval to do so.[1]

It is undisputed that, prior to its illegal conversion to a synagogue, the property was improved with and used solely as a single family residence for the past 30 years. This use was in accordance with the subdivision plan approved for the neighborhood, Green Spring Manor, by the County Planning Commission in 1955. A synagogue use is clearly *not* in accordance with the approved subdivision plan and, therefore, is prohibited, as a matter of law, under Section

[1] In 2020, Petitioners reconfigured the home for use as a synagogue, and commenced such use, without first obtaining zoning approval and the required permits. The County issued a Correction Notice, which Petitioners did not comply with, and then a Citation. For more than a year, prior to the ALJ's decision, Petitioners operated the synagogue illegally and in complete disregard of the County's Code Enforcement efforts.

1B01.1.B.2 of the Zoning Regulations. Because a synagogue is not permitted, the requested relief cannot be granted. Protestants respectfully request that this case be dismissed.

## Argument

### Subsection 1B01.1.B Imposes Certain Limitation On Permitted Uses; In Existing Developments Approved By The Planning Commission Uses Are Limited To Those Lawfully Established by December 6, 2010

Subsection A of 1B01.1 establishes uses permitted as of right in the DR zones but makes clear that those uses are subject to limitations set forth in subsequent provisions. Subsection A states:

> A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, *subject to the restrictions hereinafter prescribed.*

Subsection B of 1B01.1, which follows, places restrictions on the permitted uses in three subsections: (1) residential transition area restrictions; (2) limits on uses in "existing developments" as described in subsection A.1 of Section 1B02.3; and (3) limits on uses in "existing subdivision tracts" as described in subsection A.2 of Section 1B02.3. The three subsections of 1B01.1.B stand on equal footing.

1B01.1.B.2, the operative provision in this case, places stringent limits on uses in "existing developments":

> § 1B01.1.B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
>
> * * *
>
> 2. Use regulations in existing developments. In existing developments as described in Subsection A.1 of Section 1B02.3, *uses shall be limited to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits*, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

(Emphasis added).

This statute is unambiguous: On developed lots of the type referenced (see *infra* for discussion of applicability to the subject property), changes in use are strictly limited. There are no exceptions for uses "permitted as of right", and no type of use is disadvantaged relative to any other type of use.

The language "now lawfully established" is important because "now" clearly means "on or prior to the date on which this provision is enacted," that date being **December 6, 2010 (per Bill No. 122-10)**. Any other construction would be both strained and absurd, and therefore contrary to the canons of statutory interpretation. *Western Correctional Inst. v. Geiger*, 371 Md. 125, 142 (2002) (one should not construe a statute with "forced or subtle interpretations that limit or extend its application"); *Frost v. State*, 336 Md. 125, 137 (1994) (interpretations of statutes should seek to avoid constructions that are "illogical, unreasonable, or inconsistent with common sense"). For example, to read "now" as meaning "at whatever time the reader is reading this statute" would establish a chaotic, constantly changing standard that would render the provision indeterminate.

Thus, for a use to be permitted under 1B01.1.B.2, such use must have been established there by December 6, 2010.

### B. The Subject Property Is In An "Existing Development" As Defined In Subsection A.1 of Section 1B02.3, So Uses Therein Must Be Established By December 6, 2010; A Synagogue Use Was Indisputable Not Established By That Date And, Therefore, The Requested Relief Is Not Permitted.

"Existing developments" under 1B01.1.B.2 are those described in Subsection A.1 of Section 1B02.3, which provides:

§ 1B02.3. - Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. *Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;....*

There is no dispute that the subject property is of the type described above in 1B02.3.A.1. The property is in a recorded residential subdivision called Green Spring Manor that was approved by the County Planning Commission in May 1955. (A copy of the subdivision plan is attached at **Exhibit 1**). Further, the property has been improved with a single family dwelling in accordance with that approved subdivision plan. (*See* SDAT sheet attached at **Exhibit 2**).

Because the property is an "existing development" as described in 1B02.3.A.1, the use of the property is limited, under 1B01.1.B, "to those now lawfully established or to those indicated in the subdivision plans on file with the Department of Permits, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504." It is undisputed that the subject property was *not* lawfully established as a house of worship on or before December 6, 2010. Indeed, Petitioners are petitioning precisely because they wish to convert an established single-family dwelling, used as such since the lot was first developed 30 years ago, for a completely new use as a house of worship.

residential uses as would obliterate their essential residential character. This is particularly important in older neighborhoods in which layouts may not accommodate RTA buffers.

In sum, 1B01.1.B.2 limits the uses of the subject property, and Petitioners' proposed use lies outside those limits. Therefore, the relief requested must be denied. Protestants respectfully request that the Board do so forthwith.

In order to avoid the time and expense of preparing for the hearing on the merits if that proves unnecessary, Protestants request that the Board schedule a hearing on this motion, in advance of the currently scheduled dates.

Respectfully submitted,

Michael R. McCann
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

*Attorneys for Protestants*

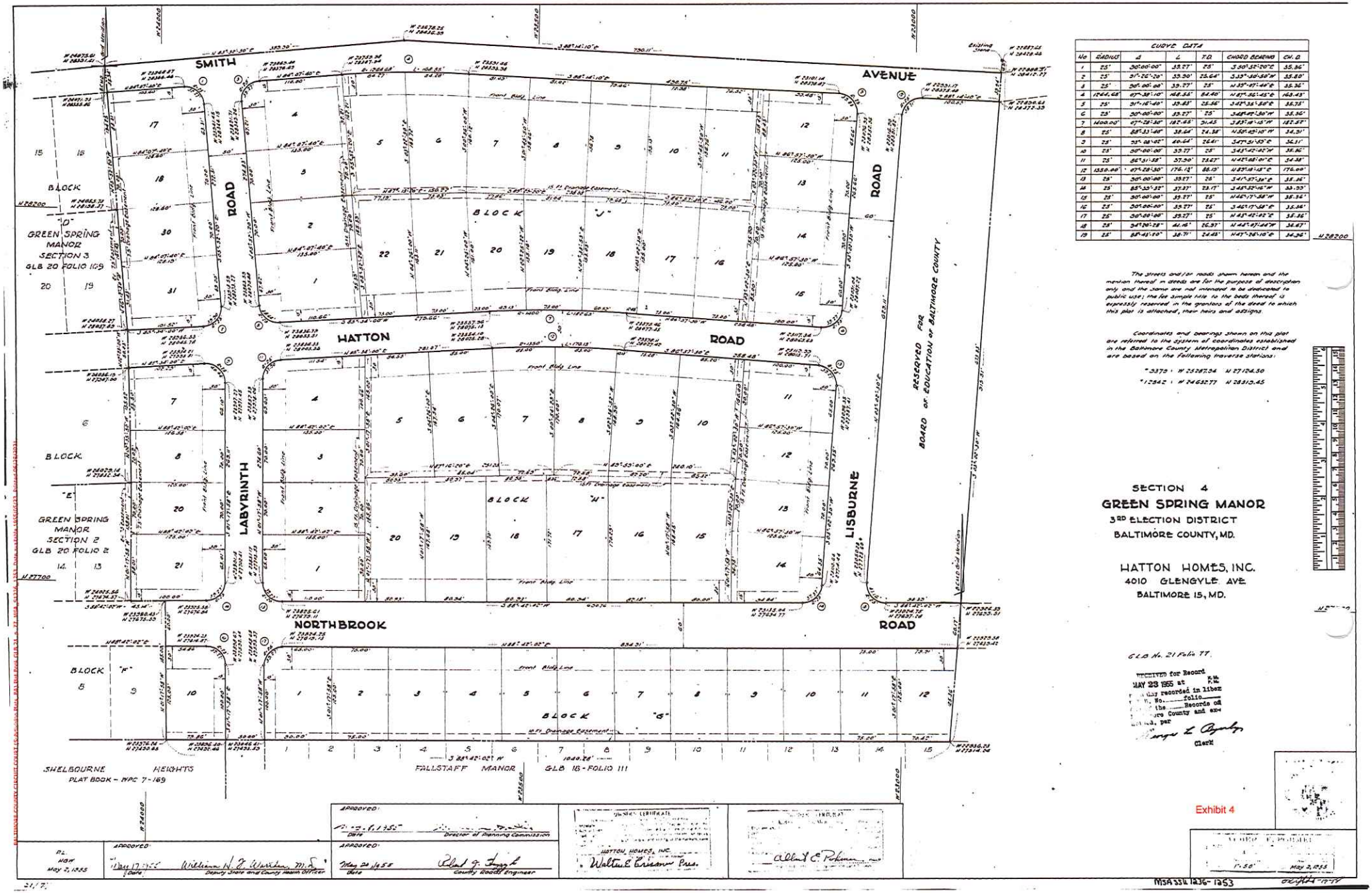
CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of February, 2022 copy of the foregoing Motion to Dismiss was emailed and mailed, via first-class mail, postage prepaid to:

Dino LaFiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 West Pennsylvania Avenue | Suite 305
Towson, Maryland 21204

Michael R. McCann

# Exhibit 1




| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| No | RADIUS | Δ | L | T.D. | CHORD BEARING | CH. D |
| 1 | 25' | 90°00'00" | 39.27' | 25' | S 30°32'10" E | 35.36' |
| 2 | 25' | 91°26'20" | 39.90' | 25.64' | S 33°-30'-30" W | 35.80' |
| 3 | 25' | 90°00'00" | 39.27' | 25' | N 35°-47'-44" E | 35.36' |
| 4 | 1964.68' | 07°39'10" | 468.55' | 84.40' | N 87°-52'-45" E | 468.43' |
| 5 | 25' | 91°16'40" | 39.83' | 25.56' | S 45°-36'-56" E | 35.75' |
| 6 | 25' | 90°00'00" | 39.27' | 25' | S 48°-52'-50" W | 35.36' |
| 7 | 1400.00' | 07°28'30" | 182.65' | 91.45' | S 89°-18'-15" W | 182.53' |
| 8 | 25' | 88°33'40" | 38.64' | 24.38' | N 50°-23'-10" W | 34.91' |
| 9 | 25' | 91°08'05" | 40.04' | 26.41' | S 47°-51'-55" E | 35.91' |
| 10 | 25' | 90°00'00" | 39.27' | 25' | S 41°-52'-05" W | 35.36' |
| 11 | 25' | 86°51'55" | 37.90' | 23.67' | N 42°-58'-01" E | 34.38' |
| 12 | 1550.00' | 07°28'30" | 176.13' | 88.13' | N 89°-18'-15" E | 176.00' |
| 13 | 25' | 90°00'00" | 39.27' | 25' | S 41°-57'-45" E | 35.36' |
| 14 | 25' | 85°35'35" | 37.33' | 23.17' | S 48°-52'-05" W | 33.99' |
| 15 | 25' | 90°00'00" | 39.27' | 25' | N 46°-71'-58" W | 35.36' |
| 16 | 25' | 90°00'00" | 39.27' | 25' | S 46°-17'-58" E | 35.36' |
| 17 | 25' | 90°00'00" | 39.27' | 25' | N 43°-42'-02" E | 35.36' |
| 18 | 25' | 94°06'28" | 41.16' | 26.97' | N 44°-07'-44" W | 36.67' |
| 19 | 25' | 88°45'40" | 38.71' | 24.45' | N 47°-28'-10" E | 34.96' |

The streets and/or roads shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

"5373 : N 27184.30 W 25287.34

"12842 : N 28315.45 W 24632.77

SECTION 4
GREEN SPRING MANOR
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD.

HATTON HOMES, INC.
4010 GLENGYLE AVE
BALTIMORE 15, MD.

G.L.B. No. 21 Folio 77.

RECEIVED for Record
MAY 23 1955 at P.M.
and recorded in Liber
G.L.B. No. folio
the Records of
Baltimore County and ex-
amined, per

Clerk

APPROVED:
Date Director of Planning Commission

APPROVED:
May 24 1955 Date
Chief Engineer County Roads Engineer

OWNER'S CERTIFICATE
HATTON HOMES, INC.
Walter E. Hatton Pres.

SURVEYOR'S CERTIFICATE
Albert E. Parker

APPROVED:
May 17, 1955 Date
William N. F. Worthen, M.D.
Deputy State and County Health Officer

P.L. NGM May 2, 1955

1" = 50' May 2, 1955

Exhibit 4

MSA S5L 1236-1253

21/77

# Exhibit 2

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319065178

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | RADPARVAR SAMAN | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6521 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /39754/ 00228 |

## Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3009 NORTHBROOK RD<br>BALTIMORE 21209-2405 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 11 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1993 | 2,370 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | SIDING/ | 4 | 2 full/ 1 half | | |

## Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 300,800 | 306,100 | | |
| **Total:** | 384,700 | 390,000 | 388,233 | 390,000 |
| **Preferential Land:** | 0 | 0 | | |

## Transfer Information

| | | |
|---|---|---|
| **Seller:** DREDZE MARK HAREL | **Date:** 12/18/2017 | **Price:** $485,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /39754/ 00228 | **Deed2:** |
| **Seller:** NABOZNY ARIE S | **Date:** 01/23/2012 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /31634/ 00378 | **Deed2:** |
| **Seller:** LINWAY DEVELOPME NT INC | **Date:** 06/24/1992 | **Price:** $80,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09245/ 00105 | **Deed2:** |

## Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

## Homestead Application Information

**Homestead Application Status:** No Application

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

RECEIVED
JAN 11 2022
BALTIMORE COUNTY
BOARD OF APPEALS

January 11, 2022

Adam Whitlock, Chief
Code Enforcement, Room 216
111 W. Chesapeake Avenue
Towson, MD 21204

*Via* Email & US Mail

Re: 3009 Northbrook Road
Case No. 2020-0299-SPHA

Dear Mr. Whitlock:

I represent the Protestants in the matter and write to make you aware of the illegal activities that have taken place and continue to take place at this property.

By way of background, in October 2020, your office issued a Correction Notice to the property owner informing him that the use of the property as a synagogue was illegal and "must cease," and could not continue "without *first*" obtaining the necessary zoning approvals. The use of the property as a synagogue did not cease and in April 2021, your office issued a Citation indicating again that the "continuing use" of the property for religious gatherings and services was illegal and could not continue "without *first*" obtaining all approvals. A hearing was scheduled for May 27, 2021. ).

In the meantime, the property owner and his contract purchaser, the Ahavat Shalom Congregation (collectively, the "Congregation"), filed a petition for special hearing with the Office of Administrative Hearings finally seeking, among other things, approval to convert the existing single family home to a synagogue. A hearing on that petition was not held until July 2021. For reasons that were unknown to us, the County did not require the Congregation to attend the code enforcement hearing in May 2021 and allowed the Congregation to instead continue operating illegally.

During the hearing in July before Judge Mayhew, the Congregation's representatives repeatedly stated that vehicular traffic to and from the property would be minimal because its congregants walk to the synagogue and promised that they would use a parking lot available to them, by agreement, with nearby Wellwood Elementary School. We challenged those representations with contemporaneous evidence (the synagogue was

still operating, after all), demonstrating that the traffic generated by the synagogue was indeed substantial and presented safety hazards to pedestrians and motorists on this small neighborhood street.

On October 5, 2021, Judge Mayhew issued an Opinion granting the petition for special hearing filed by the Congregation. In his Opinion, Judge Mayhew stated that he understood my clients' concerns about traffic safety and parking, but noted the Congregation's representations during the hearing that its members would primarily be walking and the arrangements made by the Congregation to use the Elementary School for parking. Importantly, Judge Mayhew imposed as a condition of his decision that the Congregation must "limit the on-street parking for use of the synagogue." While my client's appreciated the condition imposed by Judge Mayhew, we filed an appeal of his decision on November 3, 2021.

It should come as no surprise that, despite the appeal, the Congregation has continued to operate its synagogue. This is illegal, not only because of the still pending Correction Notice but also because the Congregation does not have final approval to use the property as a synagogue. As you know, the appeal to the Board of Appeals is a *de novo* proceeding and until the Board grants the relief requested, the Congregation cannot use the property in this manner.

To add insult to injury, the Congregation has completely disregarded the conditions imposed by Judge Mayhew and its own representations during the hearing. Specifically:

1) **The Congregation has not been limiting their on-street parking as directed in Judge Mayhew's order (per the incorporated DOP ZAC comment).** As Judge Mayhew noted in his decision, the Congregation represented at hearing that few people would be driving to the synagogue, and that, to the extent that attendees might drive, the synagogue had made a formal arrangement with Baltimore County Public Schools to use a lot at Wellwood International School for off-street parking during the Sabbath (from sundown on Fridays to sundown on Saturdays). They stated that, therefore, their use of the subject property would not incur significant on-street parking.

   In fact, though, on each Sabbath since Judge Mayhew's order there has been heavy on-street parking in the neighborhood by incoming Congregation attendees, particularly on the eastern side of Lisburne Rd. Typically, Congregation-associated vehicles numbering in the teens, and on at least one occasion 20, park there on Friday evening and remain for over 24 hours. Frequently this line of parked Congregation vehicles extends northward up the mere 300 feet of Lisburne's length, almost to Smith Avenue. At the same time zero people park at Wellwood and walk to the Congregation and we have photographic evidence of this. Therefore, they are not limiting their on-street parking and are not following the parking plan.

In addition, since November the Congregation has had gatherings at the subject property almost every night, including weeknights (5 – 7 nights each week). Parking conditions have been similar at those times, although more variable; on some nights there are 5 or 6 Congregation members' cars parked on the east side of Lisburne, but more often there are 12 – 18. At times this parking spills over onto the western side of Lisburne and onto the portion of Northbrook west of its intersection with Lisburne.

Notably, Congregation attendees rarely park in the on-site parking spaces shown, in the Congregation's parking plan, in the driveway of the subject property. Instead, they usually use that area as a drop-off point for passengers, then back out, make essentially a three-point turn in the intersection of Lisburne and Northbrook, and proceed to park on the street on Lisburne. Again, they are not even minimally limiting on-street parking, as required by Judge Mayhew.

2) **The Congregation is placing traffic cones along parking areas in the roadway, effectively doing the opposite of limiting their on-street parking as ordered.** The Congregation has been placing orange traffic cones in the Lisburne Rd. roadway, approximately 3 – 4 feet from the eastern curb. The number of cones varies from 2 to 4; they begin just north of a crosswalk across Lisburne at the intersection with Northbrook and extend northwards, spaced an estimated 10 – 12 feet apart. The long line of Congregation-affiliated cars begins immediately north of the cones they place in the street. These traffic cones are privately owned objects placed in a public roadway, blocking a significant amount of space there. In fact, by placing them in that location, The Congregation are extending their physical presence about 80 – 100 feet from their own property. In addition to appropriating space in the street, this creates an institutional appearance that is incompatible with the neighborhood's well-established residential character.

3) **The Congregation has not obtained a Change in Occupancy permit as Judge Mayhew ordered.** In his Order, Judge Mayhew required the Congregation to "immediately apply for and obtain a Change in Occupancy permit before any further use of the premises." The Congregation has not applied for or obtained the permit, but nevertheless continues to use the property as it always has, in at least one instance with attendance exceeding 100. The Congregation has not obtained the requisite Occupancy Certificate from the Fire Marshal's Office.

In sum, the Congregation has wholly failed to comply with the Correction Notice issued long ago and continues to violate that Notice, as well as Judge Mayhew's order.

In my recent conversation with Robyn Clark of your office, I questioned why the County is allowing the Congregation to continue operating when there is a *de novo* appeal pending before the Board of Appeals. In my opinion, because the hearing is *de*

*novo*, the Congregation has no right to use the property as a synagogue and should be prohibited from doing so until the Board rules. Ms. Clark indicated that, as a practical matter, your office does not require parties who were successful before the ALJ to wait to operate, or cease to operate, during the pendency of an appeal. I do not believe the County has the legal authority to allow this to happen, but I understand your position.

Here, however, the circumstances are different. The Congregation operated illegally for many months, was issued a Correction Notice, failed to comply with that Notice, was then issued a Citation and fined. The Congregation did not pay the fines or attend a code enforcement hearing to avoid paying the fines. It eventually filed a petition for special hearing but continued operating illegally over the many months before Judge Mayhew granted its petition. And now, while we wait for the Board to hold a hearing and rule on its petition, the Congregation continues to operate illegally, both because it does not have final zoning approval and because it has not complied with the conditions in Judge Mayhew's Order.

Under these circumstances, which are not ordinary, we believe the County should take action and order the Congregation to immediately stop operating unless and until the Board of Appeals grants its petition. If the Congregation does not stop operating, then fines should be reinstated and assessed for every day it is in violation. If the County does not proceed in this manner, under these unique circumstances, then its correction notices and citations and the orders of its administrative law judges mean very little.

Thank you for your consideration. Please contact me if you have any questions.

Regards,

Michael R. McCann

cc: Paul Mayhew, Managing ALJ (*via* email only)
Robyn Clark (*via* email only)

## Tammy Zahner

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Friday, January 7, 2022 10:54 AM
**To:** Tammy Zahner; Dino La Fiandra
**Cc:** Appeals Board
**Subject:** RE: Ahavat Shalom Congregation

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thanks Tammy and Sunny, for checking, and thank you Dino.

Have a nice weekend everyone.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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---

**From:** Tammy Zahner [mailto:tzahner@baltimorecountymd.gov]
**Sent:** Friday, January 7, 2022 10:47 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Dino La Fiandra <dcl@lafiandralaw.com>
**Cc:** Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** RE: Ahavat Shalom Congregation

Good Morning,

We have heard back from the Board, and unfortunately March 7th does not work.

Accordingly, the hearings remain scheduled for March 10, 14 and 23.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**

**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, January 6, 2022 5:17 PM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>
**Cc:** Tammy Zahner <tzahner@baltimorecountymd.gov>; Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** Re: Ahavat Shalom Congregation

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Thank you sunny.

Get Outlook for iOS

**From:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Sent:** Thursday, January 6, 2022 3:23:55 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Michael McCann <michael@mmccannlaw.net>
**Cc:** Tammy Zahner <tzahner@baltimorecountymd.gov>; Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** RE: Ahavat Shalom Congregation

Michael,

We will have to check with the Board to make sure they are available.

Let me see what I can do.

Sunny

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Thursday, January 6, 2022 3:19 PM
**To:** Michael McCann <michael@mmccannlaw.net>
**Cc:** Tammy Zahner <tzahner@baltimorecountymd.gov>; Krysundra Cannington <kcannington@baltimorecountymd.gov>; Appeals Board <appealsboard@baltimorecountymd.gov>
**Subject:** Re: Ahavat Shalom Congregation

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,
We will not object to switching March 7 for March 14 provided the Board can accommodate the change. We can't agree to any other changes, as these dates have been cleared with my clients and witnesses.

Thanks.
Dino

On Thu, Jan 6, 2022 at 3:16 PM Michael McCann <michael@mmccannlaw.net> wrote:

Sunny. I know you're out tomorrow so sorry to throw this at you at the last minute but could we use the March 7 date instead of the March 14 date. I've had something come up since I gave you those dates before Xmas. I checked with Dino and he and his clients are OK with this change.

Thank you Sunny. Hope all goes well.
Get Outlook for iOS

---

**From:** Tammy Zahner <tzahner@baltimorecountymd.gov>
**Sent:** Thursday, January 6, 2022 8:42 AM
**To:** Dino La Fiandra; Michael McCann
**Subject:** Ahavat Shalom Congregation

Good Morning,

Attached is a copy of the Notice of Postponement and Reassignment in the above-captioned case. A copy has also been sent first class mail.

Please let us know if you have any questions.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
**(410) 887-3182 Fax**

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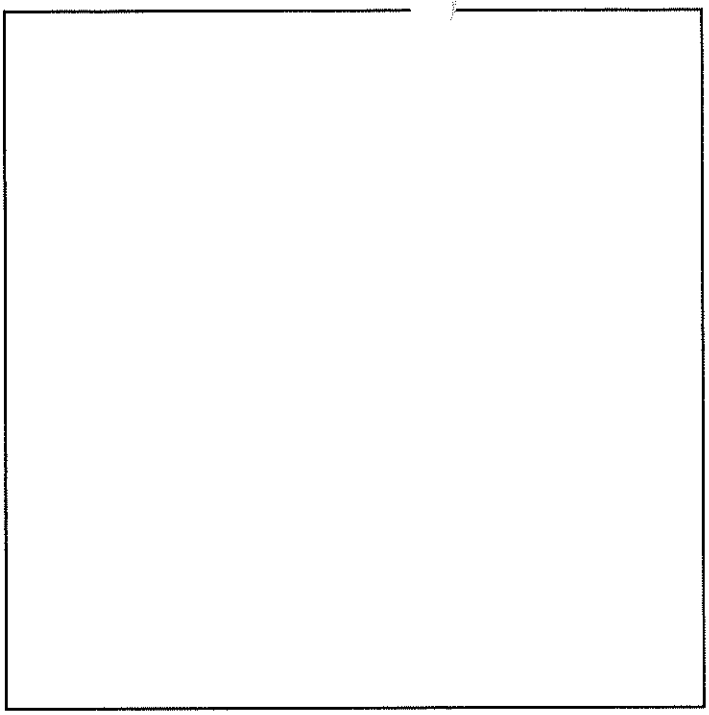
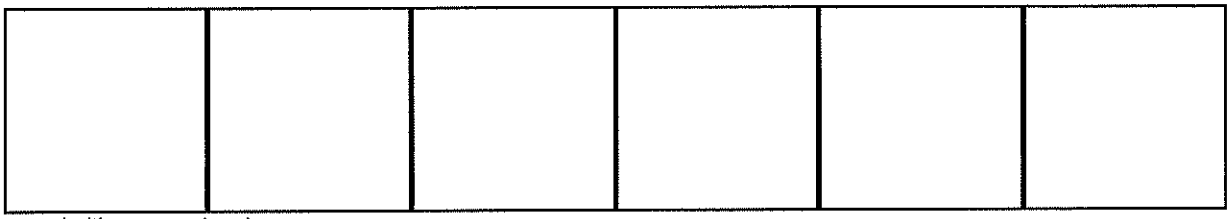


**Get your COVID-19 vaccine today.**

**CONNECT WITH BALTIMORE COUNTY**



*www.baltimorecountymd.gov*

## Tammy Zahner

**From:** Tammy Zahner
**Sent:** Thursday, January 6, 2022 8:43 AM
**To:** 'Dino La Fiandra'; 'Michael McCann'
**Subject:** Ahavat Shalom Congregation
**Attachments:** Radparvar 20-299-SPHA PP and Reassignment.pdf

Good Morning,

Attached is a copy of the Notice of Postponement and Reassignment in the above-captioned case. A copy has also been sent first class mail.

Please let us know if you have any questions.

**Tammy A. Zahner, Legal Secretary**
**Board of Appeals for Baltimore County**
**The Jefferson Building, Suite 203**
**105 W. Chesapeake Avenue**
**Towson, Maryland 21204**
***tzahner@baltimorecountymd.gov***
**(410) 887-3180**
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Board of Appeals of Baltimore County

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

January 6, 2022

# NOTICE OF POSTPONEMENT AND REASSIGNMENT

**IN THE MATTER OF:** Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
20-299-SPHA 3009 Northbrook Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing under BCZR § 500.7:

1. For a determination that the Residential Transition Area ("RTA") regulation of BCZR § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1(h).
2. In the alternative to Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project;
3. In the alternative to Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces;
5. Such further and other relief as the nature of this cause may require.

Petition for Variance:

1. From BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone as follows:
   (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required;
   (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required;
2. In the alternative to Special Hearing Requests 1, 2, and 3, above Variances from BCZR §1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required.
3. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

10/5/21 Opinion and Order of the Administrative Law Judge wherein the Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the RTA regulations under BCZR § 1B01.1.B.1.g(6) was GRANTED; and the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow 2 parking spaces as shown on the site plan was GRANTED; with conditions; and Ordered that all other requested relief was dismissed as MOOT.

This matter was assigned for hearing on March 15 and March 17 and has been postponed by request of Counsel. By agreement of Counsel, this matter has been

**REASSIGNED FOR:** **MARCH 10, 2022, AT 9:00 A.M., DAY 1**
**MARCH 14, 2022, AT 9:00 A.M., DAY 2**
**MARCH 23, 2022, AT 9:00 A.M., DAY 3**

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

**NOTICE:**

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

**Krysundra Cannington, Administrator**

c. Counsel for Petitioners : Dino La Fiandra, Esquire
Legal Owner : Saman Radparvar
Contract Purchaser : Ahavat Shalom Congregation
Rabbi Eli Hakkakian

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Avron and Galya Elbaum
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

Patrick Richardson, P.E./Richardson Engineering, LLC

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, December 23, 2021 2:41 PM
**To:** Krysundra Cannington; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

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Sunny: In addition to March 10 and 23, the following dates are good: March 7 and 14.

Thank you!

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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**From:** Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
**Sent:** Wednesday, December 22, 2021 11:40 AM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>
**Cc:** Michael McCann <michael@mmccannlaw.net>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Thank you Dino.

S.

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Wednesday, December 22, 2021 11:31 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Michael McCann <michael@mmccannlaw.net>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

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## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, December 22, 2021 11:40 AM
**To:** 'Dino La Fiandra'
**Cc:** Michael McCann
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Thank you Dino.

S.

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Wednesday, December 22, 2021 11:31 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Michael McCann <michael@mmccannlaw.net>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,

For Northbrook/Ahavat Shalom:
We are holding March 10 and 23.
We are available on the following dates: March 4, 7, 11, 14, 21, 25, and 28. Please note that in order to prepare for Friday night services, my clients would need to conclude the day's proceedings at 4 pm on March 4 and March 11, and at 5 pm on March 25.
Of the new dates you asked that we check, the only date we are not available is March 18.

Thanks and let me know if you have any questions.

Regards,
Dino

Please note that I will be out of the office with limited connectivity on the following dates:

Thursday, December 23, 2021.

Monday, December 27, 2021.
Tuesday, December 28, 2021.
Wednesday, December 29, 2021.

On Wed, Dec 22, 2021 at 10:56 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Mr. McCann,

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, December 22, 2021 10:57 AM
**To:** 'Michael McCann'; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning Mr. McCann,

Yes. Yes. And Yes, please.

Thank you!

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Wednesday, December 22, 2021 10:54 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: Is this email for Northbrook? If so, are we still holding March 10 and 23?

Am I checking on March 4, 7, 14, 18, 21, 25, and 28 as well?

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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**From:** Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
**Sent:** Tuesday, December 21, 2021 11:57 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Mr. McCann,

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Wednesday, December 22, 2021 10:54 AM
**To:** Krysundra Cannington; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: Is this email for Northbrook? If so, are we still holding March 10 and 23?

Am I checking on March 4, 7, 14, 18, 21, 25, and 28 as well?

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
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*(p) 410-825-2150*
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**From:** Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
**Sent:** Tuesday, December 21, 2021 11:57 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Mr. McCann,

I received your dates in the Inverness case, I wasn't sure if that applied to this case too... For Mr. La Fiandra's sake, you replied in Inverness that you were available on April 19, 20, 21, 26, and 27. Inverness is asking for four dates. This case, I refer to as Ahavat Shalom, is asking for three dates and you will both notice there are only five dates listed...

Let's look at March 4, 7, 14, 18, 21, 25, and 28. We don't traditionally hold hearings on Mondays and Fridays and rarely expand the search to include them. However, I am having surgery on January 7 and will be out for at least two weeks. So to me, there is a sense of urgency to get both these cases scheduled before I am out.

If we can't coordinate three dates in March and April, we can expand the search to May. I don't currently have anything on the calendar in May.

Thanks,

**Krysundra Cannington**

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Wednesday, December 22, 2021 11:31 AM
**To:** Krysundra Cannington
**Cc:** Michael McCann
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

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Sunny,

For Northbrook/Ahavat Shalom:
We are holding March 10 and 23.
We are available on the following dates: March 4, 7, 11, 14, 21, 25, and 28. Please note that in order to prepare for Friday night services, my clients would need to conclude the day's proceedings at 4 pm on March 4 and March 11, and at 5 pm on March 25.
Of the new dates you asked that we check, the only date we are not available is March 18.

Thanks and let me know if you have any questions.

Regards,
Dino

DCL

Please note that I will be out of the office with limited connectivity on the following dates:

Thursday, December 23, 2021.

Monday, December 27, 2021.
Tuesday, December 28, 2021.
Wednesday, December 29, 2021.

On Wed, Dec 22, 2021 at 10:56 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Mr. McCann,

Yes. Yes. And Yes, please.

Thank you!

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Tuesday, December 21, 2021 12:26 PM
**To:** 'Dino La Fiandra'
**Cc:** Michael McCann
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

I have not checked the Mondays and Fridays in March with the Board yet. Ideally, I would like to keep March 10 and 23 and try to find a third March date from the Mondays and Fridays offered.

S.

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Tuesday, December 21, 2021 12:12 PM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Michael McCann <michael@mmccannlaw.net>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny, do the dates you just offered us work with March 10 and March 23? Our clients and witnesses all previously indicated they are available on March 10 and 23. Should we continue to hold March 10 and 23, while we check availability of the new dates you just offered? I guess what I am asking is, are the new dates interchangeable with March 10 and 23, in terms of the panel?
Thanks.
Dino

Please note that I will be out of the office with limited connectivity on the following dates:

Thursday, December 23, 2021.

Monday, December 27, 2021.
Tuesday, December 28, 2021.
Wednesday, December 29, 2021.

On Tue, Dec 21, 2021 at 11:56 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Mr. McCann,

## Krysundra Cannington

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Tuesday, December 21, 2021 12:12 PM
**To:** Krysundra Cannington
**Cc:** Michael McCann
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

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Sunny, do the dates you just offered us work with March 10 and March 23? Our clients and witnesses all previously indicated they are available on March 10 and 23. Should we continue to hold March 10 and 23, while we check availability of the new dates you just offered? I guess what I am asking is, are the new dates interchangeable with March 10 and 23, in terms of the panel?
Thanks.
Dino

DCL

Please note that I will be out of the office with limited connectivity on the following dates:

Thursday, December 23, 2021.

Monday, December 27, 2021.
Tuesday, December 28, 2021.
Wednesday, December 29, 2021.

On Tue, Dec 21, 2021 at 11:56 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Mr. McCann,

I received your dates in the Inverness case, I wasn't sure if that applied to this case too... For Mr. La Fiandra's sake, you replied in Inverness that you were available on April 19, 20, 21, 26, and 27. Inverness is asking for four dates. This case, I refer to as Ahavat Shalom, is asking for three dates and you will both notice there are only five dates listed...

Let's look at March 4, 7, 14, 18, 21, 25, and 28. We don't traditionally hold hearings on Mondays and Fridays and rarely expand the search to include them. However, I am having surgery on January 7 and will be out for at least two weeks. So to me, there is a sense of urgency to get both these cases scheduled before I am out.

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Tuesday, December 21, 2021 11:57 AM
**To:** 'Michael McCann'; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Mr. McCann,

I received your dates in the Inverness case, I wasn't sure if that applied to this case too... For Mr. La Fiandra's sake, you replied in Inverness that you were available on April 19, 20, 21, 26, and 27. Inverness is asking for four dates. This case, I refer to as Ahavat Shalom, is asking for three dates and you will both notice there are only five dates listed...

Let's look at March 4, 7, 14, 18, 21, 25, and 28. We don't traditionally hold hearings on Mondays and Fridays and rarely expand the search to include them. However, I am having surgery on January 7 and will be out for at least two weeks. So to me, there is a sense of urgency to get both these cases scheduled before I am out.

If we can't coordinate three dates in March and April, we can expand the search to May. I don't currently have anything on the calendar in May.

Thanks,

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Tuesday, December 21, 2021 11:26 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Yes this is getting confusing! I don't envy you sunny. I believe I sent it already but April 5 and 7 are not good. Thanks.

Get Outlook for iOS

**From:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Sent:** Tuesday, December 21, 2021 11:18:55 AM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Michael McCann <michael@mmccannlaw.net>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning Mr. La Fiandra,

I am working with Mr. McCann to schedule another case and I think it's getting difficult to keep them separate because we are looking at many of the same dates.

I am amenable to your suggestion. We just need to hear from Mr. McCann on the April 5 and 7 dates.

**Krysundra Cannington**

**From:** Krysundra Cannington
**Sent:** Tuesday, December 21, 2021 11:19 AM
**To:** 'Dino La Fiandra'; Michael McCann
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning Mr. La Fiandra,

I am working with Mr. McCann to schedule another case and I think it's getting difficult to keep them separate because we are looking at many of the same dates.

I am amenable to your suggestion. We just need to hear from Mr. McCann on the April 5 and 7 dates.

Thank you!

Sunny

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Friday, December 17, 2021 3:12 PM
**To:** Michael McCann <michael@mmccannlaw.net>
**Cc:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,

Regarding Ahavat Shalom Congregation at 3009 Northbrook Road, 2020-299-SPHA:

The Petitioners are available on March 10 and 23 and April 5, 7, 26, 27, and 28. We believe this case will take 3 days and since we are holding March 10 and 23, if everyone is available on April 5 or 7, we would propose to finish the hearing on one of those two dates. What we would like to avoid, if possible, is March 10 and 23, and then April 26, 27, or 28 as the final date. If that were the situation, we would prefer to take the three consecutive days in late April, even though they are further out.

Michael, what February dates are you talking about?

Thank you both and have a nice weekend.

Dino

On Fri, Dec 17, 2021 at 3:00 PM Michael McCann <michael@mmccannlaw.net> wrote:

## Krysundra Cannington

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Friday, December 17, 2021 3:12 PM
**To:** Michael McCann
**Cc:** Krysundra Cannington
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,

Regarding Ahavat Shalom Congregation at 3009 Northbrook Road, 2020-299-SPHA:

The Petitioners are available on March 10 and 23 and April 5, 7, 26, 27, and 28. We believe this case will take 3 days and since we are holding March 10 and 23, if everyone is available on April 5 or 7, we would propose to finish the hearing on one of those two dates. What we would like to avoid, if possible, is March 10 and 23, and then April 26, 27, or 28 as the final date. If that were the situation, we would prefer to take the three consecutive days in late April, even though they are further out.

Michael, what February dates are you talking about?

Thank you both and have a nice weekend.

Dino

DCL

On Fri, Dec 17, 2021 at 3:00 PM Michael McCann <michael@mmccannlaw.net> wrote:
Sunny. Thank you for your efforts. It is very important that we keep the February dates, even if it is only three of them.

Get Outlook for iOS

**From:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Sent:** Friday, December 17, 2021 8:26:34 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning,

I will hold March 10 and 23 while we look for other dates. If we can find three dates close together, we will change all the dates.

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Friday, December 17, 2021 3:00 PM
**To:** Krysundra Cannington; Dino La Fiandra
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny. Thank you for your efforts. It is very important that we keep the February dates, even if it is only three of them.

Get Outlook for iOS

**From:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Sent:** Friday, December 17, 2021 8:26:34 AM
**To:** Michael McCann <michael@mmccannlaw.net>; Dino La Fiandra <dcl@lafiandralaw.com>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning,

I will hold March 10 and 23 while we look for other dates. If we can find three dates close together, we will change all the dates.

The next available dates are April 5 and 7. Passover begins at sundown on April 15th and ends on April 23rd but if work is permitted, I can do April 19, 20, or 21. I also have April 26, 27, and 28 currently available.

And yes, the Board can start at 9:00 a.m.

Please let me know which dates work best asap.

Thank you!

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, December 16, 2021 6:11 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: March 10 is good but not March 30 and 31.

Michael

Michael R. McCann
*Michael R. McCann, PA*

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Friday, December 17, 2021 8:27 AM
**To:** 'Michael McCann'; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning,

I will hold March 10 and 23 while we look for other dates. If we can find three dates close together, we will change all the dates.

The next available dates are April 5 and 7. Passover begins at sundown on April 15th and ends on April 23rd but if work is permitted, I can do April 19, 20, or 21. I also have April 26, 27, and 28 currently available.

And yes, the Board can start at 9:00 a.m.

Please let me know which dates work best asap.

Thank you!

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, December 16, 2021 6:11 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: March 10 is good but not March 30 and 31.

Michael

Michael R. McCann
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, December 16, 2021 6:11 PM
**To:** Dino La Fiandra; Krysundra Cannington
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: March 10 is good but not March 30 and 31.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
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**From:** Dino La Fiandra [mailto:dcl@lafiandralaw.com]
**Sent:** Thursday, December 16, 2021 12:03 PM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Cc:** Michael McCann <michael@mmccannlaw.net>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

Sunny,

We are good on all those dates.

Sunny, in order to maximize the likelihood of finishing the case in the 3 days scheduled, would it be possible to start at 9:00? Michael, if that is possible, would you be agreeable to that?

Thank you to both of you and have a great day.

Regards,
Dino

## Krysundra Cannington

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Thursday, December 16, 2021 12:03 PM
**To:** Krysundra Cannington
**Cc:** Michael McCann
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

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Sunny,

We are good on all those dates.

Sunny, in order to maximize the likelihood of finishing the case in the 3 days scheduled, would it be possible to start at 9:00? Michael, if that is possible, would you be agreeable to that?

Thank you to both of you and have a great day.

Regards,
Dino

On Wed, Dec 15, 2021 at 8:47 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning,

After checking dates with the Board, if we keep March 23rd, I can offer March 10 and either March 30 or 31 but not both.

Please let me know if these dates work for you and your clients/witnesses.

Thank you,

Sunny

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Wednesday, December 15, 2021 8:47 AM
**To:** 'Michael McCann'; Dino La Fiandra
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

Good morning,

After checking dates with the Board, if we keep March 23rd, I can offer March 10 and either March 30 or 31 but not both.

Please let me know if these dates work for you and your clients/witnesses.

Thank you,

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Saturday, December 11, 2021 1:18 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: March 23rd is good for me, but the 15th is not. Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*
*(f) 410-825-2149*

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**From:** Michael McCann
**Sent:** Thursday, December 9, 2021 5:40 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

## Krysundra Cannington

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Saturday, December 11, 2021 1:18 PM
**To:** Dino La Fiandra; Krysundra Cannington
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road

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Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
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**From:** Michael McCann
**Sent:** Thursday, December 9, 2021 5:40 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

Sunny. I did not get that notice. Could you send it to me when you get a chance.

I also did not get the notice in Greenspring Manor, which is odd. But I have been out of the office since Monday so maybe they came.

Get Outlook for iOS

**From:** Dino La Findra <dcl@lafiandralaw.com>
**Sent:** Thursday, December 9, 2021 11:13:54 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>
**Subject:** Case 2020-299-SPHA - 3009 Northbrook Road

Ms. Cannington,

## Krysundra Cannington

**From:** Krysundra Cannington
**Sent:** Friday, December 10, 2021 8:22 AM
**To:** 'Michael McCann'
**Subject:** RE: Case 2020-299-SPHA - 3009 Northbrook Road
**Attachments:** Radparvar 20-299-SPHA Assignment Notice.pdf

Good morning Mr. McCann,

I sent out notices in several cases on Thursday and Friday of last week. I am working to update the webpage today with all the cases scheduled.

Let me know when you get back to the office, if there are other notices you are missing.

Thanks,

Sunny

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Thursday, December 9, 2021 5:40 PM
**To:** Dino La Fiandra <dcl@lafiandralaw.com>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
**Subject:** Re: Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny. I did not get that notice. Could you send it to me when you get a chance.

I also did not get the notice in Greenspring Manor, which is odd. But I have been out of the office since Monday so maybe they came.

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**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Thursday, December 9, 2021 11:13:54 AM
**To:** Krysundra Cannington <kcannington@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>
**Subject:** Case 2020-299-SPHA - 3009 Northbrook Road

Ms. Cannington,

Thank you for sending the Notice of Assignment dated December 3 in the above case. This email will confirm our telephone conversation of today during which I advised you that March 17, one of the dates scheduled for the hearing in this matter, is the Jewish holiday of Purim. You asked that I send this email with a copy to Mr. McCann and that you will reschedule the second day of the hearing.

The Petitioner has no conflicts with the other dates provided on the Notice of Assignment, March 15 and March 23. As I mentioned when we spoke, it would be best if the new date would be as close in time as possible to these other two dates.

## Krysundra Cannington

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Thank you as always for your assistance.

Regards,
Dino

Dino C. La Fiandra, Esquire
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100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

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**Krysundra Cannington**

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Thursday, December 9, 2021 2:14 PM
**To:** Krysundra Cannington; Michael McCann
**Subject:** Case 2020-299-SPHA - 3009 Northbrook Road

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Board of Appeals of Baltimore County

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

December 3, 2021

# NOTICE OF ASSIGNMENT

**IN THE MATTER OF:** Saman Radparvar – Legal Owner
Ahavat Shalom Congregation, Inc. – Contract Purchaser
20-299-SPHA 3009 Northbrook Road
3rd Election District; 2nd Councilmanic District

Re: Petition for Special Hearing under BCZR § 500.7:

1. For a determination that the Residential Transition Area ("RTA") regulation of BCZR § 1B01.1.B.1 does not apply to proposed development by virtue of BCZR § 1B01.1.B.1(h).
2. In the alternative to Request No. 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through e do not apply to the proposed project;
3. In the alternative to Request Nos. 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 ft. for the parking spaces and 10 ft. for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces;
5. Such further and other relief as the nature of this cause may require.

Petition for Variance:

1. From BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone as follows:
   (a) Front yard of 30 ft. in lieu of 50 ft. otherwise required;
   (b) Interior side yard of 10 ft. in one instance and 15 ft. in another instance in lieu of the 20 ft. otherwise required;
2. In the alternative to Special Hearing Requests 1, 2, and 3, above Variances from BCZR §1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks as follows: 0 ft. for existing parking spaces, and 10 ft. in one instance, 15 ft. in one instance, 30 ft. in one instance, and 30 ft. in one instance for an existing structure in lieu of the 50 ft. RTA Buffer and the 75 ft. RTA setback otherwise required.
3. In the alternative to Special Hearing Request No. 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

10/5/21 Opinion and Order of the Administrative Law Judge wherein the Special Hearing relief under BCZR § 500.7, for a finding that the property is exempt from the RTA regulations under BCZR § 1B01.1.B.1.g(6) was GRANTED; and the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow 2 parking spaces as shown on the site plan

was GRANTED; with conditions; and Ordered that all other requested relief was dismissed as MOOT.

**ASSIGNED FOR:** **MARCH 15, 2022, AT 10:00 A.M., DAY 1**
**MARCH 17, 2022, AT 10:00 A.M., DAY 2**
**MARCH 23, 2022, AT 10:00 A.M., DAY 3**

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at** www.baltimorecountymd.gov/departments/appeals **the night before.**

A complete set of **exhibits must be emailed** at least **48 hours before the hearing** to **appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

**NOTICE:**

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computer or smart device, please contact our office for the call-in information the day before the scheduled hearing.

**Krysundra Cannington, Administrator**

c. Counsel for Petitioners : Dino La Fiandra, Esquire
Legal Owner : Saman Radparvar
Contract Purchaser : Ahavat Shalom Congregation
Rabbi Eli Hakkakian

Counsel for Protestants : Michael R. McCann, Esquire
Protestants : Avron and Galya Elbaum
Andrew and Sara Segal
Noam and Leah Efron
Zalman Kahn
Simcha and Debra Varon

Patrick Richardson, P.E./Richardson Engineering, LLC
Ashkan Attar
Afshin Attar
Daniel Reihani
Avraham Feldman
Alen Reyhan
Rabin Barkhordar
Yakov Shafranovich
David Fayz
Daniel Katiban
Iman Fakheri
Eliyahu Nourmand
Ora Nafisi
Steven Chamama
Rodney Hakimi
David Nafisi
Yosef Mehdizadeh
Juda Gabaie
Omid Rahmanfar
Bennett Goldberg

Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

---

**IN THE MATTER OF:**

**SAMAN RADPARVAR, LEGAL OWNER**
**AHAVAT SHALOM CONGREGATION, CONTRACT PURCHASER**
**CASE NUMBER: 20-299-SPHA**

---

Hearing Date: March 23, 2022

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County by remote access.

PANEL PRESIDING:

**JOSEPH EVANS, CHAIR**

**SHARONNE BONARDI, BOARD**

**BRYAN PENNINGTON, BOARD**

PRESENT FOR THE PARTIES:

**DINO LA FIANDRA, ESQUIRE**
Counsel for Petitioners

**MICHAEL MCCANN, ESQUIRE**
Counsel for Appellants

---

Christine R. Leary
crleary1@comcast.net

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(ON RECORD)

CHAIR: Okay. I think we're all here, are we not? Mr. Pennington, Ms. Bonardi, Mr. La Fiandra, Mr. McCann, Mr. Kellman are here. So, I guess that's everyone that has to be here. So, I have started the recording. This is a continuation of this matter involving 3009 Northbrook Road. It's Board of Appeals number 20-299-SPHA involving Saman Radparvar, the legal owner and Ahavat Shalom Congregation, the contract purchaser of the 3009 Northbrook Road. Once again, this hearing is vir, being held virtually because of the corona virus situation and we are here to resume now for day three of the hearing. And we're to pick up with the cross examination of Mr. Kellman. Is that all correct? Have I left anything out here before we begin?

MR. LA FIANDRA: I think that's it.

CHAIR: Think that's it? Okay, good. Well, then we're going to turn the floor over to you, Mr. McCann, to do your examination of Mr. Kellman, okay?

MR. MCCANN: Thank you. Good morning, everyone.

MR. MCCANN: Good morning, Mr. Kellman. Can you hear me, Mr. Kellman? I think you're on mute.

CHAIR: There, Mr. Kellman was muted.

MR. KELLMAN: I apologize if it was on my end. I thought I unmuted. But I will say good morning to everybody.

MR. MCCANN: Okay, thank you. All right. Mr.

Kellman, how long ago did you work in the Zoning Review Office? When was that?

MR. KELLMAN: Zoning Review Office, I'm going to say about twenty-five years ago. Twenty to twenty-five years ago.

MR. MCCANN: Okay, back in the eighties and nineties.

MR. KELLMAN: Yes, I started in, I believe it was, was '85, worked there for about ten years, left, came back, then left again.

MR. MCCANN: But you, when you last left it was in the mid-nineties or late nineties?

MR. KELLMAN: Yeah, approximately that, yes.

MR. MCCANN: Okay and during that period of time, I think you said you were there for twelve or thirteen years or so, you, you never served in a supervisory role? That is, you were never head of Zoning Review?

MR. KELLMAN: No, I wasn't the, I was not the supervisor when I was there. The supervisor was Carl Richards.

MR. MCCANN: Okay and then subsequent to Carl Richards, the supervisor is now Jeff Perlow (phonetic)?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay. You mentioned a couple of the synagogue cases you've been involved in, RTA cases, that is. Have you ever been involved in an RTA case in which you testified that the standards in G-6, about compatibility, were not met? Did you ever testify in such a case?

MR. KELLMAN: No.

MR. MCCANN: I think you're muted. We didn't catch that, but the answer is no?

MR. KELLMAN: No.

MR. MCCANN: Okay.

CHAIR: Well, actually, the answer is yes but. He actually, the answer is, you've never testified that the RTA standards have not been met, correct?

MR. KELLMAN: Have not been met, that's correct.

MR. MCCANN: Yeah, okay. Thank you, Mr. Evans.

MR. KELLMAN: Thank you for that. I sort of got mixed up with --

CHAIR: Well, no, that's understandable.

MR. KELLMAN: -- the question.

MR. MCCANN: How about a case that didn't go to a hearing? Have you ever advised a client that the standards in G-6 regarding compatibility were not met? No?

MR. KELLMAN: I have not.

MR. MCCANN: Okay. You mentioned one of the cases was Suburban Orthodox, correct?

MR. KELLMAN: Yes.

MR. MCCANN: That's a relatively recent case, last several months, I think?

MR. KELLMAN: Not the last couple months, it was more than that. I think it was about seven or eight months ago.

MR. MCCANN: Okay. But that case, in that case, Suburban Orthodox is on Seven Mile Lane, correct?

MR. KELLMAN: I believe so, yes.

MR. MCCANN: And that's to the, that's to the west, a good bit to the west of the subject property, correct?

MR. KELLMAN: It is west of the subject property.

MR. MCCANN: And, and Seven Mile Lane, unlike Northbrook Road, is a, is a collector, it's, it's a much more heavily traveled street than Northbrook, correct?

MR. KELLMAN: I would, I, I, I did not verify the road type, whether it was a collector or not. But you, you, you could say it, it's, it's, it's a bit heavy, heavily, more heavily traveled then, then Northbrook.

MR. MCCANN: Well, it's not, it's not in a discreet neighborhood like Greenspring Manor. In other words, it's, correct?

MR. KELLMAN: I, Mr. McCann, I did not see whether it was in a recorded subdivision, such as Greenspring Manor. However, it, looking at Suburban Orthodox, I mean, you had, you had a neighborhood right across the street. A recorded subdivision across the street from Suburban Orthodox.

MR. MCCANN: All right. Well, I guess it's, it's a, it's a, number one, it's a synagogue that's been in the community since the 1950's, correct?

MR. KELLMAN: Yes, that synagogue has been there for

a while and a hearing approved its expansion.

MR. MCCANN: It's, yeah, it involved an expansion, right?

MR. KELLMAN: Yes.

MR. MCCANN: And there really wasn't any significant opposition in that case, was there, of that expansion?

MR. KELLMAN: There was somebody who opposed it that lived directly across the street.

MR. MCCANN: Okay and Suburban owned, I counted five of the adjoining properties surrounding the location of the, the synagogue itself, correct?

MR. KELLMAN: I'm sorry, could you, could you repeat that?

MR. MCCANN: Yeah, I'm sorry. Let me speak up and turn up my volume a little bit. Suburban owns, by my count, five of the adjoining properties surrounding the, the parcel in which the synagogue is located, correct?

MR. KELLMAN: I don't remember the, the amount of properties that they, that they owned. But I know they did own adjacent property.

MR. MCCANN: Okay. Moving on, you were, you were retained by the congregation in this case after the hearing before the ALJ and after the ALJ's decision in October 2021, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay. So, like Mr. Warfield who testified earlier, you did not participate with representatives of the congregation in the development or the planning of this particular synagogue, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay. Your client, the congregation, had already decided on this location and on, and on this plan for the shul, correct?

MR. KELLMAN: I would assume so because it was approved by the ALJ, and I was retained after the ALJ hearing.

MR. MCCANN: Okay, all right. Let's turn to a couple of the, the sections in the RTA that we've been talking about. I know we've been through this a lot. So, I'll try not to dwell too much on any one of them. But I do want to go to the G-6 exemption, and I would, if I could share.

CHAIR: Sure.

MR. MCCANN: Sunny, or Tammy, or Mr. Evans.

CHAIR: Okay.

MR. MCCANN: Great, thank you. Okay. I'll stop scrolling in a second. Do you see where I am, Mr. Kellman?

MR. KELLMAN: I do.

MR. MCCANN: Okay. I'm going to zoom in a little bit. This, I'm, I'm referring you, again, to, once again, to 1-B-01.1-B-1-G-6. And here we go. So, this is the section that you talked about, quite a bit about compatibility, what

the character and general welfare of surrounding residential premises. Do you recall that?

MR. KELLMAN: Yes.

MR. MCCANN: Okay.

MR. KELLMAN: I do.

MR. MCCANN: Great. So, first, on, on this issue of identifying the quote, surrounding residential premises, and I'll zoom in a little bit. You identified or defined the surrounding residential premises as those properties that or, are adjoining or adjacent to the subject property, correct?

MR. KELLMAN: I did. It was adjacent to the rear, adjacent to the sides and, again, I went two over on each side and then one that was catty-corner across the street.

MR. MCCANN: Right. So, and we can look at that exhibit, that's Petitioner's Exhibit 10, where you identified those specific houses, six or so of them. But in terms of identifying quote, the surrounding residential premises, your testimony in this case was, was not at all how you defined surrounding residential premises in the relatively recent case on Pimlico Road, Dera Chaim, in which I think both Mr. Evans and Ms. Bonardi served as, served on the Board. Isn't that correct?

MR. KELLMAN: That's correct.

MR. MCCANN: I mean, in that case, you described surrounding residential premises as a much larger area than

just the adjacent or adjoining properties. And actually, encompassed the entire area, from which members of that synagogue might walk to the shul. Do you recall that?

MR. KELLMAN: I do.

MR. MCCANN: Okay. In fact, you said that surrounding resident, residential premises could not mean adjoining or adjacent because the County Council would have used those words in this G-6 if that was what they intended, as they have elsewhere in the zoning regulations. Do you recall that testimony?

MR. KELLMAN: I do.

MR. MCCANN: Okay and then, in terms of compatibility, now this, this other word that's used in G-6, you said in this case that compatible is defined as quote, not exact but similar. I think that was the extent of how you defined it. But that is not, that's not what you testified in Dera Chaim either, is it, as to what compatible means?

MR. KELLMAN: Compatible, I, I can't, I don't remember my exact definition of compatibility in that case.

MR. MCCANN: Okay. Well, I, I have the transcript and I'll tell you what you said. You said that compatibility means that it fits within the residential community and contributes to the lifestyle of the community. Does that sound right to you?

MR. KELLMAN: It does.

MR. MCCANN: Okay and then in terms of, you know, the other words used in G-6, character. That's another word that's used here. In this case, you defined character as the physical attributes of the structure, for instance, its massing, its architectural style, the building materials used. Do you recall that?

MR. KELLMAN: Yep.

MR. MCCANN: But in Dera Chaim, you said that character means the residential neighborhood of the area and the common religious and other interests shared by the residents in that area. Does that sound correct?

MR. KELLMAN: If you have the transcript, I, I, I do recall that. I don't remember word for word what I said.

MR. MCCANN: But it sounds about right? I can show you the transcript --

MR. KELLMAN: It does. It does.

MR. MCCANN: Okay. So, on that point, that is the, the, the definition you used in this case of character, the, the, the physical attributes of the structure, I'm going to show you a photograph. And this is Petitioner's Exhibit, I'm sorry, Protestant's Exhibit 23-A. I have not shown this photograph before. One second. Okay. I know this is not the, the best of pictures, but do you recognize, you, you see that, Mr. Kellman?

MR. KELLMAN: I do.

MR. MCCANN: Okay. Do you recognize the, the house depicted in this photograph with the, the ramp and stairs there? Do you see that?

MR. KELLMAN: Yeah, it looks like the subject property.

MR. MCCANN: Yeah. So, those, that ramp and the stairs there, were not shown in the photographs that, that you showed us during your testimony, but are you aware that that has now been constructed on the front of the premises?

MR. KELLMAN: When I, when I took the photos, that ramp, that ramp was not completed. I think it was just starting, I think construction had just commenced.

MR. MCCANN: Okay.

MR. KELLMAN: So, it wasn't, it wasn't, it wasn't complete. So, my photo didn't include that.

MR. MCCANN: Okay, great. So, let's, if we use your definition of character, the one that you expressed in this case, the physical attributes of the structure, etcetera, are you aware of any other house anywhere in Greenspring Manor that has a ramp and it's hard to, to see in this particular picture the size of it, but a ramp and stairs like, like that or similar to that, any other house are you familiar with?

MR. KELLMAN: I went out to the site, I believe, five or six times and in the immediate, in the immediate vicinity I did not see a ramp.

MR. MCCANN: Okay and when you say immediate vicinity, where's that? In the surrounding houses immediate, immediately surrounding houses?

MR. KELLMAN: I went along the, the road of which the house is located, on Northbrook.

MR. MCCANN: Okay. So, you looked, when you visited, you looked beyond the six or so houses that you've identified as the surrounding residential premises?

MR. KELLMAN: I did. I did not focus on them because I focused on the surrounding residential premises, the, the houses that I took the photos of. But I did, I did drive around and look.

MR. MCCANN: Okay, all right. Before I forget, I was going to move this photo in through another witness, but I would move Exhibit 23-A into evidence.

CHAIR: Okay, it's admitted.

MR. MCCANN: Thank you, Mr. Evans.

CHAIR: You know, and, and while we're talking about that, Mr. McCann, it, it would be useful, I think, if you, you don't have to do it this minute, but if you offer the transcript sections that you read from Dera Chaim, if you offered those at least for identification purposes so we have them in the record.

MR. MCCANN: Absolutely and I'll tell you right now what they are, they're pages one sixty-eight to one seventy-

four. And this is --

CHAIR: And we don't, we don't have the transcript?

MR. MCCANN: Yeah, but I can submit those to you.

CHAIR: Okay, all right. Thank you.

MR. MCCANN: I will do that. Let me just make a note real quick before I forget. Okay.

MR. LA FIANDRA: Is there, is there a date, Michael, pardon me, Mr. McCann, on those transcripts?

MR. MCCANN: Yeah, I don't have the cover page printed out for some reason.

CHAIR: It's about six months ago.

MR. MCCANN: It was, yeah, July (inaudible) about six months ago.

MR. LA FIANDRA: So, if you could just let me know what the dates of those, if, if you're going to mark them for identification, if we could have those identification references, I'd appreciate it.

MR. MCCANN: Absolutely, will do that. Okay. Getting back to G-6 again, one more time, Mr. Kellman. The other language that we haven't really spoken about is general welfare in the, in the phrase compatible with the character and general welfare of the surrounding residential premises.

You testified that general welfare, unlike the term character, is more of an analysis of the uses surrounding 3009 Northbrook, is that fair?

MR. KELLMAN: It is, I agree.

MR. MCCANN: Okay and you said the shul at 3009 Northbrook is compatible with the general welfare of the surrounding residential premises because a lot of people in the community or, are Orthodox and the shul would contribute to this community, does that sound right?

MR. KELLMAN: It does.

MR. MCCANN: I think, in this, I, I think this is a quote. You said, quote, if it is part of the Orthodox community and contributing to the community, then the shul is compatible with the general welfare, end quote. Does that sound correct?

MR. KELLMAN: That does sound correct.

MR. MCCANN: Okay. So, it sounds like for this part of the analysis under G-6, you, you go beyond the surrounding residential premises, that is, the adjacent homes that you identified, is that fair?

MR. KELLMAN: Well, I, I, I did link it to the surrounding residential premises. I said the surrounding residential premises are part of an Orthodox Jewish community.

MR. MCCANN: Okay.

MR. KELLMAN: So, I, I did mention both. I mentioned the surrounding residential premises and the, and the community.

MR. MCCANN: Okay. Well, what about people who are

Orthodox but not members of this congregation? Shouldn't their interest be considered when determining compatibility with the general welfare?

MR. KELLMAN: I, again, I did it as a whole. I, I said that the surrounding residential premises were part of that Orthodox community and, and that, and, and it makes up the fabric of the community.

MR. MCCANN: So, so that's a yes?

MR. KELLMAN: Yes.

MR. MCCANN: Okay. Do you know how many Orthodox Jews live in Greenspring Manor who are not members of this congregation?

MR. KELLMAN: I do not know that, no.

MR. MCCANN: Do you know how many members of this congregation actually live in Greenspring Manor, as depicted in the plat that we've been looking at?

MR. KELLMAN: I do not.

MR. MCCANN: Okay. Well, if I told you it was only five of the one hundred plus homes in Greenspring Manor, would that affect your testimony whether this shul is compatible with the general welfare of the surrounding residential premises?

MR. KELLMAN: It would not, no.

MR. MCCANN: What about the people who are not Jewish at all? Do you know how many non-Jewish people live in Greenspring Manor?

MR. KELLMAN: I do not know how many non-Jewish people live in Greenspring Manor.

MR. MCCANN: Well, if, if the basis of your delineation of compatibility with the general welfare is whether or not the subject property contributes to the Orthodox community, how can you testify about compatibility or general welfare without knowing this information?

MR. KELLMAN: I, I don't know the exact number. My testimony, I, I believe, was predominantly Orthodox Jewish. And, and, you know, driving around there, I could tell, you know, and I don't want to label or, you, you know, you can, I just, it was my opinion that the, that the, that the community is predominantly Orthodox Jewish people.

MR. MCCANN: Okay. Do you base that on anything other than driving around there? In other words, did you do any other investigation (inaudible) --

MR. KELLMAN: I did not, no.

MR. MCCANN: Regardless of how you define all of these terms, including general welfare, wouldn't you agree that the folks who live around this shul, not just those that are one or two doors away, will be impacted by the operation of this synagogue to some extent?

MR. KELLMAN: I, I, you know, I really, my testimony was really on compatible and not impact.

MR. MCCANN: Okay. Well, yeah, maybe that's, that's

the wrong question. Let me ask you and thank you for that (inaudible). Wouldn't you agree that the folks who live around this shul, not just those who are one or two doors away, will their general welfare would, would be incompatible with the operation of this synagogue?

MR. KELLMAN: I did not, because the regulations specifically say surrounding residential premises and that's what I did, I did my, did my study on.

MR. MCCANN: Okay. Did you know, either before you became involved or after, that the shul has been in oper, in operation already for nearly a year and a half? Did you know that?

MR. KELLMAN: I didn't know that. I, I, when I was doing my, my, my five or six site visits, I didn't see anybody, any con, what I perceived to be congregants. It looked like, it was, the building was either unused or there was some work taking place there, construction work.

MR. MCCANN: Yeah, so I think, I think there was testimony about that from Mr. Attar. The last couple, maybe the last several weeks there's been work ongoing at the, at the property and there, there had not been services, correct? Is that your understanding as well?

MR. KELLMAN: I believe that was, that was the testimony I heard.

MR. MCCANN: Okay. Well, have you ever attended any

services or any other activities while the shul was in operation?

MR. KELLMAN: I haven't attended any, no.

MR. MCCANN: So, you don't know sitting here today what, because you haven't attended any of these services or other activities, you don't know what it's like for the folks around the subject property during those services and activities. You didn't visit physically, or visually rather, or observe any of that, did you?

MR. KELLMAN: Yeah, when I, when I conducted my site visits, the, the building was, didn't, didn't appear to be in a synagogue operation and again, there was, there was construction taking place, so.

MR. MCCANN: Okay. Well, since the shul has been in operation, have, did you ever take the opportunity to talk to anyone, anyone in Greenspring Manor about how they've been impacted by its operation or whether they feel the shul is compatible or not with their general welfare? Have you done that, taken that opportunity?

MR. KELLMAN: I did not, I, I, I did not talk to any of the neighbors, no.

MR. MCCANN: Okay.

MR. KELLMAN: Or any, I'm going to say, any, any of the people in Greenspring Manor, I did not talk to.

MR. MCCANN: Do you have or does your client have any

photographs or videos of the activities or services at the property when they were taking place?

MR. KELLMAN: I don't know if they have it, I have not seen any.

MR. MCCANN: Okay and then, there are, are you aware that there are no other shuls in all of Greenspring Manor? Are you aware of that?

MR. KELLMAN: Greenspring Manor? I don't know, I --

MR. MCCANN: Do you know if --

MR. KELLMAN: I specifically looked at, I was only concerned with Greenspring Manor Section Four. So, I don't believe that I, I looked around the, the whole Greenspring Manor subdivision (inaudible).

MR. MCCANN: Okay, all right. Let's move onto, away from G-6 finally and go, and go to Subsection H. So, this would be, and I just scrolled down, hopefully you can see that. This is 1-B-01, I have to do it every time, 1-B-01.1-B-1-H, which you spoke about at some length and I, you see it there?

MR. KELLMAN: I do.

MR. MCCANN: Okay. So, we looked at this a number of times already. But this provision, Subsection H, is essentially, would you agree, a grandfathering provision? Is that a good way of characterizing it?

MR. KELLMAN: You can say it's a grandfathering, it's, it applies to subdivisions, existing subdivisions

described in Subsection A-1.

MR. MCCANN: I'm sorry, did you say it was or was not?

MR. KELLMAN: Yes, it could be, I mean, if you're using the term grandfathering, yes, you, you, you could say that if that's the term you want to use, but it applies to subdivisions that are described in Subsection A-1 of 1-B-023.

MR. MCCANN: All right. So, we talked about it but this, this prov, Subsection H, essentially, exempts property owners from complying with paragraphs A through E of their RTA regulations if it's of the type of existing development described in Subsection A-1, correct?

MR. KELLMAN: I would agree, yes.

MR. MCCANN: Okay and then A-1, we'll go to that. And I'll blow this up a little bit. Let me know if I, I've blown it up too much.

MR. KELLMAN: I, I can see it perfectly.

MR. MCCANN: Okay, good. 1-B-02.3-A-1, and I'll just highlight it. And I'll read it real quick, just to (inaudible) the question. Quote, any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission, and which has been used, occupied or improved in accordance with the approved subdivision plan. Did I read that correctly?

MR. KELLMAN: You did.

MR. MCCANN: Okay, great. So, you, I think the, you, you would agree, would you not, that your testimony, in your testimony, you, you, in order to meet this grandfathering provision Subsection H, you, you testified that this particular lot, that is 3009 Northbrook, I think it's lot eleven in the plat, is this type of lot in A-1, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay and just to break that down, in order to be such a lot, A, well, I'll call it A-1 lot and be grandfathered under Subsection A, there's essentially three things. Number one, it's got to be a lot which is in a recorded residential subdivision, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Number two, it must be approved by the Baltimore County Planning Board or Planning Commission, correct?

MR. KELLMAN: Correct.

MR. MCCANN: And conjunctive, it must be a lot which has been used, occupied or improved in accordance with that recorded subdivision plan, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. So, take, breaking that down real quick, number one, and this is, you, you agree that this lot is in a recorded residential subdivision, correct?

MR. KELLMAN: I would agree, yes.

MR. MCCANN: Okay and that subdivision, of course, is, is Greenspring Manor as reflected in the plat that I'm looking at, right?

MR. KELLMAN: I'm sorry, can you repeat that?

MR. MCCANN: The, the recorded residential subdivision that you believe this lot is in, is, is in the Greenspring Manor subdivision, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay and that's reflected in, I'm going to pull up a plat real quick. This is Protestant's, both an exhibit of the Protestants and Petitioners. This is Protestant's Exhibit 1. This is Section Four Greenspring Manor, correct?

MR. KELLMAN: That is correct.

MR. MCCANN: Okay and then, I guess the second part of A-1 is that the subdivision was approved by the Baltimore County Planning Board or Planning Commission, you, you agree with that of course, correct?

MR. KELLMAN: Yeah, and if you go back to the plat you'll see where it's signed on their behalf.

MR. MCCANN: Correct. So, plat, Exhibit 1, that's this box right here. You can see that. I know it's very, very faint. But that's signed off by apparently, by the Planning Commission right here, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay, great. Then lastly, the third part of A-1 is, has been used, occupied or improved in accordance with the approved subdivision plan. And that's obviously the heart of this matter. You, that language, would you agree with me, just as a matter of grammar, is stated in the past tense, it says has been used, occupied or improved in accordance with the approved plan, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. So, a house for example. We know, you know, there are houses on these lots in Greenspring Manor. A house constructed under these lots, including on the subject property, would be grandfathered or, in the context of, would be grandfathered, because it, because it is a lot on a recorded residential subdivision approved by the Baltimore County Planning Commission, which has been used, occupied or improved in accordance with the approved plan, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. But as far as a shul is concerned, put, putting aside the fact that the shul has been operating before it was supposed to, if the shul, a shul has not, on this particular property, has not bee used, occupied or improved in accordance with the approved subdivision, as far as a shul is concerned, correct?

MR. KELLMAN: Well, I believe it was my testimony of, that this, this lot would fall under Section A above it, it'd

be allowed in the, based on the occupancy, development, alteration or expansion of it, of structures (inaudible) --

MR. MCCANN: Yeah, I understand that. I'm not there yet. I just want to --

MR. KELLMAN: Okay.

MR. MCCANN: -- focus on, on A-1 and ask you whether you agree or not that a shul, a shul, whether it's this one or any one that was, that was being proposed is one that, as far as this approved subdivision is concerned, has not been used, occupied or an improved, or improved in accordance with that plan, correct?

MR. KELLMAN: A shul, like again, I, I, I'm going to contradict what you're saying because I think, I believe that the, the section above it, you're allowed to expand.

MR. MCCANN: Okay. Well, that, let's talk about that. I, I understand your answer. Let's just make clear, number one, Subsection H that I don't, we can go back to it, doesn't say an existing development as described in A. It says, A-1, correct, first of all?

MR. KELLMAN: It does.

MR. MCCANN: Okay and let's just look at this language. And I know it's not the most artfully written language. But it says, in DR zones, contrary provisions of this article notwithstanding, the provisions of and pursuant to this subsection, shall apply to the use, occupancy and

development of alteration or expansion of structures upon an administrative procedures with respect to the following. And then there's five types of lots that are described, correct?

MR. KELLMAN: Correct.

MR. MCCANN: So, just as a matter of pure grammatical sense, explain if you can, any better than maybe you did before, how it is that you read this language, which just basically says in the DR zones, the provisions of this subsection shall apply to any, any of these structures or their alteration or expansion, how it is that you believe that that language expands the type of lot in A-1 to anything beyond what is actually either shown on the plan itself or anything which has been used, occupied or improved in accordance with that plan. Explain that if you could.

MR. KELLMAN: It, it's just my opinion since A says that, you know, in spite of any other regulations, you can, you can develop, occupy, alter any, any dwelling or lot that falls under A-1, which is an approved subdivision.

MR. MCCANN: Okay. Can you ex, be, explain it any better than that, or is that pretty much it, Mr. Kellman?

MR. KELLMAN: That's pretty much it.

MR. MCCANN: Okay. But it doesn't actually, A, A itself, does not actually say that structures on any of the lots in A-1 through 5 can be altered or expanded to different uses, does it? It doesn't actually say that.

MR. KELLMAN: I think it's just more general than that.

MR. MCCANN: Okay. So, just, you know, given that Subsection H that we've been talking about is a grandfathering provision, as a general matter, how, how could a shul or church ever be grandfathered, ever if it's not depicted, either depicted in the subdivision plan that was approved or it was never used as a shul or a church prior to the relevant point in time? How does grandfathering even come into play?

MR. KELLMAN: In, in my opinion, because it was the use that was permitted as a matter of right when that, when that plat received tentative approval.

MR. MCCANN: Okay. So, so now you're referring to 103.1, I take it. That sounds like that's where you're headed.

MR. KELLMAN: Yeah, and again, it's still, it's still, still relates to the section we're going over now.

MR. MCCANN: Okay. So, now, and let me just clarify what you said. Because the plat was approved at a point in time when this, this particular property allowed churches and synagogues and not subject to the RTA regulations, you believed, you believe that it grandfathered any, any such use, any church or synagogue?

MR. KELLMAN: That's what I testified to.

MR. MCCANN: All right. Let's talk about 103.1. Do you see that, Mr. Kellman?

MR. KELLMAN: I do.

MR. MCCANN: Okay and I'll blow it up a little more. And again, I hope you don't mind me, but I'm going to read it, just.

Quote, these regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the then Baltimore County Planning Commission, now Planning Board, and approved or tentatively approved, including any approval made subject to any condition or conditions, under the then existing official procedure in Baltimore County, prior to the adoption of these regulations. Did I read that correctly?

MR. KELLMAN: You did.

MR. MCCANN: Okay. So, your point, and just to, I don't have, don't want to go through all the exhibits, but your point, number one, is that this plan, the subdivision plan, was approved on March 7th, 1955, correct?

MR. KELLMAN: That is correct.

MR. MCCANN: And you base that on Petitioner's Exhibit 11, which is this chart or listing of Planning Commission/Board approved subdivisions, specifically page five where it says tentative under status for Greenspring Manor Section Four and a date of March 7th, 1955, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: And that date, March 7th, 1955, is prior to the adoption of the zoning regulations, which was, as you pointed out under this footnote two, March 30th, 1955, correct?

MR. KELLMAN: Correct.

MR. MCCANN: So, your point again, and I know we've been through this, I'm just sort of framing my questions, the regulation in effect at that time, that is March 7th, 1955, 1955 control, correct?

MR. KELLMAN: Yes.

MR. MCCANN: And I know you didn't get into it very much but those regulations, you contend, allow synagogues, synagogues and do not require RTAs, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. Well, just as sort of a preliminary matter, if that is all true, why, why are we even here? Why wasn't all this explained to the folks in Zoning Review, Mr. Perlow and others? Why are we even here?

MR. KELLMAN: Why are you here?

MR. MCCANN: Yeah. Why do we need to even have this hearing, if it's --?

MR. KELLMAN: It's the way the Petition was filed.

MR. MCCANN: Okay. Well, well, the Petition itself, just to be clear, doesn't mention 103.1 at all, does it?

MR. KELLMAN: I would have to look at the actual

Petition.

MR. MCCANN: All right. Well, it is what it is, we're here. The, but just a couple questions about all that. Number one, this chart, getting back to Petitioner's Exhibit 11, this chart is a listing of residential subdivisions, correct, Mr. Kellman?

MR. KELLMAN: Yes, that is correct.

MR. MCCANN: Okay. In fact, the Planning Commission back then and, and during its time, only approved residential subdivisions. It didn't approve commercial or institutional subdivisions, did it?

MR. KELLMAN: Planning Commission back then, I, I cannot tell you if they also approved, reviewed and approved commercial subdivisions. They may have, they may have approved large commercial subdivisions. But again, this is, this is a list just of the residential subdivisions.

MR. MCCANN: Okay. Because I, you know, you've, you've acknowledged that a couple times now. And I, I, both because you had to, A-1 requires a res, an approved residential subdivision. But you seem to, at different points in your testimony, seem to refute that this was, that is Greenspring Manor and the, and the plat, is, is, is a residential subdivision. You seem to, at points in your testimony, you seemed to have disputed that, is that, did I miss --

MR. KELLMAN: No, this, this, this is clearly a

residential subdivision. I think you had asked me if the Planning Commission approved commercial, and they may have. They're, they're, I don't know of a list that had commercial, you know, commercial, tentative approval by, by the Planning Commission.

MR. MCCANN: Okay. Well, let's, let's go back to 103.1. The, there's a footnote, you, you refer us to footnote two, which is the date of the zoning regulations, March 30th, 1955. There's also a footnote one. Let me scroll down to that and I want to read that to you.

Editor's note. Section 4 of Bill 24-2006, a bill which amended Article 32, stated as follows. Quote, this act is adopted independently of Section 103 of the Baltimore County Zoning Regulations so that it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning or development regulations or other County laws, end quote. Did I read that correctly?

MR. KELLMAN: I believe you did.

MR. MCCANN: Okay. Did you take a look at Bill 24-2006?

MR. KELLMAN: I did not.

MR. MCCANN: Okay. Well, let me show it to you. Okay. Let me go, refer first to Section 4, which is the section referenced in that footnote. And I'll scroll all the way up so you can see it. This is 24-06, do you see that?

MR. KELLMAN: I do.

MR. MCCANN: Okay. Section 4, scrolling all the way down. It says, and again, I'll read, I apologize.

And be it further enacted that this Act is adopted independently of Section 103 of the Baltimore County Zoning Regulations so it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning or development regulations or other County laws, end quote. Did you, did I read that correctly?

MR. KELLMAN: You did.

MR. MCCANN: Okay and I'll just, let me refer you to another couple sections, then I'll ask you a question about it. This is the purpose of the bill on page one of 24-06. It says that this Act, quote, for the purpose of requiring previously approved developments to comply with the current law and the current development procedural review process and defining the manner of vesting of a project.

And then, let me refer you to the section, and this is the bill, but I'm sure you're familiar with the underlying section, 34-4-262, amendments to development plans. And it says, it distinguishes between non-residential development plans and residential development plans. Do you see that?

MR. KELLMAN: I do.

MR. MCCANN: And 32-4-262-2, under that, under that bill, says quote, any material amendment to an approved

residential development plan or plat, shall be reviewed in accordance with this title and with respect to that portion of the original plan or plat to which the amendment pertains, the amendment shall be reviewed for compliance with all current laws and regulations, including the development regulations and the zoning regulations. Did I read that correctly?

MR. KELLMAN: You did.

MR. MCCANN: So, isn't it true then, now having looked at this bill, which was passed, as I said, in 2006, that any new use of a, of a property in an approved subdivision plat, must be reviewed in accordance with current regulations, including the current zoning regulations, isn't that what all this says?

MR. KELLMAN: Any material amendment to an approved non-residential development plan. I mean, that's the, that's a non-residential development plan. No one, no one has considered this a, a material amendment.

MR. MCCANN: Is that your point, that this is not a material amendment?

MR. KELLMAN: I, I, I, in my opinion, it's not a material amendment.

MR. MCCANN: So, adding, adding a synagogue to an otherwise approved residential subdivision plan, as you've acknowledged, is not a material amendment to that plan?

MR. KELLMAN: Nobody has, has considered this a

material amendment. That, that's a development regulation, not a zoning regulation.

MR. MCCANN: I'm, I'm asking you not whether anyone has considered it, I'm asking whether it's your opinion that the, the, a proposed synagogue in an approved residential subdivision is or is not a material amendment to that subdivision. Is, is that --

MR. KELLMAN: Well, first off, it says any material amendment to an approved residential development plan --

MR. MCCANN: Or plat, or plat.

MR. KELLMAN: -- or plat, okay. So, we could, we could knock out that it's not, there's no, this isn't a development plan. There's no, there hasn't been a development plan on this property --

MR. MCCANN: I understand.

MR. KELLMAN: -- (inaudible) process.

MR. MCCANN: I understand.

MR. KELLMAN: But a material amendment to a, to a plat, no one has considered this a material amendment.

MR. MCCANN: Well, because you haven't presented the issue to anyone, isn't that fair?

MR. KELLMAN: No.

MR. MCCANN: You have not?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay. So, I, I guess the question,

again, I'll ask it one more time, is it your testimony, I know it hasn't been asked of anybody else in the County, but is it your testimony sitting here today that a proposed new synagogue or shul in an approved residential, in this approved residential subdivision, is not a material amendment to this residential plat?

MR. KELLMAN: In my opinion, it's not. You're keeping the same, you're not, you're not changing lot lines. You're, this is, this is an existing building with a, with a, with a, an addition on the back. So, it, in my opinion, it's not.

MR. MCCANN: Okay. But we didn't, let's talk about Section 3. And I've highlighted Section 3 of this same bill, says, this Act shall apply to any development, subdivision, parcel of land or plat, which received any form of approval from Baltimore County prior to the effective date of this Act as follows.

And then it says under A, a development plan or plat that vested in accordance with the law in effect prior to the effective date of this Act is subject to the zoning regulations and development regulations in effect at the time the plan or plat was approved, if those regulations were not otherwise subsequently abrogated or superseded by other law.

However, with respect to material amendments to the plan or plat provisions of 32-4-262 shall apply. And that's

the section we just referred to.

So, isn't it true that although this plat was approved prior to the zoning regulations in March of 1955, those regulations were subsequently abrogated or superseded by other laws, isn't that true?

MR. KELLMAN: In, in my opinion, I'm not so sure I agree with you on that.

MR. MCCANN: And why?

MR. KELLMAN: I just think that you have a tentative plat that was, that was approved, and you go with the regulations at the time of that approval.

MR. MCCANN: Isn't 103 just a transitional provision? In other words, it, it grandfathered in subdivision plats for a period of time until the County Council took it upon itself to, you know, apparently in 2006, to say, to say that such plats were no longer grandfathered. Isn't that the way that this --

MR. KELLMAN: I, I don't agree with that. I, again, I know that, you know, working in that office, when you had people that would come in and do improvements to lots on, that was part of that plat, they were, they were governed by setbacks and (inaudible) requirements of when that plat was tentatively approved by the Planning Board --

MR. MCCANN: Yeah, that, no, I, frankly, I might not disagree with that. I'm not talking about setbacks. You know, if, if a, if a, a use came in today, or the same use, a

residential use came in today on one of these lots, assuming it was empty, in Greenspring Manor, you, you, or someone else, could make the argument that the setbacks that existed back in 1955, before the zoning regulations were enacted, would apply.

I'm not talking about setbacks. I'm talking about a change of use. Is it, is it your testimony that, that plat is frozen in time in 1955 and forever, any use that was permitted then, that any use is now permitted, despite --

MR. KELLMAN: That was my, that was my testimony, correct.

MR. MCCANN: Okay, all right. All right. One last, bear with me one second. One last topic. Okay. Lastly, I want to discuss Subsection 2 here. And this, again, is, for the record, is 1-B-01.1-B-2, which I've highlighted here. And this is, well, again, I'll just read or paraphrase it. It describes the uses that are allowed in existing developments as described in A-1, correct?

MR. KELLMAN: Yes.

MR. MCCANN: Okay. And it states that these uses shall be limited to either one, those that are lawfully established or two, those indicated in the subdivision plans on file with the Departments of, Department of Permits, Approvals and Inspections, correct?

MR. KELLMAN: That's correct.

MR. MCCANN: Okay and I think you acknowledged, this

is not a provision that you're familiar with. You've never, you've never come across it, right?

MR. KELLMAN: By the years in working in the Zoning Office and the private sector, in all honesty, I was not familiar with this section.

MR. MCCANN: Well, now that you've had the benefit of looking at it, you testified about it, would you agree with me that this is, this Subsection 2, is sort of a, I think this is my, my characterization, sort of a reverse grandfathering provision, than it is, unless a use was established by a certain time, it's not grandfathered and not permitted.

MR. KELLMAN: That was, that's really your, your interpretation, I think.

MR. MCCANN: Well, put aside my, my phrase reverse grandfathering. Is that effectively what this does as opposed to grandfathering, what it does is it limits the uses to, to those that were, at some point in time, previously established, --

MR. KELLMAN: You're saying that the use would have to be, would have to be lawfully established.

MR. MCCANN: Okay. Well, let's, let's move on. Number one, we've already established a couple times that this is an existing development as described in Subsection A-1. We, we've (inaudible), right? Okay.

MR. KELLMAN: That's correct. I agree.

MR. MCCANN: Okay and number two, I, I take it you agree that this shul, any shul, is not indicated in subdivision plans on file with PAI, correct?

MR. KELLMAN: I believe my testimony was that since this is an older record plat, it would be difficult to find any subdivision plans in file, in the files of PAI. A lot of older plans are, are archived and you can't, you can't get a hold of them. And that's been my past experience on, on trying to pull, you know, other older subdivisions.

MR. MCCANN: Okay. I, I'm just simply asking, are you aware of any subdivision plan on file with PAI in which a, this shul, or any shul in Greenspring Manor is indicated? You're not aware --

MR. KELLMAN: I'm not aware. I'm not aware of any.

MR. MCCANN: Okay. So, now we're limited, because there's an or here, uses limited to either those lawfully established, or those indicated on subdivision plans. We're now, your, your opinion is that this proposed synagogue use is permitted in this existing residential development because it is now lawfully established. That's your opinion, correct?

MR. KELLMAN: I believe my opinion was when that plat was tentatively approved by the Planning Commission, churches, synagogues, religious institutions were permitted as a matter of right when the plat was recorded or, excuse me, when the Planning Commission approved it.

MR. MCCANN: Well, actually what you said was a little bit different. You said, taking into consideration the word now, you said that now lawfully established means as of the date of the enactment of this provision, which was 2010. This was, this meaning a shul, was a lawfully established use. That's your, that's your testimony, isn't it?

MR. KELLMAN: My testimony is that it's permitted as a matter of right now and it was permitted as a matter of right when that plat was recorded all the way up until 2010.

MR. MCCANN: But the now in the phrase now lawfully established refers to the point in time when this Subsection 2 was enacted, and that was 2010, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. So, any use, any use permitted, and you used the term permitted, as of 2010, is lawful, is, is lawfully established and, therefore, is a permitted use in this existing development, correct?

MR. KELLMAN: Correct.

MR. MCCANN: Okay. This language, now lawfully established, if, if it, if it means, I mean, it's sort of a strange way of saying permitted, isn't it? I mean, if the Council, if the County Council intended this to mean the uses shall be limited to those permitted, wouldn't it have just said so?

MR. KELLMAN: It could have. Council could word it

in so many different ways.

MR. MCCANN: All right. Well, let's look, let's look at Subsection 3, it used that very language. Subsection 3 says use regulations for existing subdivision tracts, on subdivision tracts which tentatively approved plans remain in effect as described in Subsection A-2.

The uses permitted shall be those indicated in the plan. Where the use is not indicated in, if inconsistent with the plan, the uses shall be those permitted under the zoning regulations in effect at the time. So, here the County Council used the term permitted. They use it twice, in fact.

So, doesn't that say to you, indicate to you, Mr. Kellman, that the County Council meant something entirely different by the language now lawfully established?

MR. KELLMAN: I'm not sure I agree. And I think if you go to A-2, that may be, that may be a different, you know, a different situation from A-1.

MR. MCCANN: Oh, it is. I don't disagree with that. But why do you disagree that the County Council, why do you think the County Council would have used two different terms to describe the same thing in sections that are right next to each other?

MR. KELLMAN: I, I'm not sure.

MR. MCCANN: Okay.

MR. KELLMAN: I don't know.

MR. MCCANN: Well, and let's just think about that, aside from, you know, a statutory construction perspective, just a matter of as, a matter of common sense, why, why would the, why would the County Council, I mean, if lawfully established means permitted, isn't that superfluous? I mean, on all permitted uses by, by definition permitted.

MR. KELLMAN: Yes, but again, I think A-1 and A-2 are two different situations. Council may have, may have purposely worded it differently, since there were two different situations of, of, for record plats.

MR. MCCANN: Well, what, so, what's different about the situation, since you've gone there, what's, what's different about the situations in A-1 and A-2 that have anything to do with how the County Council might have phrased these provisions?

MR. KELLMAN: If we could go to A-1 and A-2.

MR. MCCANN: Sure, sure.

MR. KELLMAN: Thank you.

MR. MCCANN: Yep.

MR. KELLMAN: I'll, and I'll read A-2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and has not been used.

This hasn't been used, you know, the, the, the second

subsection that we were just on, this says which has not been used, occupied or improved in accordance with the plat. A-1, we're under that, so it was approved in accordance with, with the residential subdivision.

MR. MCCANN: No, no, I understand the difference between A-1 and A-2. I understand that. A-1 deals with --

MR. KELLMAN: Well, you asked me why, you asked me why it was worded different and I'm going to tell you, I don't know.

MR. MCCANN: Okay. Okay. That's all the questions I have, Mr. Kellman. Thank you very much.

MR. KELLMAN: Thank you, Mr. McCann.

CHAIR: Mr. La Fiandra?

MR. LA FIANDRA: Yes, just a couple follow-up questions, thank you. Mr. Kellman, when you were in the Zoning Office, I just want to be clear on the timeline. When was the last year that you worked in the Zoning Office?

MR. KELLMAN: I wish I could tell you exactly. I, we may have to go to my c.v., because it's been, been a while.

MR. LA FIANDRA: Yeah, let's check that. Hold on one second. I have that right here. Give me just a moment, I'm going to figure out how to pull that up.

CHAIR: You need to be the presenter?

MR. LA FIANDRA: Let me just, yes, sir. I'm showing the c.v., I'm not sure it actually says it, but let's see if

that helps him. Mr. Kellman, do you see that?

MR. KELLMAN: I do.

MR. LA FIANDRA: It's Exhibit 2, Petitioner's number two. Does that help you?

MR. KELLMAN: It does.

MR. LA FIANDRA: Can you see it, first of all, I'll blow it up if that helps.

MR. KELLMAN: I, I can see it.

CHAIR: I, I can't, I'm sorry.

MR. LA FIANDRA: Okay, let me, let me blow it up a little more for you, Mr. --

CHAIR: That's better, thank you.

MR. KELLMAN: It may not say my last year there, but.

MR. LA FIANDRA: And if you don't know the exact last year, if you could tell us if it was in the nineties, the 2000's, the 2010's, when was it?

MR. KELLMAN: Okay and I'm going to go back. I, I started there in, I think it was '85 and I was, so it was in the nineties where it was my last year.

MR. LA FIANDRA: But you said that you left and came back, so I'd like to know when it was that the last year that you worked there was.

MR. KELLMAN: I think it was the late nineties.

MR. LA FIANDRA: Okay. Then you, and when you left there, what was your, what was your job classification?

MR. KELLMAN: Left there, I was a Planner II in that office.

MR. LA FIANDRA: And what does that mean?

MR. KELLMAN: There are different, there are different classifications for, for employees in the, in the Zoning Review Office. I started out as a Planning, it was a Planning Zoning Associate III and then they got, those positions got upgraded to a Planner II. So, then I, I went to a Planner II.

MR. LA FIANDRA: Okay and who was above a Planner II?

MR. KELLMAN: The person that was above the Planner II was, was Carl Richards, who was the Zoning Supervisor.

MR. LA FIANDRA: Okay. Now, --

MR. KELLMAN: I, I'm proud that I was the first Planner II in that, in the Zoning Office.

MR. LA FIANDRA: Okay.

MR. KELLMAN: I got reclassified, and then after me, everybody else got reclassified as Planner IIs.

MR. LA FIANDRA: There was some discussion of, Mr. McCann, can we see Petitioner's, Protestant's 23-A, please? I think I have to stop sharing in order for you to do that. Thank you. Mr. Kellman, have you seen, Mr. McCann, we have some e-mails up here. There you go. Thank you.

Now, you had, Mr. McCann, Mr. Kellman, before we get to that 23-A, I'll ask you, there had been some discussion on

your direct exam, cross exam by Mr. McCann about some differences between your testimony in the Deri Chaim case and your testimony in this case, particularly as it relates to your identification of the surrounding residential properties.

Can you explain why you ident, why you used a different methodology in this case in identifying the surrounding method, properties?

MR. KELLMAN: Well, I, I don't want to, I don't want to, I don't want to really bring up another case that, that's kind of, it's kind of pending right now, Der Chaim, the way I testified.

MR. LA FIANDRA: Okay.

MR. KELLMAN: So, I, I had, sort of feel a little awkward of, of getting into that, if that's okay?

MR. LA FIANDRA: Well, --

CHAIR: I can tell you what we decided in our deliberation, if that helps, but.

MR. KELLMAN: I, I, Mr. Evans, I did hear the, I did watch the deliberation.

CHAIR: All right.

MR. LA FIANDRA: Okay. Well, I'll move on from that. And then sticking with the, Protestant's 23-A, what you see, have you, have you seen the, the ramp shown in 23-A in real life? Have you actually seen that ramp?

MR. KELLMAN: I have not. When I, when I last went

out there, it was, it was being constructed.

MR. LA FIANDRA: Okay. What you see in 23-A, do you have an opinion as to whether that is compatible with, with the, I want to make sure I have the terminology correct, with the character of the surrounding residential properties?

MR. KELLMAN: My opinion, it is compatible and if I, I would explain that, that a handicap ramp is considered an open projection and open projections go on houses all the time. Again, it's a, it's a projection like the, the architectural theme in that, in that area, or I should say for the residential surrounding, the surrounding residential premises are, are the same as I explained in my, in my testimony before. You know, the, the building materials are the same.

They're, they're, the houses are similar. Again, you have, you have one house that is, towards the rear, that adjoins our rear, which is a much taller house than, than the way these houses were constructed before. So, in summary, it, it really doesn't, I, I still think that, that, that the use is compatible with the surrounding residential premises.

Again, this is an open projection, it's not a big building addition that, that, that is different from the existing houses when they were constructed back, you know, after the plat was recorded.

MR. LA FIANDRA: So, do you think that this ramp, that this building with this ramp, can be compatible with the

surrounding residential premises, despite the fact that none of the surrounding residential premises have a similar ramp?

MR. KELLMAN: In my opinion, yes, it's still compatible.

MR. LA FIANDRA: And, okay. Moving onto the issue of compatibility with the general welfare of the surrounding residential premises. Mr. McCann asked you a series of questions involving, centering around whether, whether the, the, the use can be compatible with the surrounding, the general welfare of the surrounding residential premises, despite the fact that none of the residents of the surrounding residential premises belong to the congregation.

So, my question for you is, do you believe that the residents of the surrounding residential properties need to be members of the congregation in order for the congregation, in order for, in order for the property to be expected to be compatible with the general welfare of the surrounding residential premises?

MR. KELLMAN: Like I told Mr. McCann, in my opinion, I don't, I don't think that the surrounding residential premises, as, as shown, have to be members of the synagogue.

MR. LA FIANDRA: And, and why is that? Explain that again.

MR. KELLMAN: Again, they're, they're, they are part of a predominantly Orthodox community, subdivision, and, you

know, the surrounding residential premises, the community, make up the fabric of that, that whole community. So, again, I, I, I believe that since they are part, the surrounding residential premises are part of a, a predominantly Orthodox Jewish community, I, I think that the synagogue is compatible.

MR. LA FIANDRA: Okay. I am going to show you Code section. I should have brought it up while I was preparing, just give me just one moment, it'll take me a second to bring it up. Mr. McCann, Mr. Kellman, do you see 32-4-262 on your screen?

MR. KELLMAN: I do.

MR. LA FIANDRA: And there were a series of questions involving material amendments to a development plan, development plans, amendment to development plans in this section of the Code on your cross exam. Do you recall those questions?

MR. KELLMAN: I do.

MR. LA FIANDRA: Okay. Now, first of all, there has been no proposed, has there been a proposed amendment to a development plan in this case?

MR. KELLMAN: No.

MR. LA FIANDRA: Has there been a proposed amendment to a plat in this case, as we sit here today?

MR. KELLMAN: No.

MR. LA FIANDRA: Okay. Now, if there were, where,

where would it, where would it go? Who, who would see it first?

MR. KELLMAN: It would, if you were going to submit an amendment to, to a development plan or initiate a, an amendment to a plat, it would have to go to the Development Review Committee.

MR. LA FIANDRA: Okay.

MR. KELLMAN: Baltimore County Development Review Committee.

MR. LA FIANDRA: Okay and, and so that's a whole other process entirely?

MR. KELLMAN: It is, the, the Baltimore County development process.

MR. LA FIANDRA: Okay and, okay, that's fine. The, and it was your opinion in the context of this section that this shul would not be a material amendment to, well, first of all, is there a development plan, is there a development plan for Greenspring Manor Section Four, yeah, Greenspring Manor Section Four?

MR. KELLMAN: No, there is not.

MR. LA FIANDRA: Okay and do you see the second sentence? Do you see the sentence that I am, I have highlighted here?

MR. KELLMAN: I do.

MR. LA FIANDRA: For pur, would you read that

sentence?

MR. KELLMAN: Yes. For purposes of this paragraph, any amendment to a plan or plat that results in an increase in density or increase in the number of buildable lots is a material amendment.

MR. LA FIANDRA: Would the conversion of a dwelling to a shul increase the density or increase the number of buildable lots in Greenspring Manor Section Four?

MR. KELLMAN: In my opinion, no.

MR. LA FIANDRA: Okay. So, with regard to the section, the sentence that I highlighted, would that be a material, would the conversion of a, of a dwelling to a shul be a material amendment?

MR. KELLMAN: Based on the, on the, the portion of the sentence that you highlighted from the Code, the conversion of a dwelling to a shul would not be a material amendment.

MR. LA FIANDRA: Okay. Moving onto Section 2, it'll just take me a moment to get back to that section. Mr. McCann and I both went over this with you several times. I want to make sure that your testimony, that I understand your testimony and that your testimony is clear in this regard.

Mr. McCann and I both referred to this is Section 2. This is 1-B-01.1.B, Section 2, if I'm getting, if I have it correctly. And we all agree, seem to agree, that we are a Subsection A-1 lot, am I correct?

MR. KELLMAN: That's correct.

MR. LA FIANDRA: Okay. There was, we all seem to be focusing on what now lawfully established means. And I, I want to be, I want to understand from you when were churches and buildings for religious worship permitted in, in residence zones in Baltimore County?

MR. KELLMAN: Well, the zoning came into effect in 1945, and your first set of regulations, your, your first set of regulations were from '45 to '53. And then changed in '53 to '55. And within those regulations, churches were permitted as a matter of right in residential zones. Those residential zones would have been A and B residential, A and B residents, that's comparable to the, to the DR zones now. The DR-1, 2, 3, 5 and 5.5 zones.

MR. LA FIANDRA: I'd like to make sure I understand. Are you saying that the, the churches and buildings for religious worship were permitted in the resident zones in 1945?

MR. KELLMAN: Yes.

MR. LA FIANDRA: And have they been permitted consistently since 1945 in the resident zones?

MR. KELLMAN: They have.

MR. LA FIANDRA: So, is there, has there been a time in those res, since 1945 that they have not been permitted in the resident zones?

MR. KELLMAN: No.

MR. LA FIANDRA: Okay, okay. Okay. Okay. Mr. Kellman, that's, those are the questions I have for you. Mr. McCann may have some follow-up questions, I'm not sure.

CHAIR: Mr. McCann, do you have any short, relevant follow-up?

MR. MCCANN: I have two questions, yes.

CHAIR: Okay.

MR. MCCANN: If I could share? Thank you.

CHAIR: Sure. Okay.

MR. MCCANN: Thank you. I'm getting there. Dino, could, Mr. La Fiandra, could you share 32-4-262? It may be quicker for him to do so than me to pull it --

MR. LA FIANDRA: Yes, absolutely, give me just one moment.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Two sixty-two?

MR. MCCANN: Yes, the one that you referred him to. In fact, I, it's all right. I have it here. I was just going to, it's just about that one sentence in Subparagraph 2.

MR. LA FIANDRA: I'm sorry I couldn't get to it, yeah.

MR. MCCANN: That's all right. Mr. Kellman, I'm just going to read it to you, the sentence that you were asked about by Mr. La Fiandra. It says, quote, for purposes of this paragraph, any amendment to a plan or plat that results in an

increase in density or increase in the number of buildable lots, is a material amendment, end quote. Do you remember that?

MR. KELLMAN: I do.

MR. MCCANN: Okay. So, just so we're clear, that sentence at the end of 32-4-242-2, which speaks about amendments to plats, that section is just, would you agree with me, is just an example of the type of amendment that may be to a plat or plan, that may be material?

MR. KELLMAN: It, it lists what a, I mean, you can say what you want. It, it, it lists, it, it classifies what a material amendment is --

MR. MCCANN: So, okay. So, it's your testimony that that sentence, what that sentence means in the context of 32-4-262 is that the only type of amendment that can be material to an, to an improved plan or plat, is one that results in the increase, an increase in density or the number of lots, is that your testimony?

MR. KELLMAN: That, in my opinion, that was always used, in my opinion, that was used as a, as a gauge. If you are going to increase density within a subdivision, an existing subdivision, you were considered a, a material amendment.

MR. MCCANN: That, that's not my question. Is it your testimony that --?

CHAIR: The question is whether, whether that's

exhaustive or not. Is that the exhaustive list of material amendments? I mean, I think we all know the answer.

MR. KELLMAN: Yeah, I, I think that, you know, if you were going to take an existing subdivision and, an existing residential subdivision, and tear it down and redevelop it for commercial, for commercial use, it would be a material amendment, you know, so. There, it's obvious that there, there could be other situations that would be considered a material amendment.

MR. MCCANN: All kinds, all kinds of amendments can be material, right?

MR. KELLMAN: You could, you could, you could take that residential subdivision and it gets rezoned, you tear down a couple houses, build in a commercial development and then you, it could be considered a material amendment.

MR. MCCANN: So, to answer my question, cut to the chase, that sentence is not exhaustive of the types of amendments that may be --

MR. KELLMAN: No.

MR. MCCANN: Okay. Second question. You mentioned that, and I don't want, don't need to pull the photograph up again. We've looked at it enough. The stairs and landing and ramp in Protestant's Exhibit 23 depicted, depicted in that exhibit, you think is compatible with the general welfare of, I'm sorry, with the character of the surrounding residential

premises.

Is, is it not true, Mr. Kellman, that the reason that ramp and landing is, has been constructed is because it's required by the County for purposes of converting this building to a non-residential institutional use, isn't that correct?

MR. KELLMAN: My understanding, yes, that is required because of the synagogue use, so. However, I don't, in my opinion, I, I don't think any changes, whether this is compatible with the, with the character of the, of the, of the surrounding residential premises. I do not think a, a handicap ramp changes the, changes the compatibility factor.

MR. MCCANN: Okay. Thank you, Mr. Kellman. No other questions.

CHAIR: Okay. Does anyone from the Board have any questions? Okay.

MR. PENNINGTON: I do not, Mr. Evans.

CHAIR: Okay. I'm going to take that as a no. All right. Mr. Kellman, you are excused. We appreciate your time and your patience and your perseverance and we, you are now excused.

MR. KELLMAN: Okay. Thank you very much.

CHAIR: Thank you. So, --

MR. LA FIANDRA: Mr. Evans?

CHAIR: Yes?

MR. LA FIANDRA: I have one matter that I would like

to address with you.

CHAIR: Okay.

MR. LA FIANDRA: I was prepared, I was prepared to rest my case. I have, I have, I have one document that I would like to introduce. I was going to do that on my rebuttal case, but it seems to me that it would be more appropriate to do it during my case in chief.

It is a, it's, it's a document that we came into possession of yesterday. And I would, in order to do that I would need to re, recall Jacob, Jacob Attar. I know that's a little unusual. We only came into possession of the document yesterday for the first time.

I think that we can do it in ten minutes or less. I can certainly do it in two minutes or less. But I don't know, Mr. McCann will likely have some cross exam for him.

CHAIR: Okay. I mean, if you think it's, there's going to be cross examination then maybe you should recall Mr. Attar. Unless you want to show us the document and then proffer what it is. I mean, --

MR. MCCANN: (inaudible).

MR. LA FIANDRA: I, I would, I would certainly like to proffer it.

CHAIR: Okay, all right.

MR. LA FIANDRA: Yeah. So, --

CHAIR: And this is exhibit number what?

MR. LA FIANDRA: This will be, this will be number twenty-one. If I may, perhaps we can take a, a five minute break so I could e-mail this to Mr. McCann. And then I can proffer it to the Board.

CHAIR: Okay. Why don't we do that?

MR. LA FIANDRA: I would appreciate that.

CHAIR: Yeah, five minutes. We'll come back at 10:36. Okay?

MR. MCCANN: Thank you.

MR. LA FIANDRA: That'll be fine. Thank you very much.

(PAUSE)

CHAIR: Okay. We're back on the record.

MR. LA FIANDRA: Yes, sir. Mr. McCann, will you accept a proffer of that document?

MR. MCCANN: Yeah, I'm fine with it. I, yes, I mean, if you want to show it to the Board, I'm fine with it being --

MR. LA FIANDRA: Yes, (inaudible) --

MR. MCCANN: I, I, I will object to, and we can argue about the relevance of it and the legal significance of it, but it's obviously a County document, so.

CHAIR: Okay.

MR. LA FIANDRA: Okay.

CHAIR: Okay.

MR. LA FIANDRA: Okay. I'll show it to the Board.

I'm proffering Petitioner's exhibit number twenty-one, which is a certificate, a, a change of occupancy permit, which was issued on March 22nd, 2022 for the premises of 3009 Northbrook Road to use the premises as a synagogue, certificate of occupancy by Baltimore County.

CHAIR: Okay.

MR. LA FIANDRA: I'd ask for it to be admitted.

CHAIR: It's admitted.

MR. LA FIANDRA: Okay. With that, then that is the Petitioner's case.

CHAIR: Okay. All right. Mr. McCann?

MR. MCCANN: Yes.

CHAIR: We're putting the podium over to you.

MR. MCCANN: Great. Thank you, Mr. Evans. I would call Jeff Perlow. I think he's, he may need to be unmuted.

CHAIR: Okay. Let me just see here. Yep, okay. We'll change him to a panelist. Okay. He's a panelist now.

MR. MCCANN: Great. Mr. Perlow, are you with us?

MR. PERLOW: I hope so. Can you hear me?

MR. MCCANN: We can, yeah. Can't see you yet, but --

MR. PERLOW: Well, let's see, I might be able to do that, hold on.

MR. MCCANN: There we go.

MR. PERLOW: Okay.

MR. MCCANN: Okay. Mr. Evans, or Mr. Pennington,

should he be sworn in or?

CHAIR: Yes, he should.

MR. MCCANN: Okay.

MR. PENNINGTON: Mr. Perlow, can you hear me okay?

MR. PERLOW: Yep.

MR. PENNINGTON: Okay. Mr. Perlow, do you swear or affirm under the penalties of perjury, that the testimony you are about to give will be the truth to the best of your knowledge, information and belief?

MR. PERLOW: I do.

MR. PENNINGTON: Thank you.

MR. MCCANN: Okay. Thank you, Mr. Pennington. Good morning, Mr. Perlow. Thank you for your patience. I know you had some difficulties getting on. Tell the Board who you are and what you do for Baltimore County.

(MR. PERLOW IS VERY DIFFICULT TO HEAR – VOLUME IS LOW)

MR. PERLOW: My name is Jeffrey Perlow, and I am the zoning supervisor for the Zoning Review Office, which is part of Permits, Approvals and Inspections Department.

MR. MCCANN: Okay and when you say zoning supervisor, you are, for all intents and purposes, the head of the Zoning Review Office, correct?

MR. PERLOW: That’s correct.

MR. MCCANN: You replaced Carl Richards, who was with the County for many years?

MR. PERLOW: That's correct.

MR. MCCANN: And you yourself have been with the Zoning Office for many years as well, is that correct?

MR. PERLOW: That's correct.

MR. MCCANN: How, how long has it been, Mr. Perlow?

MR. PERLOW: Twenty-two years.

MR. MCCANN: Okay and how long have you served as supervisor of that office?

MR. PERLOW: About two years now.

MR. MCCANN: Okay and I, I guess it need not be stated, but you are familiar with the Baltimore County zoning regulations?

MR. PERLOW: Yes, I am.

MR. MCCANN: You deal with them every day, all day, is that fair?

MR. PERLOW: Yes, we do.

MR. MCCANN: Okay and you are, in particular, are you familiar with those provisions in the zoning regulations that pertain to grandfathering, for instance, Section 103.1?

MR. PERLOW: Yes, I am.

MR. MCCANN: Okay, all right. And I know you have not been sitting through the entire hearing, so let me just, if I could, I wanted to show you, first off, a document that's already been introduced. And that is Petitioner's Exhibit 11. Hopefully you can see that.

MR. PERLOW: Yes, I can see it.

MR. MCCANN: Okay and I, this is the, the fifth, fifth page of this document. But do you recognize this document as --

MR. PERLOW: Yes, I do.

MR. MCCANN: Okay and this, correct me if I'm wrong, this is a, a document that's used by your office to determine the approval or tentative approval dates for subdivisions.

MR. PERLOW: It's an internal document that we use, that's correct.

MR. MCCANN: Okay and more specifically, it's a document that's used to identify approval dates for residential subdivisions, is that correct?

MR. PERLOW: Yes, this is, only applies to residential subdivisions.

MR. MCCANN: Okay. In fact, you know, the Planning Commission, I'm not so sure if your tenure goes all the way back to when the Planning Commission was, was around. But is it your understanding that the Planning Commission in this context only approved residential plans, as opposed to institutional or commercial plans?

MR. PERLOW: I can't say that for sure. They, they may have reviewed commercial plans (inaudible).

MR. MCCANN: Okay. Well, here, this case you may, I, I think you may know, involves a pro synagogue in Greenspring

Manor section of Pikesville. First off, I guess, are you familiar with, with that neighborhood?

MR. PERLOW: In a general sense, yes.

MR. MCCANN: Okay and this particular notation on page five of Petitioner's Exhibit 11, where it says Greenspring Manor, Section 4, tentative and then has a date of March 7th, 1955, do you see that?

MR. PERLOW: Yes, I do.

MR. MCCANN: What's the, what's the significance of that date when you and those in the Zoning Review Office take a look at a document like this?

MR. PERLOW: Well, the law changed, I believe, later in 1955, where they went to a new zoning classification. Prior to that, it was called A residential, or A resident zones. And after this, after this date, it would have been called, they would have called it R-6 or, or R-10, depending on what, you know, depending on what date (inaudible) approved. But for all intents and purposes, this was, this was probably approved under the old, what's called the A resident zone.

MR. MCCANN: Okay and, and what does that mean? In other words, if, if you were to take a look at this document in connection with a proposed synagogue in Greenspring Manor, what would the, what would be the significance of that date?

MR. PERLOW: If, let's say, somebody wanted to do an addition to their house, we may use the older setback standards

rather than the current setback standards.

MR. MCCANN: Okay. But in terms of, and, and you mentioned an addition to a house, or would that also, in the case of say a, a lot in this subdivision, have an empty lot on it, I mean, did not have a house on it and a new house was being constructed, would that house have to comply with the current regulations or would it have to comply with the, the older regulations?

MR. PERLOW: Well, the, the fact that the whole subdivision was approved under the older regulations, we would most likely apply the older regulations to a new house, if for some reason there was a vacant lot. But that's highly unusual to have a vacant lot in (inaudible).

MR. MCCANN: Right, right. Okay, so what, and, so what about a change in use? In other words, a use other than a residence, in this case a synagogue, what would, what would your offices, what would your office do in terms of applying the older regulations or the current regulations?

MR. PERLOW: Once, once the use changes, we would apply, vesting goes out the window, we would apply the current regulations once it changed the use of the property.

MR. MCCANN: Okay and would those current regulations include, for instance, the RTA regulations?

MR. PERLOW: Yes, it would include them.

MR. MCCANN: Okay. And why is that, Mr. Perlow? Why

do you say that?

MR. PERLOW: Well, --

MR. MCCANN: Yeah.

MR. PERLOW: The, the Planning Board vesting of that particular record plat does not apply to uses other than residential. So, if they change the use on a property, we're going to apply the current regulation. That's also in the development regs as well, that we would have to apply the current (inaudible).

MR. MCCANN: Okay and I'll get to that in a moment. In, in that opinion that you just expressed, is that, is that one that in your experience has been applied consistently during your time? That is that --

MR. PERLOW: Yes.

MR. MCCANN: Any, any doubt in your mind, Mr. Perlow, about that being the case?

MR. PERLOW: I think arguments have been made to, for institutional or commercial uses, to use the old regulations. But they would have to establish something before the Development Review Committee that they have a right to use the older regulations.

MR. MCCANN: Okay. Can you give us examples of what, how that would be? In other words, would the, in other words, had it been used, would, would one example be they could establish that it was used back then for, for institutional

use?

MR. PERLOW: Let's say a shopping center and it used the old parking regulations and now they want to make some change to the property. They would have to go before the Development Review Committee (inaudible) use the old regulations.

MR. MCCANN: Okay. But in, in a, in the case of a, a non-existent use, such as a synagogue, one that was not used, one, one in which has, the subdivision has never been used for a synagogue and came in today for the first time, are there any circumstances, in your experience, under which a new use such as that would, would have, would be able to comply with the old regulations as opposed to the new?

MR. PERLOW: No, we would apply the current regulations to something like that.

MR. MCCANN: Okay. Okay. Real quick, I'm going to show you 103.1. I'm sure you are familiar with that.

MR. PERLOW: Yes.

MR. MCCANN: Okay and I, we've been discussing this quite a bit in your absence. But there's this provision in 103.1 that appears to be a grandfathering provision. Are you familiar with that one, that specifically?

MR. PERLOW: Yes, I am.

MR. MCCANN: Okay. Well, what, what, what is, what do you say about that? Why is that not the answer to all of

this?

MR. PERLOW: Well, there was a new law passed in the, in the development regulations, which superseded this particular section. And that new law basically said you have to follow the current regulations, not, not the, the old regulations.

MR. MCCANN: So, in that respect, is 103.1 and really the sections that are all the sections in 103, I think, are they sort of like transitional sections? That is, they applied for a period of time until the County Council decided to no longer permit grandfathering? Is that a good way of looking at that?

MR. PERLOW: When they passed the bill, and I'm not sure the exact year, it might have been the, the 2011 bill, it basically made vesting, you know, become to the mercy of the development reg rather than (inaudible).

MR. MCCANN: Okay. So, for instance, this may be what you're referring to, there's a footnote one in Section 103, which is, I'll highlight, refers to Bill 24-206. If you could read that footnote and let me know whether that may be the, the law that you're speaking to.

MR. PERLOW: Yeah, it's basically saying that the development regs supersedes the zoning regs for this one particular subject, or for this particular matter, which is vesting, that the development regs would rule, not the zoning.

MR. MCCANN: Okay and I don't want to go into it in a whole lot of detail but I do want to show you 24-206, the bill itself. I don't know, you may not have seen this recently. But when you say, do you see that, Mr. Perlow?

MR. PERLOW: Yes, uh huh.

MR. MCCANN: Have you seen this bill before?

MR. PERLOW: Yes, I have.

MR. MCCANN: Okay. So, when you say that, I'm going to show you 32-4-262 right here. Is this the provision of the development regulations you're referring to that says that the vesting is controlled and sort of abrogates 103?

MR. PERLOW: Yeah, basically it, it, it basically says development regs (inaudible) here, not the, not the zoning regs. And that's, it'll be, basically, up to the Development Review Committee to decide whether to apply the old regs or new.

MR. MCCANN: Okay. So, this, this provision, subsequent one does not, but this provision speaks to material amendments to an approved residential development plans, or plats. And I'll let you read the whole thing if you want. But in your, in your opinion, Mr. Perlow, would a proposed new synagogue in a, in an otherwise residential subdivision, constitute a material amendment to that plat?

MR. LA FIANDRA: I object to the question. He, there's no foundation for the question.

CHAIR: No foundation for the question. What do you mean by that?

MR. LA FIANDRA: Well, there's, he, there's no foundation for the question. He doesn't have any basis for forming an opinion for the question.

MR. MCCANN: Well, --

CHAIR: Well, okay. Overruled.

MR. PERLOW: Could you state the question again, please?

MR. MCCANN: Yeah, just, I take it you've sat through many DRC meetings, Mr. Perlow?

MR. PERLOW: Quite a few, yes.

MR. MCCANN: Okay and you're familiar with what, what a material amendment to an approved development plan or plat means or constitutes?

MR. PERLOW: Yes, uh huh.

MR. MCCANN: Okay. In, in your, in your experience, would a new institutional use such as a church or a synagogue constitute a material amendment to a long standing approved residential subdivision plat?

MR. PERLOW: Yes, that's definitely a material amendment, sure.

MR. MCCANN: Okay, all right. Bear with me one second. Let me show you this, Mr. Perlow, and this is the last set of questions I have. This is, I'll show you, this is 1-B-

01.1, the regulations pertaining to DR zones, I take it you're familiar with this section?

MR. PERLOW: Yes.

MR. MCCANN: Okay and then, I want to refer you specifically to 1-B-01.1-B, which I think you know includes the residential transitional area regulations?

MR. PERLOW: That's correct.

MR. MCCANN: And then, specifically B-1-H. This provision here. I'll highlight it and blow it up a little bit. I want you to read it first.

MR. PERLOW: Okay.

MR. MCCANN: So, would you agree with me that this is sort of a grandfathering provision for existing developments if they're the type described in Subsection A-1 of 1-B-02.3?

MR. PERLOW: Or residential development, yes.

MR. MCCANN: Okay. So, and then, if we could go to A-1 real quick. We've been doing this dance for a while. Here is, I think, do you recognize this as 1-B-02.3-A-1 as just described in Subsection H?

MR. PERLOW: Yes.

MR. MCCANN: Okay and specifically, A-1, speaks to a lot which is in a recorded residential subdivision approved by Baltimore County Board, Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan. Do you see that language?

MR. PERLOW: Yes, I do.

MR. MCCANN: Okay. So, number one, Greenspring Manor, I think your, I'll show you the, the plat. But do you understand that Greenspring Manor is a residential, recorded residential subdivision approved by the Planning Commission? Is that your understanding?

MR. PERLOW: Yes, that's my understanding.

MR. MCCANN: Okay. And is it also your understanding that Greenspring Manor, that the recorded residential subdivision, has been used, occupied or improved in accordance with that plan, for residential purposes, that is?

MR. PERLOW: Yes, for residential purposes, that's correct.

MR. MCCANN: Okay. So, what about the, the, a proposed synagogue or, or, or church use, which is, which presently is proposed, as I said, a proposed church or synagogue, under this provision, A-1, would you consider a proposed church or synagogue to have been used, occupied or improved in accordance with the approved subdivision plan?

MR. PERLOW: I would say no.

MR. MCCANN: And why is that?

MR. PERLOW: It's not a residential use, it's an institutional use.

MR. MCCANN: And has it been, if it doesn't exist as of today, it's proposed, has that use been, has that been used,

occupied or improved in accordance with, as a matter of fact, I guess is what I'm asking.

MR. PERLOW: I would say no, it, it doesn't comply unless, you know, they get the approval under the zoning regulations for that particular use.

MR. MCCANN: Okay. Okay.

CHAIR: Mr. Perlow, if, you mentioned before that it was unlikely that there would be a vacant lot. But let's assume, hypothetically for the moment, that there is a vacant lot in this subdivision. And it's been vacant say, since 1955 when the subdivision was approved, could you, could someone build a house on it?

MR. PERLOW: If they can meet the lot width and setbacks and area requirements, yes. If not, they may have to have a hearing before the ALJ or before this Board.

CHAIR: But it hadn't been used, occupied or improved.

MR. PERLOW: Yes, but it is a vested plan for residential purposes and they would apply the old regs more than likely for it.

CHAIR: Okay.

MR. MCCANN: Thank you, Mr. Perlow. I don't have any other questions.

CHAIR: Mr. La Fiandra?

MR. LA FIANDRA: Yes, I do. I have some questions.

Thank you very much.

CHAIR: I'm sorry.

MR. LA FIANDRA: Yes, sir?

CHAIR: Can I interrupt for a second?

MR. LA FIANDRA: Yes.

CHAIR: Mr. Perlow, you said it, going back to the question I asked you about the vacant lot. You, you could build a house on it, assuming all the setbacks, because it, because it was a residential area, it was, it was a, an approved residential plan, right?

MR. PERLOW: That's (inaudible).

CHAIR: Yeah, okay. But if a, if a church or, if a religious institution is a permitted right in that subdivision, does that have significance about, significance about whether you could build a religious institution as opposed to a residence on a vacant lot?

MR. PERLOW: It, we would consider that a material amendment or the DRC may consider, consider it that. And as a material amendment, they would have to follow the current regulations, which would include RTA, which of course didn't exist back in 1955. And they'd also have to follow the current setbacks and current parking requirements.

CHAIR: Okay.

MR. PERLOW: And that, that's basically in the development regs that anytime there's a material amendment they

have to follow the current regs.

CHAIR: Okay. So, the fact that it's permitted by right under the zoning regs, doesn't trump anything that is otherwise operative here.

MR. PERLOW: Well, the use is permitted by right. But they have to meet the gold standards, or, or the design standards for that particular zone that they're in. And that might include variances that they might need.

CHAIR: Um hm, okay. All right, thank you.

MR. LA FIANDRA: Mr. Perlow, pardon me for jumping around a little bit. I'm going to start with Section 103.1. Mr. Evans, may I share?

CHAIR: Oh, yes, I'm sorry.

MR. LA FIANDRA: Mr. Perlow, do you see 103.1 on my screen?

MR. PERLOW: Yes, I do.

MR. LA FIANDRA: Now, actually, it's the, it's the footnote to one, to 103, that I'm pointing your attent, your direction, your, your attention to. And this, this, if I'm not mistaken, this was a, this was Section 4 to Bill 24-06, which was, Mr. McCann had pointed perhaps your attention to this or, or, or, or Mr. Kellman's attention to this. But I'll have you read this. But do you see footnote forty-four to, to Section 103?

MR. PERLOW: It's very small, but yes, I'm able to

(inaudible) --

MR. LA FIANDRA: Pardon me about that. I'll do my best to make that larger. And technology is not my strong suit. So, you'll have to forgive me. Do you see that?

MR. PERLOW: Yeah, I can, yeah, I think I can see the whole thing now.

MR. LA FIANDRA: Okay. So, and this, this indicates that, this is Section 4 of Bill 24-06, amends 32, Article 32, as stated as follows. This act is adopted independently of Section 103 of the Baltimore County zoning regulations so that it supersedes and abrogates the rights to the vesting of a development that would otherwise accrue from the zoning or development regulations of other County laws.

And that was a footnote to Section 103. And when we go to then the development regulations where that is found, down here, we find that. I believe that was here. That was this bill, I was under the impression that was right here. Mr. McCann, do you have that bill handy?

MR. MCCANN: The bill itself? Mr. La Fiandra, the --

MR. LA FIANDRA: Yes, yes, sir.

MR. MCCANN: I do. Yeah, I can share it if you want me to.

MR. LA FIANDRA: If you would.

MR. MCCANN: Sure.

MR. LA FIANDRA: Thank you. And here we go. Thank

you very much, Mr. McCann. Mr. Perlow, do you agree that 32-4-232 applies to amendments to development plans?

MR. PERLOW: We're not looking at Section 232, we're looking at 262.

MR. MCCANN: (inaudible).

MR. LA FIANDRA: Two sixty-two, pardon me.

MR. PERLOW: Can you ask your question again?

MR. LA FIANDRA: Yeah, can we agree that 32-4-262 applies to amendments to development plans?

MR. PERLOW: Yes.

MR. LA FIANDRA: Okay and are you familiar with the case before the Board today?

MR. PERLOW: Somewhat, not totally, no (inaudible).

MR. LA FIANDRA: Do you know if there's an amendment to a development plan in, involved in the case, in this case?

MR. PERLOW: I, I imagine it went before the Development Review Committee, but I don't know what the outcome of that was.

MR. LA FIANDRA: I'm sorry, I didn't hear you.

MR. PERLOW: It more than likely went before the Development Review Committee, I don't know what the outcome of that was.

MR. LA FIANDRA: So, you don't know whether this case involves an amendment to a development plan?

MR. PERLOW: I don't, no. I don't know if it, if

this case went before the DRC or not, (inaudible) if they did.

MR. LA FIANDRA: So, you don't know whether this case went to the DRC. Do you know, and you, so you don't know what the DRC did, did in this case?

MR. PERLOW: No, I don't have personal knowledge of that, no.

MR. LA FIANDRA: Would it, would it surprise you to know that this case never went to the Development Review Committee?

MR. PERLOW: It's possible they could have skipped that procedure.

MR. LA FIANDRA: I, I'm sorry, Mr. Perlow. I'm just having a little bit of a hard time hearing you.

MR. PERLOW: They, they may have not gone through that procedure if the DRC was waived by that division.

MR. LA FIANDRA: By, by which division?

MR. PERLOW: Development Management Division of PAI. If they said DRC is not required they wouldn't have to go through it.

MR. LA FIANDRA: Are you familiar with the development, proposal at issue in this case?

MR. PERLOW: Somewhat, yes.

MR. LA FIANDRA: What is, what's the proposal at issue in this case?

MR. PERLOW: It's change of use from a dwelling to a

synagogue.

MR. LA FIANDRA: And what would be involved, why would the DRC need to, need to review a change of use request from a, from a, from a, from a dwelling to a synagogue?

MR. PERLOW: They may waive that, they may not have to review it.

MR. LA FIANDRA: Okay.

MR. PERLOW: Their, their policy, might to, if it's a, a new structure, they'll require them to go to DRC. If it's an existing structure, they usually don't require them to do that.

MR. LA FIANDRA: Is it a new structure or an existing structure in this case?

MR. PERLOW: An existing structure.

MR. LA FIANDRA: Okay. Are there any, are there any proposed changes to the existing structure in this case?

MR. PERLOW: Yes, change in the use and other (inaudible).

MR. LA FIANDRA: Okay. Have you ever seen the Petition in this case?

MR. PERLOW: I believe so, it's been a long time but yeah, I believe so.

MR. LA FIANDRA: Okay. Are you familiar with the relief requested in this case?

MR. PERLOW: I, I believe so, yes.

MR. LA FIANDRA: What is the relief requested in this case?

MR. PERLOW: I believe they asked for relief from the residential transition area requirements and the parking regulations. Also, the, what's called non-residential setback requirement.

MR. LA FIANDRA: Okay.

MR. PERLOW: All (inaudible).

MR. LA FIANDRA: The, if there, back to your testimony involving 32-4-262, if there is no amendment to a development plan, can we agree that 32-4-262 does not come into play at all in this case?

MR. MCCANN: Sorry.

MR. PERLOW: I'm sorry, could you repeat the question?

MR. LA FIANDRA: Sure. If there is no amendment to a development plan, can we agree that 32-4-262 does not come into play at all in this case?

MR. PERLOW: Apparently it was waived, yes. They weren't required to do it.

MR. LA FIANDRA: Okay, --

CHAIR: I'm confused. Does, when you say a material amendment, do, do you mean as determined by the, by the Planning Department?

MR. PERLOW: No, by the Development Review Committee.

CHAIR: The Development Review Committee, okay. But it doesn't, in other words, the property owner can't just say I'm, I'm not going to seek an amendment, therefore, this provision doesn't apply, right?

MR. PERLOW: Yeah, generally, if, if the, if the building or structure itself is not changing, DRC is usually waived.

CHAIR: All right.

MR. PERLOW: (inaudible).

CHAIR: But the decision about whether to waive it or not presupposes that it was admitted to the DRC for consideration.

MR. PERLOW: Yeah, they, they should, they're supposed to.

CHAIR: Okay, yeah.

MR. PERLOW: Doesn't always happen, but they're supposed to.

MR. LA FIANDRA: So, when you have a, what are the req, what are the considerations for a material amendment to a, to a, what, what are the, what are the considerations for a material amendment to a residential lot, or to a, to a lot in a residential subdivision?

MR. PERLOW: Well, anytime there's a change in, in the use or the, or the proposed use, that, yeah, that could be considered a material amendment. But in this case, it didn't

go before the DRC, so.

MR. LA FIANDRA: You know now that it did not go before the DRC?

MR. PERLOW: I don't know for sure, I don't (inaudible).

MR. LA FIANDRA: Okay. So, what if there was no change in the lot lines, no major building additions, no increase in density, would that be a material change to a, to, to a development plan?

MR. PERLOW: If, if the use changes, the zoning regulations are going to kick in regardless of what the development (inaudible).

MR. LA FIANDRA: Well, I'm sorry, what was that? I didn't hear your answer.

MR. PERLOW: If a use changes, we're going to apply the current zoning regulations regardless of whatever the DRC might decide.

MR. LA FIANDRA: Well, I understand that's what the office will do, but I'm trying to understand where the legal basis for you to do that is. And my question is, I understand that you want to do that, but if you can't do that under the development regulations because it's not a material change, and if you can't do that under 103.1 because the, because the approval pre-dates March 30th, 1955, I'm trying to understand where your legal authority to do that comes from.

MR. PERLOW: Once, once they change the proposed use to an institutional use, it's no longer a residential development plan. It's not a residential use, it's a change in the use. So, it's no longer (inaudible) --

MR. LA FIANDRA: Right, I, I understand it's a change in the use, but I'm understanding, I'm trying to understand where your authority to, to apply the new, the, the new, quote, new, it's seventy years old, but the new zoning regulations come from.

MR. PERLOW: It's not that type, it's not a commercial plan. It's not a, an institutional plan they are applying for.

MR. LA FIANDRA: Yes, but in light of the fact that the, that a residential, that a res, a religious use is permitted in the residential zones consistently, since not only 1955, but 1945, I'd like to know where your authority to apply the new zoning regs comes from.

MR. MCCANN: Objection. He's asked and answered it three times now.

MR. LA FIANDRA: No, he actually has not answered that.

CHAIR: Overruled, overruled. He can answer.

MR. PERLOW: There, there's (inaudible) in the zoning regulations that apply to church or house of worship uses. And it basically says that new, new churches have to comply with

the RTA to the extent possible. It says it right in the zoning regulations.

MR. LA FIANDRA: Yeah, I, I understand that's in the, that's in the current version of the Code. But what I'm trying to find out is where is your authority to apply the current version of the Code, as opposed to the version of the Code that applied on March 7th, 1955, when this subdivision plat was approved by the Planning Commission?

MR. MCCANN: Objection. He's answered it.

MR. LA FIANDRA: He has actually not answered it.

MR. MCCANN: He said 32-4-262 seven times. He said it in direct, he said it in cross, he said, he said the bill itself, 2006, he's answered all that before already. If that's not legal authority, I don't know what is. And 262, by the way, says plat also in addition to plan, so we should be fair with this witness.

CHAIR: I have to confess, I'm a little bit lost here as to what the ultimate point here is. And I apologize for that.

MR. LA FIANDRA: That's fine, Mr. Evans. I think this is probably a matter for a briefing anyway. So, I think I can move on.

CHAIR: Okay. Just one point of clarification. Mr., Mr. Perlow, were you saying that a change from residential use to a religious use, that that is a material change in your

estimation?

MR. PERLOW: As I said before, that's up to the, the Development Review Committee to decide.

CHAIR: Up to the Development --

MR. PERLOW: But, from a zoning standpoint, we consider a change in use requires them to use the current regulations.

CHAIR: Okay, all right. Okay.

MR. LA FIANDRA: And I think, Mr. Evans, just to be fair to everybody, I think that's where we kind of went a little astray because I asked the witness where he has the authority to, to, to apply a set of regulations and that's where I think we just, we weren't able to pin him down. So, and, and Mr. McCann says he, he answered the question. I don't think he answered the question.

CHAIR: Okay, all right. Well, --

MR. LA FIANDRA: Okay.

CHAIR: Point taken.

MR. LA FIANDRA: It is what it is.

CHAIR: Yeah.

MR. LA FIANDRA: I may, I am still sharing, so I --

CHAIR: Let me give it back to you here.

MR. LA FIANDRA: Yes, please, if I may. I actually may have it still.

CHAIR: No, you don't, you didn't. Now you will.

MR. LA FIANDRA: Okay. Let's see if I can do this. Pardon me, I'm just having a hard time finding my section here. Here we go and, here we go. Here we, there was some time spent on H. And we will not go back and spend time on establishing that we're on a 1-A lot. Oh, I think we do need to spend some time on 1-A because I think that it's relevant, pardon me. I'm, here we go. You're familiar with 1-B-02.3-A-1, Mr. Perlow?

MR. PERLOW: If I'm allowed to open my book here so I can look at it.

MR. LA FIANDRA: Oh, am I not sharing this with you, sir? I apologize.

MR. PERLOW: That's all right. I'll, if that's okay for me, I'm allowed to open my --

MR. LA FIANDRA: You, you certainly may but for the Board's sake, I, I will look at, I will share it as well.

MR. PERLOW: Okay. What was this section now?

MR. LA FIANDRA: I'm showing it on the screen, 1-B-02.3-A-1.

MR. PERLOW: Okay, okay.

MR. LA FIANDRA: And Mr. McCann went over this with you. And now, you previously looked at the, the plat for this Greenspring Manor, Section 4. Are you familiar with that plat?

MR. PERLOW: I believe so, yes.

MR. LA FIANDRA: Okay. Have, have, have you, have

you looked at the plat? Have you seen the plat?

MR. PERLOW: It's been a while, but I believe, yeah. Not recently.

MR. LA FIANDRA: Okay. Well, let's find that plat for you again. Here we go. I'm showing, I, I'm displaying the plat. Do you see it?

MR. PERLOW: Yes.

MR. LA FIANDRA: Okay. Let me just find the reference for the record. And I think this is Petitioner's Exhibit 4. Do you see that on your screen?

MR. PERLOW: Not the whole plat, but I can see parts of it.

MR. LA FIANDRA: Okay. How do you know this is a, a residential subdivision?

MR. PERLOW: That it's a subdivision that was approved by the, the Planning Board. It's a vested residential subdivision.

MR. LA FIANDRA: Does this say residential on it?

MR. PERLOW: I'd have to read all the notes on there, but it was recorded in the Land Records as a residential subdivision.

MR. LA FIANDRA: Does it, yeah, but how, I would like to know how you know this is a residential subdivision.

MR. PERLOW: The layout, the, the size of the lots, you know, the setback lines. They all relate to residential

uses.

MR. LA FIANDRA: Is there any indication, overt indication on there, that does it say residential, for example?

MR. PERLOW: I'd have to examine it, look closer (inaudible) --

MR. LA FIANDRA: Take your time. I can show you any part of this that you'd like to see.

CHAIR: Mr. La Fiandra, is there a problem here.

MR. LA FIANDRA: I would like to know how the witness knows that this is a residential subdivision. He was asked questions on direct examination about this being a residential subdivision. I'd like to know how he knows.

CHAIR: It is a residential subdivision. This whole case is premised on the notion that this is a residential subdivision. This isn't, it, it's not appropriate to try to trip him up on something that is a given fact here.

MR. LA FIANDRA: He testified that it was used, it, res, that this lot was used residentially and, therefore, it cannot be used in accordance with this section at, for a religious use. That it is not vested in a, in a, that it is vested residentially and it cannot be used, there, that this section cannot be used to grandfather it for a religious purpose. And I would like to know how he knows it was used in accordance with this plan.

MR. MCCANN: That's a different question. Your own

witness, as Mr. Evans has referred, has said this is a residential subdivision. He said it five times. So, I, I agree. I don't know --

MR. LA FIANDRA: I would like to know how this witness knows it was used residentially.

CHAIR: But you can't, I mean, you, all right. Well, it's quicker to just have him answer then fight about it. But please, really. Mr. Perlow, how do you know this is a residential plan or plat?

MR. PERLOW: The layout, the setback requirements, the minimum lot sizes, you know, the area, area requirements, the numbering of each of the lots, you know, a commercial record plat would not look anything like this.

CHAIR: Okay. Next question.

MR. LA FIANDRA: Okay. Getting back to the, the section at issue, when this plat was recorded, were religious uses permitted under the zoning regulations, in the zone in which this, the land in this plat was located?

MR. PERLOW: Well, we're talking about the 1945 regulations that I'm pretty sure permitted churches in that (inaudible).

MR. LA FIANDRA: So, how can you say then that the, the, the property was not used in accordance with the approved subdivision plan?

MR. PERLOW: Well, for one thing, even the 1945

regulation had parking requirements, they had non-residential setback requirements, which they would not have been able to meet on the, on the sized lots that you're talking about. So, they would have had to get a variance even way back in 1945.

MR. LA FIANDRA: Were there non-residential principal buildings (inaudible) back in 1945?

MR. PERLOW: I believe so, yes. I'm pretty sure.

MR. LA FIANDRA: Okay. Okay. Okay, Mr. Perlow. I appreciate your testimony. Thank you very much.

MR. MCCANN: No further questions on my end, Mr. Evans.

MR. PERLOW: Am I free to leave, or do you need me to stay?

MR. MCCANN: You may leave, Mr. Perlow. I guess the question was posed --

CHAIR: Yeah, could, could you just hold on one second, Mr. Perlow? Okay. Does any, do any Board members have any questions for Mr. Perlow?

MR. PENNINGTON: Not here.

MS. BONARDI: I do not, Mr. Chair.

CHAIR: Okay. So, Mr. Perlow, you're excused. Thank you very much. We appreciate your testimony and you, you can leave. You don't have to hang around.

MR. PERLOW: Thank you.

CHAIR: Thank you.

MR. MCCANN: Thank you, Mr. Perlow.

MR. PERLOW: You're welcome.

CHAIR: Okay. So, now, Mr. McCann, next witness?

MR. MCCANN: Yeah. There are a couple people that I, I wanted to try to get to and just, just for scheduling purposes, Mr. Evans, if you don't mind. I've got a couple doctors whose schedules are very tight. So, I just wanted to make you aware of when they can testify and, and maybe ask for some accommodations in, in that regard. So, one doctor can testify between 12:15 and 12:45 and one can testify at noon. So, --

CHAIR: So, do you have witnesses to testify between now and noon?

MR. MCCANN: We do, yeah. Let me just go ahead and do that and stop talking.

CHAIR: Right.

MR. MCCANN: Debra Varon, is she on?

MS. VARON: Yep, I'm here. Hi.

CHAIR: Yeah, she's already a, she's already a panelist, yeah. Somehow, somehow that happened. Okay. So, Ms. Varon needs to be sworn.

MS. VARON: Okay.

MR. PENNINGTON: Hi, Ms. Varon, can you hear me?

MS. VARON: Yes, I can.

MR. PENNINGTON: Okay. Do you swear or affirm under

the penalties of perjury that the testimony you are about to give will be the truth to the best of your knowledge, information and belief?

MS. VARON: Yes.

MR. PENNINGTON: Thank you.

MR. MCCANN: Okay. Thank you, Ms. Varon. Can you, first, tell the Board where it is that you live? Your street address, that is?

MS. VARON: Sure. I live at 3102 Northbrook.

MR. MCCANN: Okay.

MS. VARON: Which is the street a little bit diagonal from 3009.

MR. MCCANN: Okay. For the Board's benefit, I'm going to pull up a map. And this is already an exhibit. It's Protestant's Exhibit 2, I believe. It's a My Neighborhood map. Hopefully you can see that, Ms. Varon. Do you see that?

MS. VARON: Yes.

MR. MCCANN: I'll blow it up a little bit.

MS. VARON: Yes.

MR. MCCANN: What am I doing here, here we go. Okay.

MS. VARON: Um hm.

MR. MCCANN: Okay. You can see, if you notice, the subject property, 3009, is highlighted, do you see that?

MS. VARON: Yes.

MR. MCCANN: Okay. So, to make it easy, I'll just

point the pointer to where I believe your house is in there.

MS. VARON: Yes.

MR. MCCANN: Is it right here?

MS. VARON: Yes.

MR. MCCANN: Right here?

MS. VARON: Um hm.

MR. MCCANN: Okay. Hopefully the Board can see that. And how long have you lived there?

MS. VARON: Twenty-seven years.

MR. MCCANN: Okay and who do you live with?

MS. VARON: I live with my husband and my son who has moved back to do a Ph.D. in Engineering.

MR. MCCANN: Okay.

MS. VARON: And my daughter who sometimes comes home from college.

MR. MCCANN: Okay and did your kids, did your kids grow up in that house?

MS. VARON: Yes, they did.

MR. MCCANN: Okay. Have you been participating in the hearings in this case, Ms. Varon?

MS. VARON: Yes, yes.

MR. MCCANN: Both, both before this Board and the Administrative Law Judge?

MS. VARON: Yes, um hm.

MR. MCCANN: And are you familiar with what is being

proposed? That is, the relief that's being sought by the Petitioner?

MS. VARON: Yes.

MR. MCCANN: Okay and you've heard testimony of Mr. Attar?

MS. VARON: Yes.

MR. MCCANN: As well as the other witnesses?

MS. VARON: Yes.

MR. MCCANN: Okay. Tell the Board, if you will, what, if any, concerns you have about the proposed shul?

MS. VARON: Sure, sure. Thank you very much. So, as I said, I have lived here for twenty-seven years and there has never been any non-residential building in this neighborhood for twenty-seven years. It's been a quiet neighborhood. There have been lots of children and, more recently, children, a lot more children.

So, there, you know, there's a few points that I have noticed with the shul. Like I said, this is, never, ever has there been anything in twenty-seven years on this street that has been non-residential.

And I just want to make it clear that I'm, I am not testifying that I'm against this building because it is a religious building. It could be any commercial building. And as a matter of fact, my husband is actually half Sephardic, which is what this, what this shul is. So, you know, I'm not

against a Sephardic synagogue or any synagogue.

I've noticed a lot more traffic on this street before the Sabbath on Friday night. People rush to synagogue. They do drive their cars. I know Mr. Attar said that most people walk to the shul, but people usually drive and park their cars and there's a lot going back and forth.

The one really big concern I have is near the shul there is a very dangerous curve with a blind spot. And I myself have almost been hit when I walk a lot and people do speed around that curve. And I have seen children riding bikes in the street because there is no sidewalk on the other side of, of the shul and where the curve is.

It's very hard for two cars to, two opposing cars to, to drive in opposite directions when they're there at the same time. So, it's a very dangerous curve and I do worry with a lot of the children near the shul and near that curve, a danger and a tragedy could be waiting to happen. That, that's my, my big concern.

I have noticed with the shul, there is a lot more noise in the neighborhood. And I can tell you that since the shul has not been operating it's been quiet and pleasant. But I can tell you that with the construction of the ramp, it has been loud. There's been a lot of pounding. There's been, actually, loud music.

I was sitting in my dining room when they were

constructing and I actually heard loud music and I had to leave my dining room, leave my work and go across the street and ask them to please lower the music, which they did, the construction workers. But, you know, it was a, I didn't really want to have to do that, that's not what I want in my residential neighborhood.

The other thing is that I've noticed a, an SUV with the letters AGC that is a construction company and I have noticed it numerous times in the driveway of the shul. And I had an experience where that particular SUV parked right in front of my driveway on a morning which I needed to leave. I, I had an appointment, I needed to leave, and he was right in front of my driveway, I could not back up my car.

I politely asked him, you know, I need to leave, can you please move? And he said oh, just a minute, just a minute. And then there was a young child who was, you know, running towards the car. He said, I just need to pick up my daughter. And I thought, well, if he's parking the shul on numerous occasions, why is he parking right in front of my house and I can't get out? He eventually left and I was able to get out.

So, there's just a few other things that I, I disagree with the witness' testimony. Mr. Attar had stated about, I, I, I think, I can't remember who asked him about the growth of the shul. But he, I did hear that they started the synagogue with forty-nine shares and now it's grown to eighty.

So, when he was asked if he thinks the shul was growing or what growth means, he said it's spiritual growth, it's educational growth, it's the growth of a person. But clearly, it could be that kind of growth, but clearly it is the growth physically of the members of the shul.

And my fear is that, you know, eventually the building will grow. As has been depicted in the video, the marketing video, showed a huge synagogue center.

So, now the other, the other disagreement is that Mr. Kellman had testified that, you know, the shul is the benefit and the welfare of the community. And particularly and personally, I don't think it's a benefit to the community, for some of the reasons that I mentioned.

And it's not a benefit to me when I'm outside gardening, which I do a lot, I just love my garden and, and doing that. When I have to yell at people speeding down the street, you know, there's children, please stop. That, that is not my, for my welfare.

I also disagree that Mr. Attar stated that there are no cars parked on Northbrook from the shul, but he failed to mention that there are cars parked on Lisburne, which is the street perpendicular to Northbrook and it, you know, it faces the shul. So, there have been cars, many cars parked on that street during the Sabbath, before the Sabbath, during the Sabbath, until the end of Sabbath.

And he also testified that they have parking arrangements at the Wellwood School and I believe we may have pictures of that, but I've never seen cars parked, or I question that. That cars, that they had actually used the parking lot at Wellwood.

Okay and another point is that Mr. Attar had mentioned that, that the purchaser who bought the property, had told the real estate agent, Barina Bosni (phonetic), who I know and have spoken to, that he was purchasing the property for a residential use.

And I had actually spoken to (inaudible) Bosni on numerous occasions, who said that is not true. That they, he had said that they were purchasing the property for a relative, I believe it might have been a mother-in-law, and when this whole issue came to fruition and Mr. Bosni heard that there was a shul, he, he was quite upset and said that he probably would never have sold the property. And it's okay, he said I could tell you this, so. I'm not saying anything that he wouldn't say.

And Mr. Warfield had testified on several occasions that, that he was called because of a proposed shul when, in fact, the shul was already, is already established and has already been operating. So, I would disagree with that. Let me just see if there's anything else. Just bear with me for one second.

CHAIR: Take your time, don't worry.

MS. VARON: Okay. All right, hold on. Okay and the one last thing I wanted, wanted to say was (inaudible) community outreach that this shul has done a lot of community outreach. I have not been contacted by the shul.

Well, as a matter of fact, my husband actually was contacted and actually contacted our rabbi. We do go to a different shul, had contacted our rabbi, who contacted my husband to see if there was anything that we could do to kind of, you know, cover this over and not be upset and welcome the shul. So, that was a little bizarre. So, really, there has not been a lot of transparency here or community outreach to me.

We did have in 2019, I believe we did have a, a meeting with some of the members of the community with the shul when they were thinking about it. And we expressed concerns at that meeting, a lot of concerns were expressed from the neighbors. And the next thing I knew, the shul was there, it was in operation and that was really the only, that first meeting was the only community outreach that we had had with the shul.

Oh, and the ramp. I just have to, I just want to talk about the ramp. To me, I feel like it's not in character with the shul. It's like the Cadillac of ramps. I mean, it's so big and it's really, blocks the building so I'm really not

in favor, I, I mean, I'm not, I'm in favor of the ramp, I understand that. But this ramp is huge. So, I, I think that's it. Thank you very much.

MR. MCCANN: Okay, thank you, Ms. Varon. I have just a couple follow-up.

MS. VARON: Okay.

MR. MCCANN: You mentioned a meeting that took place in 2009 with representatives of the congregation.

MS. VARON: Nineteen, I think it was '19.

MR. MCCANN: Two thousand nineteen, I'm sorry.

MS. VARON: Yeah.

MR. MCCANN: During that meeting, were there any representations made by representatives of the congregation regarding the size of the congregation, number of its members or anything like that?

MS. VARON: Well, they did say that they were a very, very small shul and there was only twenty members at that time.

MR. MCCANN: Okay. Okay and then, real quick, getting back to the, the map. You mentioned this turn --

MS. VARON: Um hm.

MR. MCCANN: Excuse me, this, this, the turn which you, I think you described as, as dangerous. Can you see that?

MS. VARON: Yes.

MR. MCCANN: Okay. So, is it, is it this turn, this bend, I'm not sure --

MS. VARON: Yes.

MR. MCCANN: -- (inaudible) on Northbrook Road?

MS. VARON: Yes.

MR. MCCANN: Okay and you said, I think you were referring to this turn. Is, is that where you said that two cars can't pass?

MS. VARON: Well, it's actually a little bit to the, on my screen, it's to the left, yes, right there. Um hm, yes.

MR. MCCANN: And why is that? Why can't two cars pass?

MS. VARON: Well, a lot of times, there are cars parked on either side of the street. So, you know, you can't really, one, it's really when two cars are parked on the side of the street, there's only room for one car to, to pass through.

MR. MCCANN: Okay. So, did that create an issue in your, in your experience for pedestrian safety as well as (inaudible)?

MS. VARON: Yes.

MR. MCCANN: And how so?

MS. VARON: Well, actually, I was driving and a car coming towards me was actually speeding and I had to stop. Also, another time I saw a child riding a bike and, because there was no sidewalk on the other side, and a car was speeding. So, that was really scary.

MR. MCCANN: Yeah, and that was my next question. There are no sidewalks on sort of the northern --

MS. VARON: Right.

MR. MCCANN: -- and northeastern portion of --

MS. VARON: Right, yes. No sidewalks.

MR. MCCANN: Okay and then you mentioned Lisburne. This is Lisburne obviously, this perpendicular road right here.

MS. VARON: Yes, um hm.

MR. MCCANN: Okay. You, I think you mentioned that the cars from the shul park on Lisburne, is that correct?

MS. VARON: Yes.

MR. MCCANN: And how do you know that? How do you know that they're --

MS. VARON: I've seen it. I've seen it during, before, during and after the Sabbath.

MR. MCCANN: Okay and do they also park on Northbrook as well?

MS. VARON: I don't know.

MR. MCCANN: Okay, all right. And what effect does that have? In other words, what's wrong with them parking on Lisburne --

MS. VARON: Well, well, there are, on the weekends, there are a lot of sports activities, recreational activities at the park, at the school and, and it's really taking up spaces from people who, who have been involved in the

recreational activities.

MR. MCCANN: And those folks may park elsewhere, for instance, on Northbrook? Is that your concern?

MS. VARON: Yes, yes, absolutely. And that actually has happened at time.

MR. MCCANN: Okay and the, the, when you say the activities on Wellwood, there's a sort of, we haven't seen pictures of it yet, I don't, or maybe we have, that there's an open field here on the east side of Lisburne?

MS. VARON: Yes.

MR. MCCANN: Is that where children play?

MS. VARON: Yes.

MR. MCCANN: Okay. You also mentioned that in, in your observations, people don't walk but rather park their cars. Explain that a little bit more, both on the Sabbath and, and not on the Sabbath. Explain what you mean by that.

MS. VARON: All right. So, usually before the Sabbath, there's a mad rush to get to the, to get to services. So, people will drive to the synagogues and park their cars. And leave their cars on the, on the street and cars have been left on Lisburne. And they, they do walk to synagogue, the Orthodox community does walk to synagogue. But the cars are left there throughout, throughout the Sabbath.

MR. MCCANN: Okay. What about during the week --

CHAIR: They, they pick them up on Saturday night

after sundown?

MS. VARON: Yes, yes, um hm.

MR. MCCANN: Okay, okay. What about after the Sabbath, Sunday through Thursday or --

MS. VARON: Well, there have been classes, there have been events at the synagogue where car, I've noticed cars parked on Lisburne. Actually, I have also witnessed some of the cars will drop off members of the synagogue and sort of kind of hang out, drop off in the middle of Northbrook.

So, some of the people in the cars will jump out and run, you know, go into the synagogue for classes or for some other types of services. I have witnessed cars doing three point turns in the middle of Northbrook.

MR. MCCANN: Right here, right here in front of the house?

MS. VARON: Um hm, yes.

MR. MCCANN: Okay. Have you seen those things on a, more than one occasion?

MS. VARON: I have seen, yeah, I have seen cars drop, dropping off people, just kind of stay parked in the middle of the street.

MR. MCCANN: Okay, okay. Great. Thank you, Ms. Varon. I have no other questions.

MS. VARON: Thank you.

MR. MCCANN: Mr. La Fiandra may have some.

CHAIR: Right. Mr. La Fiandra?

MR. LA FIANDRA: Yes, just a few, thank you very much. Just a few with regard to the parking on Lisburne. First of all, it's a, is it Varon or Varon?

MS. VARON: It's Varon.

MR. LA FIANDRA: Varon, thank you.

MS. VARON: Yes.

MR. LA FIANDRA: Ms. Varon, --

MS. VARON: Yes.

MR. LA FIANDRA: -- the, there are times when there are many cars parked on Lisburne, isn't, isn't that right?

MS. VARON: Yes.

MR. LA FIANDRA: And they, there, there, there are many cars parked on Lisburne that have nothing to do with my client at all, isn't that correct?

MS. VARON: Yes.

MR. LA FIANDRA: And, in fact, there are many times that there are many cars parked on Northbrook that have nothing to do with my client at all?

MS. VARON: Yes, right.

MR. LA FIANDRA: Okay and there are many times that there are many cars driving on both Lisburne and Northbrook that have nothing to do with my client whatsoever, is that correct?

MS. VARON: Yes.

MR. LA FIANDRA: Okay and, in fact, there are the fields at the elementary school, are often used by organizations for games and what not. And, by little league and other types of organizations for games, isn't that right?

MS. VARON: Yes, yes.

MR. LA FIANDRA: And during those times, there's often, Lisburne and Northbrook are used for parking, isn't that right?

MS. VARON: Yes.

MR. LA FIANDRA: And, and often during those times, Lisburne and Northbrook are congested with both parking and traffic, is that not correct?

MS. VARON: That is correct.

MR. LA FIANDRA: And you've seen that many times, isn't that right?

MS. VARON: Yes.

MR. LA FIANDRA: Over, over the course of the more than twenty years, twenty-seven years that you've lived there?

MS. VARON: I have seen it more recently.

MR. LA FIANDRA: Okay.

MS. VARON: In the last few years.

MR. LA FIANDRA: But, but --

MS. VARON: In, in --

MR. LA FIANDRA: -- can we agree that those instances have nothing to do with my client?

MS. VARON: Some instances, some instances have nothing to do with your client.

MR. LA FIANDRA: But those instances, (inaudible) --

MS. VARON: (inaudible) --

MR. LA FIANDRA: (inaudible).

MS. VARON: I can't, I can't say all instances, I can't say all instances.

MR. LA FIANDRA: Okay, okay. Now, that's fine. The, the, whether or not it's hard for two cars, two opposing cars, to make the turn on that curve, has nothing whatsoever to do with my client and it, whether it, it converts the dwelling at 3009 Northbrook to a, to a synagogue, isn't that right?

MS. VARON: No, I can't say it has nothing to do with your client. It might have something to do with your client. I can't say definitely no.

MR. LA FIANDRA: Okay. But that curve, the, the width of the curve is what it is and my client, whether it's a shul or a house, it's not going to change the width of that curve.

MS. VARON: Right.

MR. LA FIANDRA: Okay.

MS. VARON: Correct, correct.

MR. LA FIANDRA: The, I was a little confused when you were going over some of the outreach --

MS. VARON: Yes.

MR. LA FIANDRA: -- between, and if you could just take, I know that, I want to be respectful of, of the time, the time issues that we have.

MS. VARON: Yes, yes.

MR. LA FIANDRA: So, so if you could just take a minute to explain to me again what the outreach, what, your testimony about the outreach --

MS. VARON: Yes.

MR. LA FIANDRA: -- and what, and what that was. I don't want to go, I don't want to spend too much time on it --

MS. VARON: Right, no, I'll talk fast.

MR. LA FIANDRA: -- (inaudible), yes, thank you.

MS. VARON: Yes. Okay. The only outreach I received was, or that I was involved with, was a meeting in 2019 when we had the, the neighbors and representatives of the synagogue meet and the neighbors expressed their concern.

MR. LA FIANDRA: Okay and you were personally involved in that?

MS. VARON: Yes, um hm.

MR. LA FIANDRA: Okay. Were you aware of any other instances when the representatives of the synagogue made attempts at outreach to you or members of your family?

MS. VARON: Okay. I'll tell you that, I, we did receive a dried fruit basket. But, saying that they were moving into the shul.

MR. LA FIANDRA: Okay and when was that?

MS. VARON: Oh, it was after they moved into the shul. I can't re, maybe, maybe 2019, two thousand, early 2020, it was, it was warm because I was sitting outside, and they came over.

MR. LA FIANDRA: So, it was warm temperature or it was warm friendly?

MS. VARON: Oh, warm, it was warm temperature and it was, it was friendly.

MR. LA FIANDRA: Okay and --

MS. VARON: It wasn't, it wasn't --

CHAIR: Did you say it was a fruit basket, I'm sorry?

MS. VARON: Yes, a dried fruit basket.

CHAIR: Dried fruit basket.

MS. VARON: Yes, um hm.

MR. LA FIANDRA: Okay and how did you, what did you think about that?

MS. VARON: Well, I did think it was nice. It, it has nothing, I want to say that, I, I, I wasn't personally upset with the people, you know, it had nothing to do with the person. I thought the person was very nice, who delivered the basket.

MR. LA FIANDRA: Okay and was the person who delivered the basket like a delivery person or was it a person from the synagogue?

MS. VARON: No, it was, yeah, it was a member of the shul. He introduced himself as a member of the shul.

MR. LA FIANDRA: Okay.

MS. VARON: I had nothing personally against this person.

MR. LA FIANDRA: Okay and the, okay. I appreciate your time and I, I appreciate your testimony as well. Thank you very much.

MS. VARON: And thank you.

MR. LA FIANDRA: Yep.

MR. MCCANN: And just a couple quick follow-up, Mr. Evans.

CHAIR: Sure.

MR. MCCANN: I thought you said drive through basket, it was a dried fruit --

MS. VARON: A dried fruit basket.

MR. MCCANN: (inaudible) what a drive through basket was. But again, that basket was, was sent to you, as nice as it was, it was sent to you after they had already --

MS. VARON: Yes, yes.

MR. MCCANN: Okay.

MS. VARON: Um hm.

MR. MCCANN: And explain a couple things, in response to Mr. La Fiandra's questions you, you acknowledged candidly that there are a lot of cars that drive on Lisburne and

Northbrook, particularly during activities at, at Wellwood. If, if that's the case, what's the problem? Articulate that for us, if you will. What's the problem with this shul adding a bunch more cars? Maybe that's the question.

MS. VARON: Okay. Well, as I mentioned, the safety of the children in the neighborhood. More cars, more people driving, more possibility of kids darting out in the street and, and being injured.

MR. MCCANN: Um hm.

MS. VARON: More parking on Lisburne and more parking on Northbrook.

MR. MCCANN: At different times too, correct?

MS. VARON: Yes.

MR. MCCANN: Okay.

MS. VARON: Different times in, you know, when classes are in the evening, during the morning when there are services, during the evening when there's classes.

MR. MCCANN: Right.

MS. VARON: More cars park.

MR. MCCANN: So, you've had the benefit, I use that term loosely, of living across from, from the shul for the last year and a half, correct?

MS. VARON: Yes.

MR. MCCANN: And in that period of time, do you, have you, have you observed the delta? That is, the difference

between the cars that normally come to this area based on your observations and the cars that have been, that are attributable to this shul? Do you have --

MS. VARON: Yes, I have noted, there, there are, you know, usually in the past, on Friday night, before the Sabbath, there were, there were very few cars parked on Lisburne. So, I have noticed an increase in cars parked.

MR. MCCANN: A significant increase, in your, that's concerning to you? Is that --

MS. VARON: Yes, there were no cars, maybe one car parked on Lisburne before Sabbath and during Sabbath. And now, there are, there have been a lot more cars parked.

MR. MCCANN: And then lastly, Mr. La Fiandra asked you about this narrowness of the turn in Northbrook, and asked you whether it's a shul or a house, that's not going to change the width of the road. And I think we can all agree upon that. But articulate, if you would, why because, why a shul, will make, is a concern to you as opposed to a house there.

MS. VARON: Right.

MR. MCCANN: In relationship to this curve.

MS. VARON: Right, right. So, a shul, especially this shul, has eighty members, or eighty seats. And, you know, during the week not everyone is going to be walking, most people will be driving. Most people will be going around that curve or near that curve. And more cars, more traffic and

again, more children in the neighborhood.

MR. MCCANN: Okay.

MS. VARON: You know, --

MR. MCCANN: And I think Mr. Attar acknowledged that this was a young shul, so it has its children as well.

MS. VARON: Yes, absolutely. A lot of children, um hm.

MR. MCCANN: Okay. Okay, thank you.

MS. VARON: Okay, you're welcome. Thank you.

CHAIR: Anyone have any further questions for Mrs. Varon?

MR. PENNINGTON: Not here.

CHAIR: Okay, ma'am, you are excused.

MS. VARON: Thank you.

CHAIR: I'm going to make you an attendee, even though you were --

MS. VARON: Okay.

CHAIR: -- had the exalted status of a panelist before, but.

MS. VARON: Okay. Thank you.

CHAIR: Thank you. Okay.

MR. MCCANN: May I proceed, Mr. Evans?

CHAIR: Sure, please.

MR. MCCANN: Okay. Hopefully, Zalman, are you there? Hopefully you are.

CHAIR: And this would be who?

MR. MCCANN: I'm looking for him now, Your Honor. Oh, Zalman Kahn, he is here.

CHAIR: Okay.

MR. MCCANN: Dr. Kahn, are you there? He may be, need to be unmuted. Zalman with a Z.

DR. KAHN: Can you hear me?

CHAIR: Yes, we can hear you now.

DR. KAHN: Okay, great. Can you also see me? Oh, I think you can. Okay.

CHAIR: Yes, now we can see you, yes, yeah.

DR. KAHN: Okay, great.

CHAIR: Okay. Mr., Mr. Kahn, you need to be sworn in.

DR. KAHN: Sure.

MR. PENNINGTON: Mr. Kahn, do you swear or affirm under the penalties of perjury, that the testimony you're about to give will be the truth to the best of your knowledge, information and belief?

DR. KAHN: I do affirm.

MR. PENNINGTON: I thank you, sir.

MR. MCCANN: Okay. Dr. Kahn, I'll move quickly, I know you have limited time.

DR. KAHN: No, that's fine.

MR. MCCANN: Tell the Board where it is that you

live.

DR. KAHN: Okay. I live at 3007 Northbrook Road. I am the house directly to the left of the illegal synagogue. If you're looking straight at the synagogue, I'm, I am to the left.

MR. MCCANN: Okay and how long have you lived there?

DR. KAHN: Just under twenty years.

MR. MCCANN: Okay and who do you live there with?

DR. KAHN: So, my family is there some time in the year. As my family has gotten a little bit older, we've been sending the kids to another school in Silver Spring. So, (inaudible) the whole year are we there, but mainly I'm there.

And because we have a family also living additionally in the other facility, because I'm a physician and I work at LifeBridge, the Sinai (inaudible), we also have additional physicians that sometimes sleep in the facility when they're on call. But that's all side, side story we can talk about that (inaudible).

MR. MCCANN: Okay. All right. So, you don't, you don't have two families, you have one family and --

DR. KAHN: One family, yes.

MR. MCCANN: -- for the record and, and it sounds like you, you stay at that house, 3007.

DR. KAHN: Yes.

MR. MCCANN: How often are you there?

DR. KAHN: I'm there a lot. I'm there, I usually just go during the, during the year when the school is in session, some of my kids are down there, I'll, I'll go the weekends down there. But I'm also on call every other weekend. So, I'm almost always in the house and, although my car isn't always in the front of the house, I, frequently I walk back from the hospital on Saturday. So, I will, you know, I'll be in the house even if my car is not there.

MR. MCCANN: Okay. Well, Dr. Kahn, explain to, to the Board, if you would, what concerns, if any, you have about the proposed (inaudible) --

DR. KAHN: Oh, sure. Well, I, as I said, lived here for almost twenty years. The neighborhood, as far as, except for the last two years, has always been just a residential neighborhood. There's no synagogues, you know, right near us.

All the houses are families. There is the Pickwick down the road, which is a, you know, a condominium thing, apartments. There are some synagogues nearby. There, most of them are at corner streets where there's usually plenty of parking and they have loading and unloading areas.

And, and, you know, about two years ago things dramatically changed, in my opinion. We, you know, the synagogue opened in June or July of 2020. And initially it was small, about thirty people and it quickly grew and grew and grew.

By the first high holidays, which was in September, October, we saw as many as sixty-five men and ten women in the synagogue. And by the summer of 2021, we were seeing, sometimes on the weekends, as much as a hundred plus people going to the synagogue. Now, that doesn't mean all in the synagogue, but sometimes also outside and hanging out outside.

Parking, I mean, obviously there was a significant increase in foot traffic and a significant increase in, in vehicle traffic, to the extent that it really became significant. And over the last two years, we've, we, several (inaudible) have, have taken detailed records of how many people have gone in and out of the synagogue and how many people are using the streets. And I know Andrew will probably present a lot of that when he does his testimony.

But it's a fact, it's not a question, it's a fact that vehicular traffic has increased, foot traffic has increased. And just, in general, I mean, if a house normally has four to five, let's say, people living there, one or two cars, you can't even, it's not even a question.

And, you know, you put a synagogue there with, as the synagogue says on their website, two hundred fifty members, I mean, the bottom line is yes, you're going to have a lot more foot traffic, a lot more vehicular traffic and a lot, a lot more people coming in and out. Now, that's a fact. And we have the numbers to statistically show that.

But the question is, is does it bother us? Does it bother people? Well, obviously some people, like there's one member on the block who goes to synagogue, obviously, he's in love with it. For the rest of us, I think we tolerate it fine when there was thirty people going to the synagogue.

As the synagogue continued to grow very rapidly, now up to, as I said, up to almost, you know, Saturday services can have, you know, events and stuff that can go over a hundred, it's just become more annoying. And has gotten to many people on Lisburne, starting to drive them crazy because the synagogue services have increased.

Initially, it was just weekends. Now, we have, we have weeknights programming which occurs. There's also sometimes parties on Sunday, there was a bar mitzvah rec, a few months ago. Also, as I said, the synagogue is just growing in size.

You know, we, as I said, we started with thirty and, and now we have regularly counted, well, not now, but, because obviously the synagogue is no longer in, is no longer working there. But we, as I said, we've, we've counted by eyewitnesses sometimes as much as a hundred on those, on the, on like the Saturdays and stuff.

So, these are eyewitness counts, which we, we have, we, I think we presented to you the spreadsheets of that and, and I even think the synagogue itself doesn't realize how much

they've grown in just the last few years.

I, you know, you and I, we, you see the letter when we first started from the rabbi of the shul and I think, I don't know if you want to put that up on the screen, but I can just read it, where he was talking about, I can read just, I'd like to read, if you don't mind, two lines of the letter, and the letter is available, if, I think we already gave it to you, I think you have it, Michael. And I know we gave it to the team.

It just says here, at no point during Shabbos do we have even close to sixty people at shul comma, whereas the complaints claim that they have counted over eighty people in attendance on Saturday night.

So, the point is, I don't even think the synagogue realizes how quickly they have grown because their letter says they don't have thirty but we have, we have counted and we have video and we have spreadsheets (inaudible) these numbers, which is not a question, it's a fact, that the synagogue has grown dramatically in the last three years.

And, which is a great thing, by the way, I'm very happy for it, but it's definitely not a small synagogue anymore. This is a modest sized synagogue. And that's what is going on now. And that, I think, is the reason, part of the reason why, you know, we, we, there's been a lot of upsetness on, in the neighborhood.

There have been three groups of meetings to discuss this issue. This first one started end of July 2020 when the synagogue opened. We started a small group of people came together. That group was led by Robin Crocknet (phonetic). She lives in the house next to the synagogue on the right.

Three months after the synagogue opened, she sold her house because she couldn't take it anymore. I'm just saying, saying that straight out. I asked her if she, to see if she would come to the previous meeting that, the previous Court case we had and, and she declined. And I understand, I mean.

And so, the point is that it's a fact that there's been an increase in traffic (inaudible) all that stuff. And how much it annoys people is obviously everyone's own personal opinion.

For me, personally, I did not bother, it did not bother me at all when the synagogue was around thirty people. It did not. I was fine with it, I didn't, I didn't re, I mean, the rabbi called me and says we're moving in, just want to let you know. I was okay with that.

As the synagogue grew, it has bothered me a little bit more. But, you know, it's not the worst thing personally. But I understand other people, it bothers them more.

To me, what has bothered me the most is the safety issue. And I said this in the last Court case and I'll say it again. It was a Tuesday morning, Dr., I'm sorry, Mr.

(inaudible) and I were both backing out of our, out of our driveways and we saw a van come to the synagogue, open its door, let out the kids, and another car was going the opposite direction, almost hit them, swerved, parked in front, or wherever it parked, and everyone went into the synagogue for services. This was like a Monday or Tuesday morning.

And my point is, when I saw that, I realized that there's a problem here. That, that because the synagogue does not have any reasonable parking, it doesn't have an unloading or a loading zone.

It doesn't have a place where you can pull your car to unload your kids or, you know, if an elderly person, you can stop the car, let an elderly person take their cane or whatever and get out, because it doesn't have that. And because it doesn't have these, in my opinion, safety barriers, I'm afraid that there is going to be a concern here. And people can poopoo it and they can fight me on this, but it's not, you can't, you can't debate this.

Right across the street from the synagogue is the crosswalk for the elementary school, called Wellwood International, as well as for the park. Kids walk across that every single day, except for when it rains and obviously when it snows. We have pictures of that, we don't have to show that. It's a walkway for children to go across the street to the park. And unfortunately, it's right in front of the

synagogue.

My point is, we, we have no problem, nobody here has a problem with a synagogue. We want the synagogue to grow. Almost everyone in this meeting here, at least the members (inaudible) are Jewish and want the synagogue to grow. That's not an issue.

It's the safety and, of course, for some people, also the annoyance. If the synagogue had a parking, which they do not, if they had the parking which they had, I don't think we'd be here even discussing this. If they don't have the parking and every day you see things.

Like, for example, just this week, the synagogue has been putting on a ramp to go up to the synagogue. So, several days a week this week or last week, there were large trucks from Home Depot in the middle of the street, blocking the street.

Remember, the street is basically a small street. So, you have a big truck and if you have cars parked on both sides because there were workmen there also, you can't get by. So, you know, you wait a few minutes, let it go, or whatever.

But the point is, is that if you want to unload your fam, your kids or a family, it does represent a safety issue. And that is why I got involved in this, in the fall of 2020. I, and the first group of members, were the ones who gave the, who called the, you know, who got involved and called the Code

Enforcement and, and put together the first complaints about the synagogue. Sorry, that was so, sorry.

MR. MCCANN: That's okay. That's okay. So, a couple follow-up to that. You, you mentioned a near accident. Have, have you, is, have you seen others other than that?

DR. KAHN: So, I walk at night 7:00 to 8:00 or 9:00. I usually try to walk at night to lose weight and exercise, etcetera. And when the, so the synagogue has not been in, it's not been operating for periods of time. For, you know, different reasons, (inaudible) for example, now it's not operating for the last two months.

There's, there's, there's clearly a difference when you're walking at night and, I mean, when you're walking during their night, they have night, night (inaudible), you see the cars zooming in and out and you just have to be a little more careful.

For me, it doesn't bother me so much, it bothers me more the safety, as I said, for children who are going to walk across the street and a synagogue doesn't have parking. There, if you want to, we can discuss one parking solution, which they made, but I, I just want to, I mean, we can talk, if you want to talk about that now we can.

MR. MCCANN: Let me just ask you, before you get onto that. You said, and I want to make sure that your testimony is clear about this. You're, you're okay with the shul growing.

I think --

DR. KAHN: We want the shul to grow, we, we, we, I mean, I don't think there's a single person in this community who does not want to see the synagogue grow. We are happy that they have a lot of programming. We're happy that they're expanding their services.

They, I think they're doing the, they have a program at night now, almost every night, they're doing services. They have, I know Saturday night they've been having some, you know, I guess, we call, it's a certain type of party after the Sabbath.

They have, (inaudible). We're, we're excited. We have no problem with that at all. And we love that and, like I said, many of the members of the synagogue are our friends and our neigh, well, a few of them are neighbors. And I work with some of them and most of them are super, super good guys and that's not the issue.

I think the issue is that every synagogue I go to or (inaudible) has parking, and, and operates in a safe, courteous manner. And this synagogue doesn't have parking. It also doesn't have the right space between the synagogue and the other houses.

This synagogue, if I'm not mistaken, I think we're, all the houses in the neighborhood are ten feet from our property line. This synagogue is the same thing. I think it's

ten feet from its property line. The, from what I understand, you're supposed to have seventy-five feet. At least, according to the coding (inaudible).

MR. MCCANN: Yeah.

DR. KAHN: I think this makes it, this is also an issue. For me, it's not so much because, like I said, I work all day, I'm never around. But, well, not around a lot. But I know for many of the members in the community it does bother them. They can hear the synagogue services.

I don't know if, if the, I don't know if she's already testified. But one of, one of the members down the road, three blocks, three, three houses down, testified how she could frequently hear services at night when she's putting her kids to sleep.

MR. MCCANN: Yeah.

DR. KAHN: So, I mean, it's obviously, you know, if you have the seventy-five feet between your building and the property line, yes, I think it would make a big difference. And I think these are some of the issues. We hope, we only hope that the synagogue can resolve these issues and get, I mean, they own the house to the right of them.

I, they, I explained earlier that Robin Crocknet (phonetic), who lived in the house to the right of the synagogue, sold her house to them because obviously it annoyed her so much. I mean, they can knock that house down and put

in, there's parking. You know, I think if they do that, then maybe it'll be a safe place to be. But you can't unload your elderly grandfather in the middle of the road and it's a one, and, and you, you just, you can't.

MR. MCCANN: Right.

DR. KAHN: For safety purposes.

MR. MCCANN: So, when you said --

DR. KAHN: It's not, it's not appropriate.

MR. MCCANN: So, when you say you're in favor, or support the growth of the shul, you, you, you mean not at this location, given everything -

DR. KAHN: I think that either they have to move to a different location or they have to fix this one up in such a way that it's safe. I mean, you have to have parking. They have to, they, I mean, they bought the house to the right. I know they spoke to me about buying mine at one time.

I, I discussed in the past that, you know, my house, I have contracts with Sinai and LifeBridge, so it's hard for me to sell my house at this time because we have contracts and we also have, as I said, physicians living, sleeping in the house at night who are on call.

So, we need to be within a certain distance from Sinai, LifeBridge, Northwest and Carroll. So, we have issues there. But that's not the point. But, I mean, I mean, if they were to fix their issues, I think that would make it better.

Another little wild card here however, and I don't know if you want to (inaudible) I understand there's also a land covenant in this area, which would, prohibits synagogues, businesses to be operating. I understand that the counsel, their counsel has received a copy of that. So, I think that's another issue that, you know, may, may also make it, this case a little more difficult. But that, I guess, is a discussion for another time.

MR. MCCANN: Okay. So, and you talk faster than I do, Dr. Kahn. I wanted to ask you just some follow-up. So, when you say you're okay with thirty members, do you, do, I mean, do you really mean thirty people attending there or with the shul that, that has thirty members that show up on occasion? Explain what you mean by, are you really okay --

DR. KAHN: Well, however many members they have --

MR. MCCANN: Hold on, hold on. Are you really okay with thirty people showing up for services on a regular basis to this house?

DR. KAHN: I, I think I'm okay with thirty people showing up to service on a regular basis. I don't have a problem with that. I mean, I don't mean, I mean, a synagogue, a synagogue is going to have a lot of members that don't always show up.

But, you know, if, if every weekend thirty people came to the house next door to me for services, I don't have a

problem with that. But when you re, when you start reaching a hundred, then you start having, like one day there was a stroller convention on my, on my driveway. (inaudible) so many people that they had to expand where they were sitting outside the building.

Their building also, I think, is too small. So, a lot of them stay outside. And, you know, they overflow into the houses, into the lots next door. And as I said, it's because they don't the right, you know, distances. And I think that is what's driving and causing many of the members (inaudible) go crazy.

MR. MCCANN: What about the, the parking at Wellwood? You, you said you wanted to speak to that.

DR. KAHN: Oh, yeah. Yeah, I, I, unfortunately, you know, I, I, one thing is, you know, we have to be honest with each other here. And I think we have to be honest and, and not play games. The, the synagogue proposed on our last court meeting to, to lease, rent or use the parking lot at Wellwood International School. This is a joke.

First of all, it's a requirement that parking be about five hundred feet, exact, well, according to the, the zoning laws, which I have in front of me, should be five hundred feet from the synagogue. I measured it myself with (inaudible), my neighbor. And we measured eight hundred and fifty feet.

In addition, you just can't park there. It just doesn't work. It's so far to get to the synagogue, several, four or five minutes' walk. It, it just doesn't make sense. If you would please, could you just show a picture of that? if you could show a picture of the parking lot from the front of the synagogue so we could just show in one picture why it's ridiculous.

In addition, I just want to say that since the synagogue, since that was proposed, and since the previous Judge allowed that to happen and he, and he asked (inaudible) they should use the proper parking and not on street, we have not seen one, not one car from the synagogue parked there during the services. So, I just want to say that.

So, if you could show that picture, (inaudible) how far the distance is and why it doesn't, it doesn't work.

MR. MCCANN: Yeah, I'm not going to be able to do that, Dr. Kahn, I don't have it handy.

DR. KAHN: So, let me just tell you, even, can you show me any picture from the front to the synagogue facing the park?

MR. MCCANN: I can, hold on one second, please.

DR. KAHN: (inaudible).

MR. MCCANN: You're really testing me.

DR. KAHN: I don't care what it is, just any picture.

MR. MCCANN: Of the, of the front of the synagogue?

DR. KAHN: Of the front of the, not, well, not facing the front, but facing towards the park.

MR. MCCANN: I'm not going to be able to pull that up quickly, so I apologize.

DR. KAHN: Well, you can, when you find one, we can, we can, we can show, the point is that, --

CHAIR: We, we get what you're saying, Dr. Kahn.

DR. KAHN: Yeah, (inaudible) parking lot, you have to literally cross the soccer field, then you have to cross the baseball diamond, then you have to go past the basketball courts, then you have to go past the portables and wait, you still have to go past the kiddie park, past the school and then the parking.

So, that's where you have to walk and you're not taking, you're not dropping off your elderly father in that parking lot and telling him to walk five plus minutes eight hundred feet to the shul. It's not happening. You're parking, you're stopping our car in front of the synagogue, you're unloading and putting, your putting a slight danger, I mean, some danger and, and that's why I said.

If they can get the parking, if they knock down the house that they already own next to them, and put the parking there, then I don't think we'd even be having this discussion because, you know, then I think they would have what, what they should have.

MR. MCCANN: But, but not with the current membership. Just want to make clear about that. You keep saying that, but --

DR. KAHN: Correct, the, the hundred people plus there is, is getting a little high and, and I know that's driving a lot of the neighbors crazy too. But ---

MR. MCCANN: Okay.

DR. KAHN: -- at least I feel that's not a safety, I mean, it might be a safety issue to so many people in that building. But to me, really, what bothered me and why I'm here is because of the safety issue, which is a safety question without question.

MR. MCCANN: Okay and then lastly --

DR. KAHN: I just want to say one more thing. I know, because my kids used to play in the street by accident and they would run in there, and run in the street and, and, and I, whatever. We more than once, a neighbor has brought my kid in from the street and to my house and say hey, your kid was running around the front of the house.

If you have a synagogue with people rushing to go to services, zooming back and forth, you're talking significant danger to the children who are trying to cross to go to the park.

MR. MCCANN: Okay. You mentioned, I think you mentioned the fact that so, that the congregation asked to

purchase your house. Talk, talk about that if you would.

DR. KAHN: Well, just, I, I think I was asked twice by two members. I really wasn't, I, I mean, I really wasn't even entertaining it because, like I said, we have these contracts, I really can't. Let me put it this way. This congregation and, and, and kudos to them. They are hell bent in getting this synagogue up and running, let me tell you. They will do anything and everything to get it up and running.

And yes, they want to get it up and running and keep it running and, and I understand they've asked me, I understand they've asked other members and, like I said, they have bought the house to the right of them and I, I am shocked that they haven't knocked it down and put parking there.

MR. MCCANN: All right. So, when you were asked to sell your house on, on, I think you said on two occasions, was that before or after the house on the other side of 3009 was, was purchased?

DR. KAHN: I think it was after. I think it was after it was already sold.

MR. MCCANN: Okay and then I, I think you had mentioned to me that you, in terms of your hearing the activities and services on, something about your bathroom window that you had mentioned or bedroom window, was that --

DR. KAHN: Because the, yes, because we're, I am ten feet from my property line and ten feet from theirs, so about

twenty feet, you can hear services in my house at, you know, at times. But people even three doors down have said the same thing, that they can hear services at time.

MR. MCCANN: Okay and in terms of any outreach, we talked about Ms., we talked about outreach with Ms. Varon. Did the congregation reach out to you and make any statements regarding its membership or its scope of its services or anything like that? Did --

DR. KAHN: This topic, if you want me to go into it, I will. But I'm not happy going into it. It's, it's not a pleasant one. And, and I, and I really don't want to go into it. We, I, I did go into it at the last Court hearing.

Unfortunately, while I think ninety-nine percent of the members of this synagogue are, are, are amazing, great people and amazing, unfortunately, there are a few that are not. And during this battle between the community, the, the neighbors and the synagogue, un, unfortunately there have been some dishonesty, straight out lying and fabrication and misrepresentation of themselves. Do you really want, you want me to go into it? I, I --

MR. MCCANN: If you would, yes.

DR. KAHN: Do you want me, okay.

MR. MCCANN: Just briefly, just briefly.

DR. KAHN: I mean, you heard me last time when I did it at the previous Court. But as I said, when, so in 2020, the

fall of 2020, when we, what happened was is when we, when I saw the near accident, a group of neighbors got together and we called the Code, the Zoning Board (inaudible) and we started to talk to them and, and we got the, got the inspectors name was Inspector Edie (phonetic) involved. And anyway, what sort of happened was, you know, well, let me just explain.

Basically, what happened is, is our communication with the synagogue has not, it, and some of the members, has not been the best. So, let me just start off, in the summer of 2020, the synagogue started to do a lot of building, all this stuff was going on. And we asked the synagogue, I mean, and, and they had a person living there while all this building was going on.

And we asked them, what's going on, what's going on? And they would not tell us. They were, they would not tell us. Finally, (inaudible) we asked them, you got to tell us what's going on here. And they said to us, oh, we can't tell you, you know, this is private, this is a, you know, secret, we're trying, we're converting the house to a synagogue, we can't tell you. Okay, fine.

So, after that was, you know, done and then after, and we were fine and then they had the synagogue open up and the thirty people came. Then as it started to grow, we started to discuss things with the, with, with the Code Enforcement Inspector Edie and, and the enforcement.

And the first, you know, the first issue we came through was is that we found out that there has been no permits for any of the work being done. It seemed like everything had been done underhandedly. And we discussed this with the Code Enforcement. They apparently came out, they were not let into the building. Okay, fine.

So, then we, so then we lodged an official complaint. That was done, I think that was the first complaint that came through. This was, I think, here's the date, I have it in front of me, I think it's 10/23/2020. Inspector Edie and it says, you know, the compliance day is 11/27/2020. And basically complained they were running a synagogue without permission.

And the next thing we know, many of us on the block were getting, received phone calls from the synagogue, telling us that if we continued to complain, they're going to get back at us. And, and there were even some threats. Some of the neighbors were knocked, their doors were knocked on and they, and the, and the synagogue members apparently were being rowdy with them and asked them why are you complaining?

And, and, and things only got worse from there. The synagogue eventually had to stop practicing there and then they reopened, sorry, they, they decided to reopen on January 1st of 2021. You know, the night before it reopened, myself and several neighbors got a phone call from the synagogue telling us they had temporary permission to reopen. So, I said okay,

fine. No problem.

And Monday morning, we called Inspector Edie, that was the inspector, and he said to us, I don't know what they're talking about. This is not true. The, you know, they have no temporary permission, we don't give temporary permission and that was that.

So, once again, the, he, the, he filed for them to close and he, and the next one is, I think it's, the next time he, he called me back and says, you know, they have to stop this and if they don't, we'll start fining them, I think, it was, I think it was much more than the original $200 a day. Let me just tell you, I think I have that one here.

But anyway, you know, so, so then about a week, a few days later, I get another phone call from Inspector Edie telling us that okay, the synagogue is going to comply. But they need two weeks to comply and so we, the, our whole group met and the, we said of course. If they need two weeks to comply, you know, go ahead, we don't have a problem with that.

During those two weeks, the filing, I think, for hearing was, was requested and then, then Inspector Edie called us back and said listen, we're not getting involved here. We're going to wait for the hearing.

And it, my point only is, is that, unfortunately, this is, we have not had a, this has been not the best relationship between the neighbors and the synagogue. And

these are just a few examples of what has happened. And unfortunately, this has caused tremendous animosity between us and the synagogue and, you know, and, and our friends and, and this has been a big problem.

And, and, and this, I think, is a problem because, you know, like I just read you this letter from the synagogue telling us that we're fabricating things because we're saying eighty people coming and they're saying only thirty. Yeah, we have, as he said, we have video, we have spreadsheets, we have proof of that.

And, you know, the same thing I feel is true with the parking. I mean, the synagogue knew very well they were never going to use that parking lot. They knew it. And yet they still, you know, produced it to try to get permission.

And so, this is what I'm saying is just, it's not been a, a pleasant fight between us and them. And the, you know, it is what it is and, you know, you know, what, we are, we as, all of us are just asking basically two things. We, we don't want relief of the, of the transition zone between the synagogue and the other houses.

And we, we don't think they should be given the parking permissions, I mean, I mean, I mean, if they get, if they build their parking lot (inaudible) that's fine, but in this current situation, we don't think that relief should be given for those two things. And that's really all, all I'm

going to say.

MR. MCCANN: Okay. Thank you, Dr. Kahn. No other questions.

MR. LA FIANDRA: Mr. Evans, may I ask some questions --

CHAIR: Yeah.

MR. LA FIANDRA: -- of the witness?

CHAIR: Yes, please. I'm sorry, I muted myself because there's outdoor noise here in my condo, so.

MR. LA FIANDRA: Okay, thank you. Dr. Kahn, which hospital do you work at?

DR. KAHN: I work at three hospitals, they're all LifeBridge hospitals.

MR. LA FIANDRA: Okay and, thank you. You had said at one point, you sometimes walk to work. Which hospital is it that you walk to?

DR. KAHN: So, Sinai is walkable. Northwest and Carroll County are not. Sometimes I use a person from the office to bring me to there if necessary. Sometimes I also drive if, if it's emergencies.

MR. LA FIANDRA: Okay. Now, you said that you've been at this house for twenty years?

DR. KAHN: I bought the house, I think it was 2004, so eighteen years.

MR. LA FIANDRA: Okay, close enough. And I was

trying to understand, as you were going through, what your schedule is in terms of when you are actually at the property.

DR. KAHN: So, I work, obviously I'm working almost every day. So, I leave, you know, sometime in the mornings, just depending on when office starts. Sometimes it's, you know, as early as 6:30, you know, early in the morning and, and I usually get back very late usually, 6:00, 7:00, 8:00, you know, 8:00 at night is usually when I return. And, and so yeah, mostly I'm not there, but at nights and in the, obviously in the morning I'm there.

MR. LA FIANDRA: Okay and you do that every day of the week?

DR. KAHN: Every day of the week, mostly, yeah.

MR. LA FIANDRA: So, you're gone from 6:00 or 6:30 until 8:00 every single day, Monday through Sunday?

DR. KAHN: So, no, the schedule is different, that's the problem. My schedule is different based on which office I'm going to. So, for example, if I'm working at the Northwest branch office, we, and that day I might not start till let's say 9:00, then I may not leave home, I may not leave till 8:00, 8:30, you know, it could be later that I leave.

If I'm going to Carroll County that morning, I might leave as early as 6:30 in the morning. So, it all depends on the schedule and the schedule changes literally by the minute. You know, every night I look at the schedule, I try to make my

plans (inaudible) the schedule changes again.

MR. LA FIANDRA: Okay, I understand. So, you have a flexible schedule. So, so you, but do you work seven days a week?

DR. KAHN: Unf, I work five days a week and then I'm on every other weekend.

MR. LA FIANDRA: Five days a week. So, is it fair to say you work twelve out of every fourteen days?

DR. KAHN: Yeah, basically.

MR. LA FIANDRA: Okay and so, does that mean twelve out of every fourteen days you are not at this property for twelve or fourteen hours?

DR. KAHN: So, I do use the property when I go between the hospitals. I'll stop in real quick and grab a lunch or do things like that. You know, because if I'm going from Sinai to Northwest or, you know, if, especially if it's in between, I might stop in, you know, and, and, and use the facilities, property or facilities, or just, you know, quickly catch up on my notes or do, sometimes I can do some of the work within the house itself. Especially because of COVID recently, I've been in the house a little bit more because some of our work is now done on Zoom. But --

MR. LA FIANDRA: Okay and then you also said that other physicians use the, use the, use the house for some purpose?

DR. KAHN: I've had other physicians use it on, on occasions. It's not being used that much right now. Really it's just mainly me right now. But in the past, other physicians were using it when there was a, snow days or things like that and they would sleep in the basement, you know, and I would, and that was part of my contract, that I was, you know, I said I would make the house available to some of the religious Jewish physicians that may want to walk to Sinai or, or walk to the local synagogues when they're on call.

MR. LA FIANDRA: And how many, so, other synagogues. So, you, you, you, you make the house available to other doctors who need to walk to synagogues?

DR. KAHN: It hasn't been many. And actually, in the last six months, I don't think anyone, haven't had one, but before six months ago, we had one or two. So, it's part of just, you know, something that's available if other people need it.

MR. LA FIANDRA: And how long, how long have you had that arrangement to have the house available to other doctors--

DR. KAHN: Um, --

MR. LA FIANDRA: Let me finish the question. How long have you had the house available for Sinai for other doctors who are, who need the house to walk to other synagogues?

DR. KAHN: Well, when I moved in in 2004, and started

working at these hospitals, I always made it available for my friends and other physicians who needed to, a place to stay so I've done that my entire, since I've had the house. I mean, if someone, if someone needs to stay there, I told them no problem. You can stay and sleep for the night. I've never had, I didn't turn anyone, I haven't turned anyone away, you know.

MR. LA FIANDRA: Sure, but just answer the question, the, the arrangement with Sinai for other doctors who need to walk to synagogues?

DR. KAHN: The arrangement was more like a, more of an informal one, where I, I spoke to them and, and we, and we talked about it. As I said, in the last two years, just a very few. I think, I think one was a stomach, GI doctor, one was, he's the one I, it's been, it's been a few.

It's, it's not that often and it's, and mainly, I think, I got more phone calls about it when there was snow days and people would call me and say hey, if I can't get out, can I, do you mind if I stay over, I'm like yeah, no problem.

MR. LA FIANDRA: Okay. Now, --

CHAIR: Are, are you compensated for that, Dr. Kahn?

DR. KAHN: No, we have contracts with Sinai and other hospitals. So, it, it's not, we're not compensated for it in any way. But it's, you know, it's part of our, we, we supply, we, for example, at Northwest, are the main cardiology group

there and we are responsible at all times to cover them for graphics, for, you know, all the stuff that we do there.

And so, we, we are, I guess we're, we, we get paid for all the gra, we, we have certain contracts with the hospitals and, you know, it's part of our services, I guess, you might say. But no, we're not compensated directly for that. But we, we have to provide the services so that the hospital can keep running.

MR. LA FIANDRA: Do you, you mentioned during your introductory comments that you live, something about Silver Spring. Can you, can you clarify that? I, I, my note says that you live in Silver Spring. But I, that can't be because you live here, so can you explain that?

DR. KAHN: So, I'm sorry, and this is all, you know, on the side but --

MR. LA FIANDRA: You were speaking awfully fast and I wanted to come back and clarify that point.

DR. KAHN: Yeah, it's just on the side. Basically, I lived here, we lived here much of our life, well, the last twenty years, eighteen and then two years (inaudible) Pickwick. And during that period of time, the local day school that my kids went to closed down and you may know it (inaudible), it closed its doors.

And our goal, as our family, is to move to Israel in, in, in the near future. So, I wanted my kids to go to a school

where they would both get an English education and, and, and be able to speak Hebrew fluently. And unfortunately, when our school closed that was no longer available.

So, we found a school in Silver Spring that would help that, would help that and so, now my kids are older, getting older anyway, but, but right now I still have three in the local day school there, which does that for me. Helps them with both Hebrew and English. And that's where the kids are going to nine months a year.

And I usually go on the weekends there, and during the, because I work so hard, I'm almost always in, in our house, in the house here, you know, five days a week. And as I said, even on the weekends I go there, but I frequently have to come back and sleep here because I'm on call so.

Yeah, so, you know, we, we do have a house there that we rented for a little while and then we tried to come back for the summer. But, you know, recently, the kids are so busy with, you know, academics and with sports in the local school there, so, so, so even, they're not here a lot.

They're coming here next week for the, you know, in a week or two with the holidays, so the Passover holidays, the family will be here. So, yeah, unfortunately, it's not, I don't love the situation, but this is all personal, but doesn't really affect.

But, I mean, I think that is why it doesn't bother me

as much, the current situation. I think that if my family were here and, you see, I mean, the few times my family has been here we, and like we, we eat lunch together on Saturday morning and you see like a hundred people exit the synagogue and walk by the house, it's a little unsettling, to be honest with you.

But, as I said, because my family isn't here all the time, it doesn't bother me as much, I think, as some of the other members who are here, you know, twenty-four/seven. And I just, you know, I see all the traffic, I walk at night, I mean, I'm okay with it. You know, I'm not in love with it but like I said, you know, my issue is the safety.

It does bother me a little bit that you can hear services in my house. But, like I said, because my family is not sleeping there every night, it, it doesn't bother me as much as it would, I think, someone else.

MR. LA FIANDRA: Sure, and I can appreciate that. But getting back to the question I asked, which was, how often do you, how often are you at the house in Silver Spring? Whether that is nine months of the year or twelve months of the year, how often are you not at the house in Baltimore to, because you are visiting the house in Silver Spring.

DR. KAHN: So, just usually on the weekends I'm at the house in Silver Spring. During the weeknights, weekdays, I'm usually not there all, or sometimes I'm there, to go in and out, lets say. Just say, let's say something minor. But I'm,

I'm usually like I said, every other weekend if I'm, if I'm not on call, I'll spend that Friday night and Saturday and Sunday in the house in Silver Spring and then come back Sunday night for the, for the, for the, you know, get ready for work.

MR. LA FIANDRA: Okay, I appreciate that. Thank you very much. Now, now, looking, facing your house on Northbrook and, which would mean that we're also facing the subject property, to the right, so to speak, which I think is the east, if I have my orientation correct, that is towards seven mile and that's where we have the single family houses --

DR. KAHN: Right.

MR. LA FIANDRA: -- where Mrs. Varon's house is, if I am correct, although it's on the other side of the street. And much of Greenspring Manor, the, the subdivision that was, that we are speaking about earlier, if we face, if we look to the, the left, which is the curve that we were speaking of earlier, we have the Pickwick Apartments, which you refer to in your, in your testimony and how far down the road is that?

DR. KAHN: About four or five houses down.

MR. LA FIANDRA: Four, so it's right there, isn't that right?

DR. KAHN: It's around the corner. (inaudible) I don't know why, but it's not a very busy thoroughfare for those apartments. I mean, the Pickwick, that's the edge of it. The Pickwick is you go, goes for many miles and for some reason I

think people, I mean, some people drive on our street, but I do think that it's, our street is not the most common thoroughfare because there's a lot of stop signs and people I just, I don't see a lot of street traffic there all the time.

I mean, I walk there every night and, I mean, it's usually quiet. It, I mean, it's, I mean, I know that Mr. Attar showed a picture of the weekend football game there that one time a year. That day is crazy. I agree. It's insane. I mean, you can't even drive down the street, it's so bad. But ninety-nine percent of the time, the street is a, is a very quiet street, I mean, --

MR. LA FIANDRA: Sticking with that, sticking with that thought, it's, that's, that's open parking on both Lisburne, both sides of the street, isn't that right? There's, I mean, there are a few no parking signs, but that's open parking on both sides of Lisburne, isn't, isn't that correct?

DR. KAHN: I, I think so. I mean, I don't, I don't, I don't even think there, maybe it is no parking in, in some areas, but I'm not aware of that. I think it's open parking.

MR. LA FIANDRA: And then, also on Northbrook, isn't that right?

DR. KAHN: Yes, people park, yes.

MR. LA FIANDRA: Okay. Now, getting to the, when you, when you, also, you mentioned in your direct testimony, synagogues nearby. You said there were synagogues nearby.

DR. KAHN: Yeah.

MR. LA FIANDRA: Aside from the one that is right next door to you, --

DR. KAHN: Yes.

MR. LA FIANDRA: -- where are those synagogues?

DR. KAHN: So, there are several synagogues in the area. The biggest one is on Greenspring called (inaudible). The, there are some --

MR. LA FIANDRA: How far would you say that is?

DR. KAHN: I walk, I go to (inaudible), that's my main one. And I would say it's about a ten to fifteen minute walk.

MR. LA FIANDRA: A walk, okay. Ten to fifteen minute. Okay and you were saying --

DR. KAHN: Maybe a little less. It's probably not even that. Probably ten to twelve minutes.

MR. LA FIANDRA: Okay. Are there others?

DR. KAHN: Sure. There's Seven Mile has a, I think, two, (inaudible) is one of them and the other one is called Suburban Orthodox, both of those are a short walk away. Those are probably also about ten minutes. They are on the corner of Seven Mile Lane and, and some of the corner streets there.

MR. LA FIANDRA: Okay. Any others that you can think of?

DR. KAHN: There is a (inaudible) shul that is also

on a corner and I think on, we can look up the exact location, but it's (inaudible) shul, I think, and there have been recently some much smaller ones that have opened up on Smith Avenue.

MR. LA FIANDRA: Okay. All within a few minutes, ten-minute walk or so? I, I don't want to spend too much time on it.

DR. KAHN: They're close, they're pretty close.

MR. LA FIANDRA: Okay. The, now, you had, your testimony, you had discussed fall, my word, you didn't say fall, you actually said September of 2020, pardon me. I don't want to mischaracterize what you said. You said in 2020 there were thirty people at Ahavat Shalom. You did, you actually didn't say when that was. And then you said, in September of 2020, there were sixty-five men and ten women. Do you recall saying that in your direct testimony?

DR. KAHN: Yes, I did. Maybe I should just correct myself or make --

MR. LA FIANDRA: Yeah, go ahead (inaudible) --

DR. KAHN: When the synagogue first opened in the summer of 2020, we, the neighbors, were worried and concerned, of course, and we would count how many members would go in and out of the synagogue. In the beginning, which is the summer of 2020, we would count about thirty people, --

MR. LA FIANDRA: Okay.

DR. KAHN: -- going into services, sometimes Friday night, sometimes Saturday morning, sometimes Saturday night.

MR. LA FIANDRA: Okay.

DR. KAHN: By the first high holidays of --

MR. LA FIANDRA: Sure.

DR. KAHN: -- 2020, which I think was September, we counted sixty-five men and ten, I think it was actually eleven women, came, go using the facility for the high holidays. And that was the greatest amount we saw at that time. It wasn't until the summer of 2021 that we started noticing increasing size and that, as I said, we counted at least twice up to a hundred members, plus. Now, remember, that didn't all go into the synagogue, that meaning some people were in, and many of them were congregated around the synagogue.

MR. LA FIANDRA: Okay.

DR. KAHN: But it was nice days, so, you could sit outside.

MR. LA FIANDRA: Okay. So, let's stick with Sept, the thirty, the thirty people you saw in the summer of 2020 --

DR. KAHN: Okay.

MR. LA FIANDRA: -- first. That was before the high holidays of, that, that was before the high holidays, if I'm not mistaken.

DR. KAHN: Correct, a hundred percent.

MR. LA FIANDRA: Okay. Now, when, what dates of the

week did you see those folks going into the, going in?

DR. KAHN: When the synagogue first started, only weekend services were provided.

MR. LA FIANDRA: Okay.

DR. KAHN: We never saw, I mean, I don't think we ever saw, I mean, of course, there were, you know, trucks and catering stuff going on during the weekdays. But it was almost always on the weekends.

MR. LA FIANDRA: You saw catering, catering trucks dropping off catering supplies on other days of the week?

DR. KAHN: I mean, you have to remember that the synagogue has been, has been a process. They, all the work that was done in there was not done overnight. And so, when I say catering, I mean, trucks, construction. A lot of stuff has happened in that synagogue over the last two years.

MR. LA FIANDRA: Um hm.

DR. KAHN: And, and it has been an evolving process. And yeah, I mean, as I said, just last week, this week, right now, well, actually they just finished it, they were building the ramp.

So, you had Home Depot trucks coming, dropping off lots of materials. You had, you know, construction people parking, you know, there. So, you know, and, and yes, so. But during the summer, 2020, when it first started, on the weekends it was mainly, it was a small group, about thirty or so people

that were coming for services.

MR. LA FIANDRA: Did you, were you hear for Mr. Attar's testimony?

DR. KAHN: Unfortunately, I could only hear a little bit of it, but, because I was working so I, I'm sorry, I couldn't hear all of it, but tell me if there's something that is different.

MR. LA FIANDRA: Would it surprise you to know that Mr. Attar testified that there were no services before the high holidays in 2020?

DR. KAHN: I'm, it's possible that it, maybe they just were a lot of people there, but the, I'm telling you, we, we've seen people in there and doing things and it looked like a small group of people, not a lot. The high holiday was the first, when we really saw the services start and really get going. Sorry.

MR. LA FIANDRA: Okay.

DR. KAHN: I mean, it's possible that they weren't services, that they were doing other things in there, I don't know. But even after the high holidays, it wasn't sixty-five to seventy-five people every service. It was still small. It just continued to grow.

MR. LA FIANDRA: So, let's stick with that for a moment. So, then there was the high holidays of --

DR. KAHN: Okay.

MR. LA FIANDRA: -- of Sept, of fall of 2020 --

DR. KAHN: Correct.

MR. LA FIANDRA: -- at which time you said there were sixty-five men and ten women.

DR. KAHN: Correct.

MR. LA FIANDRA: Okay and, and then there, there was the van incident --

DR. KAHN: Correct.

MR. LA FIANDRA: -- which we'll come back to --

DR. KAHN: Which was during the weekday, which was weekday, and that was when --

MR. LA FIANDRA: Okay, let's come back to that, if we may --

DR. KAHN: I'm sorry.

MR. LA FIANDRA: -- let's just come back to that because you brought up a point that I want, I want to address with you.

DR. KAHN: Sure.

MR. LA FIANDRA: After, after the high holidays, after the high holidays, of, of the fall of 2020, you just said that the attendance at the services was small, is that, is that not what you just said?

DR. KAHN: I said, it started small, but it steadily increased. And --

MR. LA FIANDRA: Okay.

DR. KAHN: -- if I could just, this, remember, the letter I wrote, well not, it was sent to us, so it's not my words, it's the head of the synagogue, this letter, I mean, I can give it to you --

MR. LA FIANDRA: Well, if I may, sir, I'm asking you about what you observed. I'm asking you about what you observed, not the letter, let me --

DR. KAHN: (inaudible) exactly as the letter says, that, it says, you know, we, he, he says he will only have thirty people there most services and we counted eighty. And we counted sixty some days. I'm saying the same thing. It started small, but it seemed like it rapidly increased to the point where we, that includes myself, and, and we have the spreadsheets, which are available, we were counting sixty, eighty people pretty rapidly after the high holidays (inaudible).

MR. LA FIANDRA: Okay. I'd just like to understand the time, the timeline for, for that, because you just said that after the high holidays of the fall of 2020 --

DR. KAHN: Correct.

MR. LA FIANDRA: -- it initially was small and --

DR. KAHN: Right.

MR. LA FIANDRA: -- I believe the number you said was about thirty.

DR. KAHN: Correct.

MR. LA FIANDRA: So, when, so, and then it went up from there.

DR. KAHN: Correct.

MR. LA FIANDRA: So, when did it become sixty and when did it become more than that? And I would like you to tell me with specificity, if you can.

DR. KAHN: Okay. So, I don't have in front of me the spreadsheets that we made of the number of people entering and exiting the synagogue. But we actually do have that and we can produce that and give it to you. But for, for me personally, I, I would be there, you know, I would count.

And like you said, for the high holidays it was busier than usual, it was, like I said, about seventy-five people came in and out of that door. Before the high holidays, as I said, I thought was maybe, no more than thirty. After the holidays, it calmed down again. It was, I think, as I said, only about thirty or so.

But I think you, and I think probably even within a month or a very short time, it got much larger. And that was when we put the complaint in through the City to, you know, for the complaint. And that was when this letter was written about us complaining, saying there's sixty to eighty people. So, to my, so, I mean, I think it was probably within even a month or two it had already increased in size.

MR. LA FIANDRA: Okay.

DR. KAHN: And synagogue stopped services in November and December, and then it reopened in January. And I think by the time it reopened in January, we were back up to probably forty or fifty people or so. And by the summer, is when I'm saying, it rapidly increased even more.

MR. LA FIANDRA: Summer of 2021?

DR. KAHN: Correct.

MR. LA FIANDRA: Okay, I appreciate that. That, that answers my question and I appreciate that. Let's move on to the, the van incident. And that was on a weekday. Do you remember when, do you remember the incident that we're talking about? That's what you called it in your direct testimony, testimony with Mr. McCann.

DR. KAHN: Yes, so it was actually the holiday of (inaudible), which is the holiday that follows the high holidays and that week the synagogue had services both morning and evening. They had (inaudible) --

MR. LA FIANDRA: Okay. So, for the Board, let's just be clear, if I may.

DR. KAHN: Yeah.

MR. LA FIANDRA: That, that's (inaudible), that's following the high holidays in the fall of 2020, is that correct?

DR. KAHN: Correct.

MR. LA FIANDRA: Okay. So, and that was on a Monday

or a Tuesday morning of, was that October of 2020?

DR. KAHN: We can look up the date of (inaudible) that week, but again, it probably was, that's probably correct. We can get the exact date if you want.

MR. LA FIANDRA: Okay. That was the timeframe generally.

DR. KAHN: Correct.

MR. LA FIANDRA: Okay. Now, you had previously said that you work seven, four, twelve out of every fourteen days.

DR. KAHN: Right.

MR. LA FIANDRA: And we've been through your schedule and you're generally out of the office mid-morning.

DR. KAHN: Yeah.

MR. LA FIANDRA: So, what was the occasion that you happened to have been home witnessing this on this particular Monday or Tuesday?

DR. KAHN: So, that was, I think it was a Tuesday morning and I think, if I'm not mistaken, I was working at the local office, which is the Old Court office, which is nearby and I go in later on those, on that day. And if I'm not mistaken, I was backing out with my car and so was my neighbor, we were both backing out, and I remember we saw this incident happen. Exactly why my, why I started a little later that day, I don't remember.

But I do recall during that week, the synagogue was

having services, I think, around 8:00 in the morning, 8:00 to 9:00, they were having their morning services and, and then also at night they were having services. So, I think it was roughly around that time, maybe 8:00 in the morning. I don't remember exactly the time, but it probably was right around then.

MR. LA FIANDRA: Okay. So, tell, tell, tell me what happened.

DR. KAHN: Oh, very simply. I'm backing out and, you know, I know the synagogue is operating, so we're backing out slowly.

And I remember, I'm looking back there, and I remember, you know, I see a van go by, stop, drop, you know, door open, I think it was three little kids, three kids, maybe, I think, I don't remember how old they were, fifteen, I guess they were, you know, some kids go out and then another car came right towards it and, the opposite direction, and then, you know, the other car was going a little, I think going a little faster than it should have, maybe the guy was late, I don't know.

And I remember he had to put his brakes on and swerve out of the way and, you know, it was, it was a close call. But no one got hurt, no one was injured. But, you know, he parked, he went into the synagogue, the kids went into the synagogue, and I remember, I said, wow, that was a close one.

And my neighbor, and he can testify to, and (inaudible) actually all this is on a video, because we testified the last Court case and it's on it. He test, you know, we testified that we both saw it and, he also said that was a very close call, well, that's very dangerous. That's, that, that was basically, is what happened.

MR. LA FIANDRA: Okay. Do you, and that's the incident that prompted you to call Code Enforcement?

DR. KAHN: I don't think it was just that, I mean, I think it was the, the totality. I mean, I think that, you know, I, I don't, can appreciate being, in my case, am I being, I think I was lied to on several occasions by the synagogue. But that particularly bothered me, the safety issue, and that's why I joined the group of people, it was about five families that initially put in these first Code Enforcement complaints.

MR. LA FIANDRA: Okay. Now, Mr. Elbaum (phonetic) is no longer involved in this case, are you aware of that?

DR. KAHN: Well, there, the, the problem is, is that this case is costing a lot of money and many of the members that, we started with five in the first Court case, now we have fifteen. And the cost has been a little high and some members have dropped out.

But we, I, he's my neighbor, I spoke to him just two days ago. He is willing to testify if, if you want to bring him, but it's just the cost has been a lot. And also, the

first Court case took a lot out of him. And, you know, and he just, it mentally took a lot out of him and, and timewise and he has declined to come today, but, I mean, if, I asked him, I said would you, you know, if we have, if you need, I may need you to corroborate my story and he said look, if you need us, if you need me, I'm willing to come.

MR. LA FIANDRA: The, do you recall, was it a shul van that they came out of?

DR. KAHN: No, no, it was --

MR. LA FIANDRA: (inaudible)?

DR. KAHN: -- a van, it was like a van, one of those passenger vans where you --

MR. LA FIANDRA: Like a mom's van?

DR. KAHN: A van like a, like a --

MR. LA FIANDRA: Like a family minivan?

DR. KAHN: Not, not like a Honda Odyssey, but I think it was more like, like a, you know, a Chevy Astro or something like that, you know, where you have, you know, the door opens and, you know, one of the older kind. And, you know, a lot of seats in there and you can, you know, a lot of kids can go in them.

MR. LA FIANDRA: And which, which side of the street did the van pull up to?

DR. KAHN: Sure. So, the van came towards Elbaum's house, towards the synagogue, stopped in the middle of the

road. The door opened on the left and the kids were coming out. The car on the other, the car was coming from the other direction and --

MR. LA FIANDRA: If you, can you use east and west? Which way was the van traveling?

DR. KAHN: Well, I don't, east and west is not --

MR. LA FIANDRA: (inaudible) --

CHAIR: The van, the van was on the other side of the, was going on the side opposite the shul, right?

DR. KAHN: Correct, yes.

CHAIR: Right, so it opened on the left, so the kids had to cross the, across the street in order --

MR. LA FIANDRA: One lane of traffic.

CHAIR: -- to get to the shul, right?

DR. KAHN: Well, actually, no. I mean, the van is stopped in front of the synagogue and opened, it was, it was, it opened the left side of the door, the kids got out --

CHAIR: It was the passenger, I mean, driver's side.

DR. KAHN: The driver's side, correct. They, the kids got out, they, they were, they were getting out of this van. Meanwhile, this car was going in, I mean, I guess it didn't realize the van was going to stop and open the door and unload. And so, it, I mean, so it was a little bit, I mean, it swerved a little bit and then, you know, and got out of the way and everything was fine. But it was, I mean, it could have

happened that the kids were --

CHAIR: Was the car following the van or --

DR. KAHN: No, the car was in front, was going the opposite, was going, they were going opposite directions.

CHAIR: Opposite, right. Okay, all right.

DR. KAHN: And that's what happened.

MR. LA FIANDRA: So, the van was heading toward Seven Mile? I just want to understand, the van was, the van was heading towards Seven Mile and the other car was heading --

DR. KAHN: Opposite.

MR. LA FIANDRA: -- in the opposite direction.

DR. KAHN: Right.

MR. LA FIANDRA: Okay and it was the driver's side door that opened?

DR. KAHN: Correct, yes, driver's side, yes.

MR. LA FIANDRA: Okay, okay. So, you, okay. And so, you said that you were okay with thirty members at the shul.

DR. KAHN: Well, Michael mentioned that, it, it's, I don't care how many members are part of the synagogue, I, I hope they have a million, but in reference to daily services and use of the synagogue, I mean, I think there's a limit. I think, you know, if a, if a synagogue has thirty plus members, I'm probably okay with that.

But when you start to reach a hundred coming to services or, or having events, that becomes a little difficult,

I think, even for most of, you know, I think I'm pretty tolerant and, like I said, it's mainly me, so, you know, I, I, I'm pretty okay with that.

But as you start reaching higher numbers, I, I, yes, it does start to become more annoying and, and there's more garbage, I pick up every morning, there's more traffic, there's more, you know, when you start to reach higher numbers, you're going to get a lot more annoyance to everyone.

And, and proof of that is the fact that is at our first Court case that you were with us, I mean, your, you, we, we had our first Court case, remember, only five people came, only, there were only five families that were part of that. This current one we have fifteen. So, it has increased in size as the synagogue has increased in size.

MR. LA FIANDRA: Um hm. So, what do you think the limit should be?

DR. KAHN: I --

CHAIR: We're getting, we're getting a little, we're, we're getting a little repetitive, honestly, here.

MR. LA FIANDRA: Well, he, I mean, he said thirty is fine but (inaudible) --

CHAIR: Okay, never mind, go ahead. Proceed, keep going. I'm sorry.

DR. KAHN: I, I don't think there should be any limit. I think a synagogue has to be safe and it has to be

courteous to its neighbors. The synagogue is wedged in between two houses that are ten feet away, you know, on each side and I think that, yeah, when you get to a certain size, it's no longer courteous.

As though it becomes a little bit more than just a, you know, a small synagogue. This is not a small synagogue. It's a modest size synagogue and they are growing and they are increasing their services on a regular, increasing services. And that's fantastic. I'm, I'm super happy about that.

But I also think that now it's becoming a little bit more of a, an annoyance. And that's why I said, you, the first Court case we had five families that joined, this one we have fifteen. And I'm certain that if the synagogue starts doing daily services morning and evening, you're going to have even more people come.

MR. LA FIANDRA: Okay. About the discussions about selling your house. Weren't those discussions really about selling your house to members of the congregation instead of selling your house to the congregation itself?

DR. KAHN: Correct. The congregation as a, the congregation, no one from the congregation said I represent Ahavat Shalom, we want to buy your house. I received a phone call, I think it was once or twice saying would you be interested in selling your house and I said not really. I don't have, I mean, I don't think I can do that.

I mean, I think it was two, the one, I don't remember the one member call, I think it was only after, you know, when we were talking to my neighbors like, oh, yeah, I think they wanted to buy your house too or something, whatever. I mean, I, it, it was talking a one-minute conversation I think for both.

MR. LA FIANDRA: Okay and are you aware that if they, if, if the congregation desired to use your house for a purpose involving building for the, for a shul, that they would need to have a zoning hearing?

DR. KAHN: Correct.

MR. LA FIANDRA: Okay. Now, there was some discussion about the, the Code Enforcement. And ultimately, you said, Inspector Edie said they were not going to get involved, they were going to wait for the hearing. Do you recall saying that?

DR. KAHN: Correct.

MR. LA FIANDRA: Okay. Are you aware that there was never a Code Enforcement hearing involving this property?

DR. KAHN: Well, let me explain. I'm not an expert at the Codes and of the legal process that's involved. As I just explained, we comp, we lodged our complaints with Inspector Edie. He informed us the first time in November that there would be a $200 fine for every day and that's in the Code, that's in the Code Enforcement correction notice.

In January when they said, when we were told, temporary permission and the synagogue reopened and we got back in contact with Inspector Edie, he first wanted proof of this. We had to send a video and we sent some things in for him.

And, and then as I told you, he called us back and said, well, he had spoken to you and you had told him you needed two more weeks for the synagogue to reopen. I mean, to find another place. And he asked us personally, from you, that you wanted two more weeks and would we, would we be kind enough that they should not be fined.

And all the members of this congregation, I mean, of the neighborhood said no problem. We are not, we do not want, we (inaudible) we have nothing wrong with the synagogue and we want them to be able to continue services and we don't want to cause any issues.

But we think the safety and other issues have to be resolved and so we said fine. Take two weeks and we gave you guys two weeks. After the end of the two weeks, he called me back and said that we are not getting involved with it anymore because, I guess the zoning or the hearing, which I think was scheduled for March of that year, and it was pushed off till, I think it was August or whenever we had our Court case, but that I remember was filed at that time.

And as you remember, the signs all went up in front of the house and all that stuff happened. So, I'm not an

expert on all that stuff, but I can just tell you that's what happened on the conversation with Inspector Edie.

MR. LA FIANDRA: Okay. Okay. Thank you.

DR. KAHN: Thank you for your time and I really appreciate it and --

MR. LA FIANDRA: I appreciate your time as well. Thank you very much.

DR. KAHN: (inaudible) this, this is not what, what we like on the block and this is not the situation we, any of us want and nor do we want to be fining a synagogue. This has been not a good, good, not a good experience for anyone in the synagogue or us.

And we hope that the Judges can help us, you know, resolve this issue because right now the whole neighborhood is up, in an uproar and, you know, we just want this, we just want this to go away or get better, whatever, whatever we can get. Thank you.

CHAIR: Okay. Mr. McCann, do you have any re-direct?

MR. MCCANN: I do not.

CHAIR: Okay. Any Board members have anything? No? Okay. Dr. Kahn, you're excused.

DR. KAHN: Thank you.

CHAIR: Thank you for your time. Thank you for your participation. So, what, what is the schedule here?

MR. MCCANN: I have --

CHAIR: You have, you have another physician who could only do this at what twelve, 12:45 or something?

MR. MCCANN: Actually he's got another window between 1:30 and 2:00. So, if, if, if the Board's amenable to breaking now, that would work well.

CHAIR: Okay. We'll do that. So, we will, it's 1:00 now. We'll reconvene, is, is this other doctor going to be as talkative as Dr. Kahn, do you think? Or do you think he --

MR. MCCANN: No, he'll be more in the length of Ms. Varon, if, if not shorter.

CHAIR: Okay, okay. So, why don't we say 1:35, we'll reconvene at 1:35, is that okay?

MR. MCCANN: Sounds good.

CHAIR: Does that work, does that work for you, Mr. La Fiandra?

MR. LA FIANDRA: That's perfectly fine with me.

CHAIR: Okay and the Board, is that okay, Ms. Bonardi?

MS. BONARDI: Yes, Mr. Chair.

MR. PENNINGTON: That's fine.

CHAIR: Okay, all right. Okay, 1:35 we'll be back. Thank you.

MR. LA FIANDRA: Thank you very much.

CHAIR: Yeah, um hm, thanks.

(PAUSE)

CHAIR: -- the record here. It's 1:38 and we're ready for the next witness. So, if you can raise your right hand and be sworn, please.

MR. PENNINGTON: Mr. Varon, do you swear or affirm under the penalties of perjury, that the testimony you're about to give will be the truth to the best of your knowledge, information and belief?

DR. VARON: Yes.

MR. PENNINGTON: Thank you, sir.

MR. MCCANN: Okay, thank you. Good afternoon, Dr. Varon.

DR. VARON: (inaudible).

MR. MCCANN: Tell, tell the Board where it is that you live.

DR. VARON: 3102 Northbrook Road.

MR. MCCANN: Okay and you are the husband of Debra Varon, who has already testified this morning, is that correct?

DR. VARON: Yes.

MR. MCCANN: Okay. So, I won't go through any of that. What do you do for a living, sir?

DR. VARON: Child and adolescent psychiatry and part-time professor at Johns Hopkins and University of Maryland School of Medicine.

MR. MCCANN: Okay and like your wife, have you participated in the proceedings before this Board and before

the Administrative Law Judge?

DR. VARON: Yes.

MR. MCCANN: Okay. So, you're familiar with the project that's proposed?

DR. VARON: Yes.

MR. MCCANN: Okay and you've heard the testimony of Mr. Attar and others on behalf of the Petitioner?

DR. VARON: I heard it last time and I heard some of it this time.

MR. MCCANN: Okay, great. So, why don't we, if you would, tell the Board what, if any, concerns you have about, about the shul.

DR. VARON: Okay. So, I'll try to make it brief because I have patients later on this afternoon. Bottom line is, and, and a lot of this has already been said. I have concerns, first of all, it gives me no great pleasure at all to testify against a synagogue.

I myself have become newly observant, well, it's not so new anymore, when I was about for, forty years ago, have become more observant, Sabbath attending, been through many parts of the world and seeking synagogues that were within walking distance, have traveled near and far, sometimes up to five miles to get to a synagogue to be able to pray.

I've, I've prayed in Ashkenaz, Sephardic, Lubavitch, Israeli, American, Spanish synagogues. And, and even

(inaudible) Sephardic in the Orthodox tradition, while there are certain nuances and customs pertinent to each particular tradition, I've been able to follow the laws and practices of Orthodox Judaism in any of the synagogues that are of Orthodox tradition without a problem.

Number two, by the way, just to mention, Mr. Attar had suggested that, I think, that Sephardic Jews are those from the Middle East. Actually, the Sephardic Jews emanated from, at the expulsion of Jews, from Spain in 1492, were disbursed through many parts of Europe, landing in Turkey, Italy, other parts of Europe.

I can't speak for the history of the Persian Jews, which may (inaudible) temple, maybe that I would have to leave for another commentary in terms of history. But a Sephardic Jew can also be one of those that emanated from the expulsion of the Jews from Spain, of which I am descended from, both from Greece and from Turkey.

Now, in terms of this specific synagogue, again, various concerns have been raised about how the process has gone. I don't feel that the, the, the synagogue has been straightforward to the neighbors or to others. And also, it was brought out that it was acting against the, the, the law, from my understanding until I think it was October 2021.

And again, there are problems that I have with that. Part of Orthodox Judaism is that you follow the laws of the

land. That is one of the first things, again, I'm not a scholar, but that is one of the first laws in what's called the shul (inaudible), that, and again, I can't quote it, because I'm not a rabbi, that you are to follow the law of the land, not only the law of Orthodox Judaism.

So, in fact, every year, every week, we say a prayer after the Torah reading of, of praying for the officials in the government, because it is understood that if you do not have a strong government laws, there's a state of anarchy and that is not one that one can exist in. And certainly, we as a people have, you know, except for America, we've experienced lots of hardship and governments that have not acted in accordance with safety and concern.

So, you know, and we are all a country of immigrants. And we have all been blessed by the largesse of the United States. And we, as Jews, are in a situation in our history that is unlike no other where the government has been very supportive and we are free to act as Jews.

Now, in terms of our residence, my concern is oh, so as far as the synagogue, I have some great concerns about their aspirations, about growing, not just spiritually, but physically. We saw the renderings that, you know, seemed to show a larger presence. We looked at the fundraising video that says we want to grow, okay.

And so, again, I have great concern about, and they

have not been willing to say we are not going to grow from here, at least in the first trial and I don't know about here. And so, as a resident, I am concerned, whether it's a church, a synagogue, small, large, mosque, doesn't matter.

We are in a residential area that we chose to move to because it is a residential area. In proximity to many synagogues of Orthodox Judaism. In fact, Sephardic, Rabbi (inaudible) had a synagogue that, it, it, part of a synagogue we were a part of, which is about a twenty to thirty minute walk, which of Sephardic background, which one could easily access. Or the (inaudible) shul on, on Park Heights and I think Fallstaff, right? There are options.

Does one, would one like one closer and more fitting to their culture? Of course. Anybody would, right? Because, you know, if you'd like to live next to family, great. You have a family compound great. You know, you, you know, you want to live closer, you don't have to travel, great.

So, what I'm saying is, we live, we chose a residential area where we wanted to live near synagogues, as any of us Orthodox Jews would like to do. That's why we have the walkable distances. And, but, we did chose not to be on a main thoroughfare, like Smith Avenue or others, because it is a quiet neighborhood.

So, my comm, my comments are in the context of, you know, a synagogue has comings and goings. People come in, you

know, back and forth, cars park on the street before the synagogue service. There's deliveries, there's, you know, workmen, you know, trash.

And actually, you know, kind of interesting, while the shul was operating illegally with, against the, the, the citation, which we made many outreach, I did, you know, wrote to the people that were supposed to enforce the Code. I, I also sent out to my representatives like hey this is going on. Nothing really was done about it.

But all right. Not all right. It was not good, but there was comings and goings and it was disruptive. We kind of, well, you know, what are we going to do? Now, recently, since the shul has not been in, in, in, in attendance, because I guess they're doing construction, it's actually, it was, it's been nice and quiet.

I don't see the cars lined up on Lisburne and yes, Mr., you know, the, the, Mr. La Fiandra indicated that yes, you can have on street parking. But frankly, in the absence of the occasional game at Fall, at, at Wellwood, those park, there's not a lot of parking.

And every night when the shul was in session, you know, before this, this, the construction, and by the way, this was on the weeknight. There was a line of cars on Lisburne and, you know, people getting in and out, nobody's making a big fuss. But it's just the natural back and forth.

It was, and since it's not been there, it's been really nice, come home late at night from my work, no cars there, no ins and outs, people I don't know going back and forth on the street. It's been really quiet.

And, and so, I realize that even, was before, when the shul was in session that had, you know, it's comings and goings, it's a natural synagogue. It was really nice not to have that since it's been closed.

So, again, this is not an aspersion to this particular synagogue, this particular community. This is, we live in a residential area. Having a synagogue or church or mosque is going to have a natural coming and going, which is not something we bargained for.

And, and frankly, you know, Baltimore, and I don't know how familiar the Judges are with the shuls in Baltimore, any synagogue that comes to Baltimore grows. I mean, we are a growth, the Orthodox community is in growth mode, okay?

And we it Suburban Orthodox, which is about a ten minute walk down the road on Seven Mile, they're having a huge expansion on a busy road. (inaudible) which is another one about ten minutes' walk, they were a little sleepy shul, I think it used to be an old pharmacy and they just had a huge expansion. And that's on a busy road. I don't know what the neighbors thought but, you know, if I was, you know, there, I'd be having a problem.

Rabbi (inaudible) shul, also in a different direction, you know, across from Shopper's, you know, little shul, they made a bigger one. It's on a busy road. Rabbi (inaudible) I think bought a house on Greenspring and Smith. I don't know what the zoning issues are, on a busy road. So, you know, Baltimore Hebrew, the big one, right? That's on a busy road, okay?

And so, the point is that, that that synagogue, the rabbi is very charismatic, you know, he's, he got, you know, lots of accolades to his name. I would be very, would be very surprised that that synagogue stays in, in whatever number of people that they have.

So, there's two issues. One is, any synagogue, church, again, religious establishment, and the likelihood that that probably is going to grow. In fact, there's a rabbi, uh, I'm blanking on his name. The fellow over in Ches, what is it, Cheswold over from the other side near, there's another rabbi, (inaudible) rabbi and I'm blanking on the name. I think it's on Willow Glen or, or near there. Was a small synagogue, they expanded and now they're expanding more. And if you pass by there on a weekday, things are crowded, can't get by things.

So, you know, and I know that there's a thing somewhere that, well, you know, you got to be for, for religious establishments, you have to, I guess there's some kind of zoning that you have to allow religious establishments.

Well, does that mean that I can have five religious establishments on my street? And this, this congreg, this area is growing.

And does that mean that any, should it be on a real estate contract that say when you buy the house, by the way, any religious establishment should, could be able to, you know, grow on your neighborhood, five, four, three, two, however many, where does it stop?

And so, we're, you know, in a, in a more concentrated community, which we are getting to be, with more synagogues, thank God these are growing. Okay, good, not just spiritually, but physically, okay? There has to be some limit because, you know, where peop, I, I don't think you want to turn this, we certainly don't want to turn, it's a busy street and a shul on every corner.

Maybe in some places it has, but that's not what we bargained for when we moved into. And there's plenty of opportunities for people to grow. In fact, there are properties that are available. There's a beautiful property right across from Baltimore Hebrew. It used to be a mosque, used to be a Jewish school, used to be an alternative living. It's a great place, which probably this would be a great place for a shul.

I think Mr. Attar said that you can't, we can't pray in a gym. Well, I don't know, I don't know about Sephardic,

the, the Persian tradition, I don't know. But our synagogue, when it needed expansion space, we rented the gym in Baltimore Hebrew, which by the way, is a, has a lot of land and a lot of buildings, you know, and, and it's right there on a busy street.

So, I really take exception to the fact that there is, is a, that, that this synagogue, as, as wonderful as the people may be, are, you know, planting themselves in, in the residential area, that has designs to grow, are not willing to say we're not going to grow.

And also, that it's there when there are other synagogues around, I don't agree with that. And I don't think it should be. And that's where I am, so, that's my piece.

MR. MCCANN: Okay. Let me just ask you one follow-up. You said that Greenspring Manor, I think that's, was that what you call your neighborhood, Greenspring Manor?

DR. VARON: I believe so, yes.

MR. MCCANN: Okay. You called it a residential area and not, and I think you described it as unlike others, is not being on, on a busy street.

DR. VARON: Correct.

MR. MCCANN: Is there anything particular about this location, that is 3009 Northbrook, in this particular residential area, that makes it more problematic?

DR. VARON: I'm sorry, I got distracted. Can you,

what, what makes it problematic?

MR. MCCANN: Is there anything particular about this location, at 3009, within this, within, within this residential Greenspring Manor community that makes it particularly problematic or concerning, from your perspective?

DR. VARON: Absolutely. From a safety point of view. It's near a large curve on the road that people come whipping around there. In fact, when we're walking home from our synagogue, wherever it may be, right? And we go to several sometimes, we cross the road onto the sidewalk because we know there are people looping around.

And by the way, when the sun comes up in the morning, it's glaring. Sometimes when I'm driving that way, going from my house towards Shopper's, right? I have to slow down, you know, go, because the sun is right in my eyes, right? And, and I hope that nobody is coming, I mean, I go really slow because that's blinding.

Now, if you have a synagogue there, okay? And you've got kids, you got people, I mean, people whip around. In fact, you know, frankly, one of these days, we're going to argue to try to have speed bumps because people whip through that street on Northbrook, despite many kids and a twenty-five mile per hour speed limit, okay? They whip right through.

In fact, one time I almost got hit. I'm coming up, my (inaudible) car and somebody goes whipping through, okay?

So, if you add now traffic from a synagogue, or a church or a mosque, you know, I'm not focusing on that particular synagogue, that's going to increase the volume, increase the bodies on the street and it's near a school.

So, you have kids not only from the Wellwood Elementary School, you have kids from Pikesville that are meandering, you know, Pikesville High School or, or Middle School, and they walk, you know, through that curve. I see them every morning, by the way, I'm there, I know, I think Zalman is there partially, I'm there morning, night and also I come home for lunch because I live, my office is five minutes away, you see my blue wall there.

But I, you know, I come home several times a, a, you know, points in the day. And, you know, in the morning, I see kids, you know, coming along there. So, that's a dangerous thing. And then, of course, if you have cars that are going to be, you know, parking there, you know, that's going to be a problem.

MR. MCCANN: Yeah, okay. Thank you, Dr. Varon. I don't have any other questions. Appreciate it.

DR. VARON: Um hm.

CHAIR: Mr. La Fiandra?

MR. LA FIANDRA: Thank you. It seems, Dr. Varon, that your concerns are primarily with the growth of the shul, is that correct?

DR. VARON: No, it's twofold. One is the presence, if they stayed (inaudible) even if they had fifteen members.

MR. LA FIANDRA: Yes.

DR. VARON: It's back and forth. So, it's twofold. It's what it is today, whatever today is, and it's the designs that they may have for the growth. It's twofold.

MR. LA FIANDRA: Okay, sticking with the growth for a moment, let's just stick with the growth for a moment.

DR. VARON: Okay, fine, um hm.

MR. LA FIANDRA: Does it bring you any comfort to know that if they desire to grow beyond the four boundaries of their current lot that they need to have another hearing? Even if they want to grow within the four boundaries of their current lot, they want, they need to have a hearing.

DR. VARON: No, you know why? Because it was only when there was a citation filed that they decided to approach the Zoning Board. I mean, they knew full well during our parlor meeting, there was one of the people that since they bought out, but said that, that was a real estate agent that said listen.

These are the things you're going to be going over on the zoning. There was no hearing applied for. It wasn't until some other person made a complaint to do the zoning. There is no goodness of faith with this group. No goodness of faith that I'm aware of.

So, no, it doesn't, hold on, it does not give me great, because I, I don't believe they're going to follow the law. They're going to find a way to get around it, as they have. You know, in my business, okay?

You know, in financial business when they say past performance is indicative of future performance, or past performance does not indicate future results. And I'm in the people business, I don't know everything. But, but I do know that past performance probably like, is likely to indicative of a future performance.

And right now, I do not feel that they have followed the letter of the law, to my understanding, I guess you guys as lawyers have to figure that out. And so, I do not have faith that, that they are going to, they're going to find a way around it. And it's not nice, and it's not very kosher, either. Go ahead.

MR. LA FIANDRA: Okay. So, sticking with the Code issue for a minute. Are you aware that there's never been a Code violation hearing in this case?

DR. VARON: Well, I, I don't know the extent of what a Code violation is, hearing, but I do know that there was a, a, a, a cert, a citation that said you can't operate this way and they continued to operate. Now, I don't know why --

MR. LA FIANDRA: Do you (inaudible) --

DR. VARON: -- it's never been a citation hearing,

because maybe the government didn't press the law, I don't know. And I really reached out to several council people to say this is not right.

MR. LA FIANDRA: Okay.

DR. VARON: And when they went to examine the violation, they probably said, we don't see any activity. I said look, here is the time that you can go to see the activity. That was not followed. They go at a time when maybe it was 4:00 in the afternoon, not a long day, where they're not going to see any activity because people are eating Shabbos lunch and so forth.

So, I don't have any confidence that the people who are supposed to judge whether that's happening really cared or follow through and when we say here's when it's happening, come look, we'll be happy to, to show you.

MR. LA FIANDRA: Okay. The, and then the safety issue, and this primarily safety is traffic? What is the safety issue?

DR. VARON: Oh, well, the safety issue would be the traffic, potentially, if the shul were to expand or even there on Friday afternoon or Saturday night, those blind curves, people come whipping around there.

By the way, I don't even know if a fire code, I mean, and maybe they had to, I think, I don't even know with the people in the building for this last year, whether there was

ever a fire, what do you call it, inspection to make sure everything was safe and up to code. That would be a question for you.

Did, did they, did they approach the fire people to say hey, with the number of people in our shul, in our shul, do we have enough fire extinguishers, do we have sprinklers, do we have egress and what's the, the, the maximum capacity.

So, has the synagogue, in the last year or year and a half, do they have a fire certificate and has anybody come in to examine for the safety of their members whether there's ever been any fire code issues. Has that ever happened? Am I allowed to ask a question?

MR. LA FIANDRA: Okay. So, no, --

CHAIR: No, (inaudible).

DR. VARON: Sorry.

MR. LA FIANDRA: -- so your primary concern with, with fire issues and traffic safety --

DR. VARON: Traffic, pedestrian and fire issues. As far, because they have a lot of women and children in that synagogue, you know, and what's, what is the safety? You know, again, in the rel, Orthodox tradition, besides the rituals and not driving and kosher food, okay, that's, that's the external stuff, okay? You know, you got to pay your taxes, you got to follow the law of the land and, you know, okay.

But also, there's a lot of laws that say you have to

ensure the members of, you know, of, of your, your neighbors, you know, shul members. But hey, if you're going to have a congregation in a residential building, what kind of attention has been given to your shul members? You know, they have little children in there.

And for, you know, you know, what was it last year that that terrible thing in, you know, in Israel where there were too many people and people died. You know, where's the safety approach to whether our building is safe for our own people? So, again, I don't have confidence that the laws of the land are going to be followed except when pressed. And even then, I don't know the enforcement capabilities, but I haven't really been impressed so far.

MR. LA FIANDRA: Okay. So, not only are you concerned about my clients, my clients' willingness to comply with the law, but also with Baltimore County's willingness to enforce their laws?

DR. VARON: That is correct. Which is why --

MR. LA FIANDRA: Okay.

DR. VARON: -- I don't have trust in the process if they would choose to expand. So, that's why I want to say right now, let's take a look at this because we do not have, we don't feel that things are being done in good faith.

MR. LA FIANDRA: Not only by my client but also by Baltimore County, is that correct?

DR. VARON: Well, (inaudible) based on what, what I've seen, yes, that is correct.

MR. LA FIANDRA: Okay and, and so that goes for fire issues, pedestrian safety and traffic safety.

DR. VARON: That is correct.

MR. LA FIANDRA: Okay, okay. Thank you, sir. I appreciate your time.

DR. VARON: Thank you so much.

MR. MCCANN: No further questions. Thank, thank you, Dr. Varon.

CHAIR: All right. Does anyone have, any Board members have questions for Dr. Varon? No?

MR. PENNINGTON: I don't.

CHAIR: Okay. Dr. Varon, you are excused. Thank you very much. We appreciate your presence, and we appreciate your testimony.

DR. VARON: Thank you all so much. Have a nice day.

CHAIR: Thank you. Yeah, bye-bye.

DR. VARON: Bye, now.

CHAIR: Bye.

MR. MCCANN: Okay. Okay. Ms. Judy Chernak.

CHAIR: Okay, let's see if I can find her. What's her last name?

MR. MCCANN: Chernak, C-H-E-R-N-A-K.

CHAIR: Oh, wait, here it is. Okay.

MS. CHERNAK: And it's probably because I have the layout. I, but I am here.

CHAIR: Yes, you're here.

MS. CHERNAK: Okay.

MR. MCCANN: It sounds like, Judy, you don't have video, it looks like you don't have a video camera --

MS. CHERNAK: I have a video of everything, a minute ago I did see myself. But it's probably the way, yeah, I'm here.

MR. MCCANN: Okay. Is that okay, Mr. Evans? If we just proceed?

CHAIR: Yeah, that's fine. It's fine.

MR. MCCANN: Okay.

CHAIR: That's fine. That's okay with you, Mr. La Fiandra, is it, is it not?

MR. LA FIANDRA: I, I, I don't know but I'm happy to start on this basis and we'll see where it goes.

CHAIR: Okay, okay. Okay. Ms. Chernak, you need to be sworn.

MS. CHERNAK: Yes.

MR. PENNINGTON: Ms. Chernak, can you hear me okay?

MS. CHERNAK: I do hear you.

MR. PENNINGTON: Okay. Do you solemnly swear and affirm under the penalties of perjury, that the testimony you're about to give will be the truth to the best of your

knowledge, information and belief?

MS. CHERNAK: Yes, I do.

MR. PENNINGTON: Thank you.

CHAIR: Can you state your full name, please, and spell your name for the record?

MS. CHERNAK: Judith Esterson Chernak, that's --

CHAIR: Can you spell your last name?

MS. CHERNAK: C-H-E-R-N-A-K.

CHAIR: Okay, thank you.

MS. CHERNAK: You're welcome.

MR. MCCANN: Okay and where do you live, Ms. Chernak?

MS. CHERNAK: 3114 Hatton Road, within this neighborhood.

MR. MCCANN: Okay. Are you --

MS. CHERNAK: Do you want me to show you? Can you see my mouse? I don't see your mouse, but I have a map, hopefully you can see it.

MS. CHERNAK: Yes.

MR. MCCANN: Hatton Road is, the specific location of your house I guess isn't, isn't that important, but you're on, is --

MS. CHERNAK: I'm on, I'm on, I'm passed, just before Labyrinth Road.

MR. MCCANN: Okay. So, --

MS. CHERNAK: I'm the curve of Hatton Road where,

where Hatton meets Labyrinth. I'm this house right here.

MR. MCCANN: Okay. Close enough.

MS. CHERNAK: Yes, this --

MR. MCCANN: Hopefully that's satisfactory to the Board. And how long have you lived there, Ms. Chernak?

MS. CHERNAK: Over fifty years, I think it's fifty, fifty-three now.

MR. MCCANN: Okay and who do you live there with?

MS. CHERNAK: I, I live alone at this point.

MR. MCCANN: Okay and if, if you don't mind me asking, how old are you?

MS. CHERNAK: I'm eighty-six.

MR. MCCANN: Okay. Have you, have you listened to the testimony and the evidence today?

MS. CHERNAK: Unfortunately, today, no, --

MR. MCCANN: Okay.

MS. CHERNAK: -- I was not able to get in till about ten minutes ago.

MR. MCCANN: Okay. What about last hearing when Mr. Attar spoke and others?

MS. CHERNAK: I, I was able to listen --

MR. MCCANN: Okay.

MS. CHERNAK: -- two of the other days.

MR. MCCANN: Okay, great. So, you're familiar with what's being proposed and what's going on at 3009 Northbrook?

MS. CHERNAK: Yes, I'm definitely knowledgeable in this whole issue, yes.

MR. MCCANN: Okay, great. Why don't you tell the Board, if you would, why, what, what, if any, concerns you have about it, the use of this property for a shul, that is?

MS. CHERNAK: Aside from the safety issue, which I just heard a good bit of Dr. Varon's testimony and I would have nothing to add to, no, I would have one thing to add to the safety issue.

Before this purchase of a house and this entire issue began, the Hatton Road people were well aware of the fact that the next street, Northbrook Road, where the synagogue is at the end of the street, before that purchase, had a great deal of traffic much more than Hatton Road had.

Because of the fact that the Suburban Orthodox shul was at the end of Northbrook Road. And people would be walking back and forth, and cars would be zipping back and forth all the time. And whereas on Hatton Road, sitting out on my porch, we did not have that much traffic at all.

And a good bit of that is, first of all, because motorists were obviously trying to avoid Smith Avenue traffic, so they were using Northbrook. And also, because the synagogue, the Suburban Orthodox, people who do drive on the holidays, and there are some, even though they're Orthodox, there are some, would be coming back and forth from shul and

would be driving their cars and we would fairly often be hearing brakes being smashed down on, at the stop sign. At the corner of Northbrook and Labyrinth Road, which is a block away from me already.

MR. MCCANN: Um hm.

MS. CHERNAK: And people would be smashing their brakes down. So, there was already a safety issue there --

MR. MCCANN: Um hm.

MS. CHERNAK: -- before and this additional traffic, people as well as cars.

MR. MCCANN: Have you, from your, from your perspective on Hatton, have you observed additional traffic and cars since the synagogue at 3009 Northbrook has, has started its operations?

MS. CHERNAK: Well, I would not be able to differentiate one car from another in that manner.

MR. MCCANN: Okay.

MS. CHERNAK: And more traffic, yes. And I have a cousin who lives on Northbrook Road.

MR. MCCANN: Um hm.

MS. CHERNAK: Exactly oriented where I am on Hatton. In other words, right near Labyrinth where there's also a stop sign. And she has been telling me for months about what's going on at the end of the block and the increased traffic and the many, many children, small children, who live right across

the street from her on Northbrook. One house is being expanded right now because the family has grown so much. And that she fears for these children. Many are not attended by an adult when they're running outside. They're attended by a sister or a brother and on her porch she sits and she definitely has been telling me about the increased traffic. And the fear that we all have because of that.

MR. MCCANN: Okay. I interrupted you. You had, you had started talking about safety in follow-up to Dr. Varon. And was there anything else on safety or any other issue that you wanted to address with the Board?

MS. CHERNAK: Well, I, as I say, I only came in about ten minutes or so ago to hear the end of his testimony. But I think he, obviously, was quite concerned and quite expansive of his views, repeating over and over again --

MR. MCCANN: Right.

MS. CHERNAK: -- how concerned we all are driving around that curve. Now, as I said, I, I am elderly, I am home bound. I don't drive, I can't drive anymore. And I have, because of physical conditions, I have aids all day, every day, of the week to help me with things I can no longer do.

So, my aids are the ones that are driving my car. And I am constantly saying to them watch out, slow down, they're coming to the curve. Not necessary because they've been with me long enough to know that. But this in, ingrown

fear of that curve. And, and we are not speed demons. We are not teenagers, you know, we're responsible people. And even so, you, you all, we all, always have a concern about driving that curve.

MR. MCCANN: Okay.

MS. CHERNAK: Um hm.

MR. MCCANN: Anything else you wanted to tell us, Ms. Chernak?

MS. CHERNAK: Well, I have a lot I could tell you, honestly. I've lived here, in, in many areas. For one thing, just the length of time I've seen people come and go, I've seen houses sold and resold. The character of the neighborhood, basically, has not changed in that we're a very close knit group.

In fact, we have our own WhatsApp group. It's called Hatton Hood and we ex, have a few people on Mil, on the Milrad, on Lisburne is a member and a few people on Labyrinth Road to the side of Hatton that are included, and the next block of Hatton, 3200 block.

We're a very close-knit group. We have barbecues in the summer and we share all sorts of neighborly things like how come your electric bill is this high (inaudible) ours isn't. And whose got a good gardener and engagements and whatever is going on that we all share. So, yes, we've been very aware of what's going on.

And I guess it was in the fall, last fall, that two gentlemen knocked on my door and introduced themselves as, I'm not absolutely positive, but pretty sure the president and the rabbi of this new congregation. And they were interviewing the people who lived around to get their opinions and how they felt about it.

And I was actually a little perturbed because I did have some feelings about this. And I, I said, I don't understand why you need another synagogue here, realizing they were Sephardic, they were the Persian group that, wonderful people, really, I know some rather well.

But just why do you, are you needing another synagogue? You have one about four blocks away. And the rabbi said, I believe, I'm sorry, it could be either one of them, it was a while ago and I didn't differentiate too well with this surprise visit.

But one of the gentlemen said, well, it's too far for my children to walk. And I said, it's four blocks away. When I moved here, my youngest child was four and a half. And we walked to Beth Tfiloh, and we didn't even have paved, part of the streets weren't even paved at that time.

And it's a mile and a tenth from my house to Beth Tfiloh, which I clocked before I even looked at the house because we're Orthodox, we weren't going to ride. And my little four and a half year old walked to Beth Tfiloh with us.

So, I was really surprised at that. And I went farther and I said and there's (inaudible), and there's two beautiful Sephardic congregations recently on Park Heights Avenue. I didn't really understand that. That was his reason.

So, I'm afraid, unless, God forbid, the children are handicapped, that they couldn't walk, in which case we have an (inaudible). We're allowed to push a stroller if they need it or whatever they might need to convey a child.

I don't think that's the case at all. So, yes, I was perturbed at this reason being given. I don't really think that was a, a true reason.

And I also was concerned that the reason, the reason being that they just wanted to have a little shul and have their people come. Well, apparently, there's a video that was, was, this is hearsay, but I was told that there was a video that was like an advertising introduction to what was going on.

And they advertised themselves to the community as wanting to be a center, a big center. Now, that's not what they were telling us. They were telling us they wanted just a nice comfortable family shul that people could walk to and that was the end of it.

MR. MCCANN: Um hm.

MS. CHERNAK: Um hm.

MR. MCCANN: Okay.

MS. CHERNAK: But I, if I may, if there's time and if

I may, you can ask me any questions about the neighborhood. But I will tell you that we were, we were friendly from the start. We welcome our newcomers as recently as just a few weeks, months maybe ago.

When we had at least two Sephardic neighbors that moved in. Happened to be a, one was a parent of, of the other one couple that moved in with their children. And there was an engagement and there was another engagement and a wedding. And they were all advertised on our little group. And invited, the neighbors were just invited, come over, have an engagement party.

But, but the only difference with this is that we're content and happy with the neighborhood as it is. We would be most unhappy if a, a big group, especially as unpleasant as this is and uncomfortable as it is for me to, talking about another Jewish neighbor, any neighbor, but for Jewish people to talk about their neighbors and admit to the public that they were not being honest with us.

And we all know that they're not adhering to the guidelines which were put out at the, at the last hearing where they were given approval to start, as long as they didn't stay in the building any later than 10:00 at night, and these other buildings that are being, ramp or whatever it is, building that's going up outside, this was not part of the agreement.

And that's, I think, a big part of the reason that

the neighbors are so upset about. That we're not, we're not used to having a Jewish organization behave in this manner. It's, it's chilling. And disturbing.

MR. MCCANN: Let me ask you, Ms. Chernak, two quick questions, then I'll let you go. You mentioned a synagogue, a Sephardic synagogue that was four blocks away. Just for the record, which one are you referring to?

MS. CHERNAK: I believe it's (inaudible) Hasidic, I believe it used to be a pharmacy.

MR. MCCANN: Okay. It's on, it's on what road?

MS. CHERNAK: It's at the corner of Northbrook, it's, it's right across the street from Suburban Orthodox.

MR. MCCANN: So, Northbrook and Seven Mile Lane, is that right?

MS. CHERNAK: And Seven Mile Lane, right, yes.

MR. MCCANN: Okay and then you mentioned another one on Park Heights.

MS. CHERNAK: I believe there are two.

MR. MCCANN: Yeah.

MS. CHERNAK: There are two and distinctly Sephardic architecture. They're very beautiful.

MR. MCCANN: Okay and then also you said the character of your neighbor has not changed, it's close knit. It, do you believe that the character of your neighborhood has changed or will change as a result of this shul?

MS. CHERNAK: Well, unhappily, as I've been saying, I, I, I see the way their, now they are being not straight with us.

MR. MCCANN: Yeah.

MS. CHERNAK: And so, I certainly have no confidence that they would, that they would adhere to what they're required to do by law.

MR. MCCANN: Um hm.

MS. CHERNAK: I have no confidence whatever. They're building something right in front, outside right in front of their property. So, I'm afraid that it's, it's a very uncomfortable feeling. And this neighborhood does not deserve to be treated this way.

MR. MCCANN: Okay. Lastly, and I, I may have written it down wrong, but you said that the, the Sephardic synagogue that's four blocks away that's on Northbrook and Seven Mile Lane, I, I understood it to be on Marnat, not Northbrook and Seven Mile Lane.

MS. CHERNAK: Oh, you're, I'm sure that you're correct. They, they, right, Seven Mile Lane, the synagogue is at, where Marnat, that's right. But Northbrook and Marnat have, it merges up at that corner.

MR. MCCANN: Okay. Just wanted to clarify that.

MS. CHERNAK: Yes, sorry about that.

MR. MCCANN: Okay. Thank you, Ms. Chernak. I

appreciate your time today.

CHAIR: Mr. La Fiandra?

MR. LA FIANDRA: I don't have any questions for this witness.

CHAIR: Okay. Board members, any questions for Ms. Chernak? Okay. Ms. Chernak, thank you very, very much. We really appreciate your testimony, we appreciate your participation in the hearing and you are now excused. You can stay and listen or you can go about your business.

MS. CHERNAK: Thank you.

CHAIR: Um hm.

MR. MCCANN: Thank you. Okay. Mr. Evans, our last witness will be Dr. Andrew Segal.

CHAIR: Okay.

MR. MCCANN: And while you're looking for him, I want to just say something to the Board about Mr., Dr. Segal. He asked me to do so and I did so before the ALJ. And that is that Dr. Segal has a speech impediment.

CHAIR: Okay.

MR. MCCANN: And he was born with cerebral palsy and that affects his speech. But he wanted me to let the Board know. He could certainly tell you himself. But that it does not effect, obviously, his thinking or his brain function. In fact, he went to that very fine school up in, in Boston that we're all familiar with. And he's, you know, certainly not

impaired in that way in any, in any fashion, so.

CHAIR: Okay, all right.

MR. MCCANN: I hope that's appropriate. But, --

CHAIR: Sure. Okay, that's fine, sure.

MR. MCCANN: Okay.

CHAIR: So, I've made Dr. Segal a panelist so he needs to be sworn. So, yes, there he is. Okay. We can see him.

DR. SEGAL: Hi.

MR. PENNINGTON: Can you hear me, Dr. Segal?

DR. SEGAL: Yes, sir.

MR. PENNINGTON: Okay. Dr. Segal, do you swear and affirm under the penalties of perjury, that the testimony you're about to give will be the truth to the best of your knowledge, information and belief?

DR. SEGAL: I do, Your Honor, yes.

MR. PENNINGTON: Thank you.

MR. MCCANN: Thank you, Mr. Pennington. Good afternoon, Dr. Segal.

DR. SEGAL: Good afternoon to everybody.

MR. MCCANN: I'm sorry?

DR. SEGAL: Good afternoon to everybody.

MR. MCCANN: Okay. So, let's, let's start off where I started off with everybody else and, and tell the Board where it is that, that you live, Doctor?

DR. SEGAL: My wife and I live at 7500 Lisburne Road, which is right at the intersection of Lisburne and Northbrook. The house is (inaudible) the subject property.

MR. MCCANN: Okay, great. And I, I know it's pretty obvious to everyone by now where that is, but let me just use our Exhibit 2, a My Neighborhood map, and that's this house right here on the corner, correct?

DR. SEGAL: Correct, yes.

MR. MCCANN: Okay. So, you have, I think you said it's angled such that you face the property, you have a bird's eye view, so to speak, of what, what, what the goings on are at --

DR. SEGAL: Front row seats.

MR. MCCANN: Front row seat, okay.

DR. SEGAL: Yes.

MR. MCCANN: How long, how long have you lived there, sir, with your wife?

DR. SEGAL: Well, actually, my parents bought the house in 1970. I grew up in the house until I was eighteen, 1981. At that point, I went to Boston for my education and other endeavors. I always, you know, came back quite often, sometimes for extended time periods.

Then about five years ago, my father became ill, so I moved back to Baltimore to this house and, unfortunately, he passed away. I acquired the house (inaudible) since that time

and my wife and I have, we got married (inaudible) together since before that, yeah.

MR. MCCANN: Okay, all right. So, you've been present during the course of this hearing, is that correct?

DR. SEGAL: Yes.

MR. MCCANN: And you've, you've been present all during the ALJ proceedings as well, correct?

DR. SEGAL: Yes.

MR. MCCANN: Okay. So, you're very familiar, I take it, with what's been going on across the street about an addition to what's being proposed?

DR. SEGAL: Unfortunately, yes.

MR. MCCANN: Okay. So, I'm going to ask you what your concerns are, of course, and just to the, to the best you can, I know we've spent a lot of the Board's time today. Just maybe try not to be repetitive, if you agree with the concern that was expressed already maybe just say so and you can elaborate a little bit on it. But I'm sure you, you understand that we want to try to move things along a bit.

So, with that, I, I will ask you to go ahead and tell the Board, if you would, what your concerns are about the, both the shul as it is existed as well as how it has been proposed during the course of these proceedings.

DR. SEGAL: Let me say first, I really appreciate this opportunity, so thank you to the Board. I also want to

say, particularly to the Judges, if there's anything you want me to repeat, please do not hesitate to ask me and I won't be offended at all.

I will begin with an anecdote that happened in February 2021, that was shortly after the synagogue began to operate on an illegal basis. I filed a complaint with the County in January that year because of the illegal activity there.

And, and (inaudible) February, on a Friday afternoon, the doorbell rang. And there was a gentleman outside who introduced himself as a director of the synagogue. And he began berating me about my complaint, demanding to know why I was doing this, what my problem was, why I (inaudible).

So, I, I said, you know, my problem is that this is a non-residential use that has not been legally, lawfully established (inaudible) and I've seen over eighty people go into this residence or house, and that that's concerning.

He said, there's no way we could even get eighty people into that house. So, I said, well, first of all, I can count and I counted (inaudible). And frankly, I, I would agree with you that you could not fit eighty people in that house if I had not seen it myself.

So, he said, well, we only have twenty some people in that house at most at any time. And I said, well, you know, I, that's not true, I counted. At that point he said, let me tell

you something. We are going to come full force, f-u-l-l f-o-r-c-e, (inaudible) full force, at anybody who opposes what we want to do.

So, I said, well, you know, (inaudible) there was some additional back and forth in which he repeated the phrase full force at least two more times. At that point, I said, we have a hearing coming up in a few weeks. At that time, it was supposed to be in March, I think. Any why don't we just wait to, to talk about it at that point. And he kept going.

So, eventually, I had to shut the door, you know, and he did go away at that point. So, the reason I relate that is that (inaudible) sense of real (inaudible) that the neighborhood has gotten from the Petitioners.

So, that being said, that one of my concerns is, is that (inaudible). And beyond that, I would reiterate the safety, the (inaudible) issues, the quality of life issues and I can rundown a few specifics if you want me to or not. You're mute, you're muted.

MR. MCCANN: Thank you, sorry, Dr. Segal.

DR. SEGAL: Okay.

MR. MCCANN: Yeah, why don't you go ahead and do that and then I'll show you a couple of exhibits we can go through.

DR. SEGAL: Sure. (inaudible) pedestrian issues, and particularly the pedestrian behavior of the synagogue patrons. I'll list some things that I see on a regular basis. And bear

in mind that we have a very big picture window that looks directly onto that intersection and the subject property. So, we can't avoid seeing these things.

So, I, I've often seen synagogue attendees walk around the blind curve in the street, side by side by side, as many as four men abreast at dusk and in the dark. And I've seen several near misses with other members. On at least one occasion, (inaudible) I probably saw three or four men on that occasion scramble to get out of the way as a car came blindly around.

I've seen other instances where cars had to hit their brakes coming around that curve because people were walking (inaudible) to the synagogue in the middle of the street.

I remember when I was first learning to drive, driving around that curve and just being terrified that I would hit somebody. And now, I'm even more terrified because they're, you know, they are in the middle of the street.

I've also seen people standing in the street after the shul let's out, having extended conversations in the middle of the street. I, I want to (inaudible) context that Friday and Saturday evenings are among the busiest traffic times in this otherwise very quiet area, even without the shul, because people are, on Friday evenings, they're racing to get to synagogue because they are not able to drive after sundown. And then, Saturday night, they're either (inaudible) what they

have planned.

And I've also seen people, including parents with kids, run out into the middle of the street when cars are coming to get to the other side (inaudible). I see this all the time right near that curve. I find it incredible and terrifying. And I'm really worried that somebody is going to get killed if that is allowed to continue.

I've also seen pedestrian behavior that's (inaudible). But I will, that has increased since the synagogue began operating illegally. And I think it will continue to, because I see many baby carriages and there's (inaudible), you know, walking children and families grow and they will add members inevitably. So, there's pedestrian issues with the (inaudible) synagogue generating foot traffic.

MR. MCCANN: Right.

DR. SEGAL: Congregating outside the synagogue, both in the front lawn and some are into the sidewalk and into the street. And now that they built the ramp, which is huge, the setback is a lot less.

MR. MCCANN: You're talking about the ramp on site, I'm sorry?

DR. SEGAL: Yeah, it juts out, I'm going to estimate, at least ten feet into the front lawn of the house.

MR. MCCANN: Yeah.

DR. SEGAL: So, those people are going to have less

space on the front lawn and to be coming out into the sidewalk and street even more. So, those are the pedestrian issues.

In terms of driving and parking, I want to emphasize that the synagogue is not using (inaudible) for parking. They are using it as a pick up and drop off spot on Friday and Saturday nights.

MR. MCCANN: The actual, the actual driveway?

DR. SEGAL: Yeah, that they, they (inaudible) primary parking area. So, what they will do is they will pull into it, drop off and pick up, and then they'll back out and make a three-point turn in the middle of the intersection. And you will have people lined up to do this on Friday and Saturday nights. So, you know, it is a, again, this is a time when a lot of other people are driving recklessly because they're racing to get to synagogue, other synagogues, or racing to get home.

And, of course, they are parking on my street, Lisburne Road, not at Wellwood Elementary, but on Lisburne Road. And we now, at least when the synagogue was operating, we had literally twenty cars parked on Lisburne Road, which is a very (inaudible), maybe three hundred feet long.

The, I've also seen people pulling from the westbound lane of Northbrook --

MR. MCCANN: Um hm.

DR. SEGAL: -- into the eastbound lane (inaudible)

wrong side of the street to let people out (inaudible) and I've seen a number mere misses with oncoming traffic as they do that and as they pull back over to the, the right lane.

I've seen, I've actually seen several occasions cars stop in the middle of the street, not pull over, people get out, leave their car with the hazard lights on, go into the, the synagogue house and bring other people out, and they're picking up while they've left the car in the middle of the street idling. And (inaudible) keep it as concise as I can.

MR. MCCANN: Okay. Let me, if I could, Dr. Segal, let me show you a couple photographs on those issues that you just described. Bear with me one second. Okay. This is Protestant's Exhibit 35. And I'll reduce the size of it so you can, a little bit. You see that picture?

DR. SEGAL: Yes.

MR. MCCANN: Okay. So, can you tell, what perspective is this? Where, where are we and what are we looking at?

DR. SEGAL: That's from the south side of Northbrook looking eastward towards Wellwood School.

MR. MCCANN: Okay. So, was this picture taken approximately at the location of the subject property or thereabouts?

DR. SEGAL: Yes.

MR. MCCANN: Okay. Facing northeast.

DR. SEGAL: It's going to be from the (inaudible) subject property.

MR. MCCANN: Okay.

DR. SEGAL: That the rabbi stays at one night a week.

MR. MCCANN: Okay and then the, I think someone mentioned that there's no sidewalks on that northern side of Northbrook, is that right here?

DR. SEGAL: The, the sidewalk begins again a little beyond the blind curve.

MR. MCCANN: Okay. So, let me show you another photograph on it. And this is Protestant's Exhibit 36. Do you see that photograph, Dr. Segal?

DR. SEGAL: Yes.

MR. MCCANN: Okay. So, is, is this facing, just, this is the blind curve right here that we've been talking about?

DR. SEGAL: Yes.

MR. MCCANN: Okay and so this is, actually, is that your house right there on the corner that I'm pointing to right behind the car?

DR. SEGAL: Yes, it is.

MR. MCCANN: Okay. So, this is sort of facing west, west, this is Northbrook heading westward --

DR. SEGAL: Yeah, it's a curve (inaudible) at that point, probably northwest (inaudible).

MR. MCCANN: Northwest, right. So, this house to the right of you, this yellow house, that's on Lisburne, right?

DR. SEGAL: Yes.

MR. MCCANN: Okay and then you mentioned a sidewalk on the, the northside of Northbrook, that's where my cursor is. There's no sidewalk.

DR. SEGAL: No, not, it, it begins again a little bit (inaudible) the perspective here.

MR. MCCANN: Okay, a little bit, okay. Just off picture here?

DR. SEGAL: Yep.

MR. MCCANN: Okay, all right. Bear with me one second. You mentioned, I think you mentioned, parking at Wellwood. The resp, a couple people have mentioned this, but part of the, Mr. Attar's testimony, was that they arrange, that they had made arrangements at Wellwood Elementary to, to park vehicles. What's been your observation of that?

DR. SEGAL: Well, my first observation, and this may be (inaudible), they're not playing basketball there, despite what they represent on their request to rent the parking spaces. That's (inaudible). But what they, they were using that lot for (inaudible) before the original ALJ hearing. As soon as that was over, they stopped using that lot and they began parking on Lisburne principally. I do see some cars parked on Northbrook sometimes as well.

At the same time, I see people coming to and from to the shul. And the (inaudible) that it was only Fridays and Saturdays (inaudible) then began to use the synagogue almost every night and those nights we also have parking on Lisburne at a time when there was otherwise almost never really anybody parks there.

MR. MCCANN: Okay. So, I think, just to repeat what you just said, and I wanted to make sure I understood it. Prior to the ALJ hearing, you, you believe, it's your obser, was your observation that they were using the Wellwood parking lot, at least to some degree, is that fair?

DR. SEGAL: A few people, yes.

MR. MCCANN: A few, a few you said?

DR. SEGAL: Yes.

MR. MCCANN: Okay and then after the ALJ hearing, it was your observation that they have not been using Wellwood parking at all but rather parking on Lisburne and Northbrook, both on weekends and during the week?

DR. SEGAL: Correct.

MR. MCCANN: Okay and how do you know that? I know you said you have a bird's eye view. But how do you know that the cars associated with the shul and its activities are parking on Lisburne and Northbrook and not at the parking lot?

DR. SEGAL: Well, you can hear them --

MR. MCCANN: Yeah.

DR. SEGAL: -- most of them drive SUVs and they use the key fob to lock and unlock the doors, so when they do that, you hear the horns honking and you see the lights blinking as those key fobs do.

MR. MCCANN: Okay.

DR. SEGAL: And it's very loud. And then, you know, we have views, we have many windows with angles that we're able to see. And we've went outside and, and taken pictures and (inaudible) cars. And then when people come out of the synagogue, the cars leave and you see the people coming out and go into those cars.

MR. MCCANN: Okay.

DR. SEGAL: (inaudible) by 10:30 it's empty again.

MR. MCCANN: Okay. So, let me show you some photographs of what you just described. So, this is, this is Protestant's Exhibit 19. It's two pages. There's a date here of November 14th, 2021. Tell me what these photographs, tell me what the first photograph on this exhibit is.

DR. SEGAL: That is a picture of the parking on Lisburne on a Saturday late afternoon before the Shabbos has ended.

MR. MCCANN: Okay and what about the second photograph of that?

DR. SEGAL: That's, that's a picture and not, not the best picture, I apologize. That is the Wellwood parking lot at

the same time, completely empty. There is a part of the lot, a small part, that I couldn't fit in the picture, but I testify that that was empty as well.

MR. MCCANN: Okay. Let me look at the next, let's look at the next exhibit, which is Protestant's Exhibit 20. And let me just go through it. It's two photographs in, in this exhibit dated, it looks, November 27th, 2021. And let's start with the second photograph in this exhibit. What is this?

DR. SEGAL: That is a picture in the opposite way of Lisburne, of the synagogue associated parking. I don't know what night of the week that was. I took many pictures and, you know, I don't remember.

MR. MCCANN: Yeah. So, this is, this is facing northbound on Lisburne, the, Wellwood is on the right hand side?

DR. SEGAL: Correct.

MR. MCCANN: Okay and then there's a cone depicted in that picture and there are cones depicted in the first picture, in Exhibit 21. What are those, where are those?

DR. SEGAL: That's a good question. The synagogue began to put traffic cones in the street (inaudible). I can only speculate why, but it is a public roadway (inaudible) very disturbing. They appropriate public property for use by, I guess, their members. (inaudible) they block up public roads

and not, that is very upsetting to us.

MR. MCCANN: Okay.

DR. SEGAL: To look out the window and see that intrusion onto public space.

MR. MCCANN: Okay.

CHAIR: So, are you saying that the synagogue put the traffic cones out?

DR. SEGAL: Yes, Your Honor.

CHAIR: Okay.

MR. MCCANN: Okay and then the next exhibit, I think, is, sometimes hard to see when this sharing thing is in the way. I believe this is Exhibit 21, also a single photograph. It's dated December 22nd, 2021. And is this just another photograph of parking on Lisburne?

DR. SEGAL: Yes.

MR. MCCANN: Okay.

DR. SEGAL: And again, this, there's never anybody parked there at night. (inaudible) very significant change in the character of the neighborhood.

MR. MCCANN: Okay. Yeah, there's been, there's been testimony, however, I'm sure you've heard it, that when the Wellwood area is being used, there is parking of those folks along Lisburne. Is this, you, you would agree with that, would you not?

DR. SEGAL: So, (inaudible) almost no parking over

there. However, when (inaudible) activities at Wellwood, it is very busy.

MR. MCCANN: Yeah.

DR. SEGAL: That's, that's rare. But when it does happen it's a real problem.

MR. MCCANN: Okay. And so, in that regard, let me show you Protestant's Exhibit, well, not that one, I'm sorry. Well, this, Protestant's Exhibit 2, what does this photograph--

DR. SEGAL: That, that's a picture of Wellwood parking lot.

MR. MCCANN: Okay. It's dated June 24th, 2021. What, is this shul parking or not? Why do you --

DR. SEGAL: I don't think so. I, I think Mr. (inaudible) had, I'm trying to remember, no. I think Mr. (inaudible) conditions at Wellwood. I don't think that was shul parking. I think that was just an average day at Wellwood. I need to check the date though.

MR. MCCANN: Yeah, June 24th, 2021.

DR. SEGAL: I don't remember whether that was a, I believe that was just the average day at Wellwood.

MR. MCCANN: Okay. Bear with me one second. Okay. Let me show you this photograph. This is Protestant's Exhibit 28-A. This is, this is, obviously, facing northeast towards Wellwood, is that correct?

DR. SEGAL: That's probably (inaudible) east.

MR. MCCANN: Eastward, okay.

DR. SEGAL: Yeah.

MR. MCCANN: And this is, you mentioned this happens on rare occasions, but this is the type of activity that sometimes takes place over on Wellwood?

DR. SEGAL: Yeah, (inaudible) special events.

MR. MCCANN: Special events.

DR. SEGAL: In the fall there is a football league that is probably six to eight (inaudible) absolutely a nightmare. We've had to call the police to get our cars from blocking our driveway. So, but, but again, that's (inaudible), yeah.

MR. MCCANN: Okay, all right. Bear with me one second.

DR. SEGAL: (inaudible) when it happens, it will be on the weekend.

MR. MCCANN: During the day?

DR. SEGAL: Yes.

MR. MCCANN: Okay, all right.

CHAIR: Dr. Segal, are you a medical doctor or a Ph.D.?

DR. SEGAL: I'm an M.D., Your Honor.

CHAIR: M.D., um hm. Okay.

DR. SEGAL: Yeah.

MR. MCCANN: Do you, do you work from home, Dr.

Segal?

DR. SEGAL: Well, I, (inaudible) business is unusual (inaudible) long term undiagnosed illnesses. So, kind of medical mysteries.

MR. MCCANN: Okay.

DR. SEGAL: So, before the pandemic, I would actually travel all over the U.S. and abroad, wherever the patient was. The pandemic has shut that down and I shifted to tele-medicine. So, I mean, I don't, I do (inaudible) in the house, but I don't have patients coming to the house.

MR. MCCANN: Okay.

CHAIR: All right, thank you.

MR. MCCANN: All right. So, let me show you, let's see, Exhibit, this would be Exhibit 17. Let me scroll up. And tell us what this is, Dr. Segal.

DR. SEGAL: That is a Petition that was circulating for people to sign if they were opposed to the, the shul.

MR. MCCANN: Okay and I'll scroll down a couple pages. Several of these pages are, just have a couple names on them, but, okay. Before I move on, I should have done this earlier, I would move, Mr. Evans, Exhibits 19, 20, 21, 22, 17 and I believe, yeah, and 35 and 36 into evidence.

CHAIR: So, the one you said was twenty-two, was that, is that twenty-two or two? This is the Wellwood parking lot?

MR. MCCANN: Yeah, it's twenty-two.

CHAIR: Twenty-two, okay, all right.

MR. MCCANN: I can repeat those if you want me to.

CHAIR: No, well, it's more Ms. Bonardi, for Ms. Bonardi's benefit. But, I, I don't think there's any reason not to admit them.

MR. MCCANN: Okay. Okay, great. Thank you.

CHAIR: I mean, the Petition is the Petition and we understand --

MR. MCCANN: Right.

CHAIR: -- limitations on, on --

MR. LA FIANDRA: I agree, I agree. I don't have any objection on that basis, Mr. Evans.

CHAIR: Yes, right. Okay, thank you. Thank you, appreciate that.

MR. MCCANN: Okay. Let me show you another exhibit and move this along a little bit. Dr. Segal, this is Protestant's Exhibit 34. Tell us what this is.

DR. SEGAL: This is a spreadsheet that my, my wife and I began counting people attending the synagogue because the disagreement about how many people are attending. This is a spreadsheet with those numbers.

MR. MCCANN: Okay.

DR. SEGAL: And comments --

MR. MCCANN: And comments, these are, and comments on

the right-hand side about the things that you observed?

DR. SEGAL: Yeah, or explanations of the data, yes.

MR. MCCANN: Okay and it looks to be the time period for this is January 1, 2021 through, looks like July 10th of 2021. So, this is just a snapshot in time of, you didn't, did you take any more counts other than that beyond July of 2021 or are these --

DR. SEGAL: (inaudible) this begins when the shul began having regular weekly services.

MR. MCCANN: Okay.

DR. SEGAL: It doesn't go back to the high holidays of 2020 because we had no idea that (inaudible) to do that. So, it begins as of the date they began having regular services. And then after we had the ALJ hearing, we were so exhausted (inaudible) we just decided we couldn't do it anymore.

MR. MCCANN: Okay.

DR. SEGAL: I will also say, we didn't count every service because we wanted to stay sane. So, this is just the ones that we did count. If there's a date that doesn't have anything, that doesn't mean that they, there was no service on that date.

MR. MCCANN: Okay, got it. All right. What does the AL stand for?

DR. SEGAL: At least.

MR. MCCANN: At least.

DR. SEGAL: Because sometimes at night, you know, (inaudible) hard to see people going off in areas that don't have lighting.

MR. MCCANN: Yeah.

DR. SEGAL: So, it may have been more, but that's the definite minimum count we could get.

MR. MCCANN: Okay, all right. Okay. I'll move thirty-four into evidence at this time before I move on.

MR. LA FIANDRA: I'd like to see that more before I have any objection to it, before I have a comment on whether I object to it.

MR. MCCANN: Sure.

MR. LA FIANDRA: May I see the headings, please?

MR. MCCANN: This was an exhibit before the ALJ.

MR. LA FIANDRA: yeah.

MR. MCCANN: Same, same exhibit.

MR. LA FIANDRA: Yeah, okay. I have no objection to it. I'll obviously have questions for him on cross examination.

CHAIR: Okay, thank you. It's admitted.

MR. MCCANN: Thank you. Okay. Winding up here. You, we talked about the Petition that, with signatures, that you accumulated, Dr. Segal. Are you aware of the fact that, I take it you are, that the Petitioners also prepared, or

accumulated signatures on a Petition?

DR. SEGAL: Yes.

MR. MCCANN: Okay and for the record, that's Petitioner's Exhibit 18. Did you look, take a look at the signatures on that Petition and compare them to the Petitions on our Petition, which, as I said, was Exhibit, sorry, Exhibit 17, did you do that?

DR. SEGAL: Yes.

MR. MCCANN: And what, if anything, did you find?

DR. SEGAL: There were five people who signed both Petitions. Four of them signed our Petition after signing the synagogue's Petition. We have talked to those people that that was their intentions to change their vote. I (inaudible) one person that signed the synagogue's Petition after signing ours, I don't know anything about that individual, so I can't comment about that.

MR. MCCANN: Okay. What about the, did you look at the location, of, of, of where those folks were? That is, the folks that signed Petitioner's Petition and the folks that signed our Petition. Did you look at where they, where they were located?

DR. SEGAL: Yes.

MR. MCCANN: Okay and what, if anything, did you find in that regard?

DR. SEGAL: So, I allocated the people who signed

both to whatever Petition they signed last.

MR. MCCANN: Last, okay.

DR. SEGAL: (inaudible).

MR. MCCANN: Okay.

DR. SEGAL: And in terms of people who live within the neighborhood, the shul's Petition had twenty-three out of a hundred and five individuals within the neighborhood.

MR. MCCANN: Okay. So, let me stop you there. So, of the, of the signatures on the shul's Petition, which I think, as I said, was Exhibit 18 or, twenty-three of one hundred, of the one hundred and five signatures, signatures on, on that Petition reside in, when you say neighborhood, you mean Greenspring Manor?

DR. SEGAL: Yes.

MR. MCCANN: Okay.

DR. SEGAL: Yes.

MR. MCCANN: And did you look at the number of signatures on your Petition in terms of the folks that live in Greenspring Manor versus not?

DR. SEGAL: Yes, it was twenty-five out of forty-two.

MR. MCCANN: So, twenty-five out of forty-two on your Petition live in Greenspring Manor?

DR. SEGAL: Yes.

MR. MCCANN: Okay.

DR. SEGAL: And just one caveat.

MR. MCCANN: Yeah.

DR. SEGAL: Under the shul's Petition, the rabbi signed it using the address on Northbrook. Because he doesn't reside there, I counted him as signing but not as being residing in the neighborhood.

MR. MCCANN: Okay, all right. And then also, in terms of the folks that signed the shul's Petition, did you determine how many of those folks, how many members of the shul, live in Greenspring Manor? Do you follow that?

DR. SEGAL: Yeah. Not counting the rabbi for the same reason, five of the households are in Greenspring Manor.

MR. MCCANN: Okay. So, five of the households in Greenspring Manor, five, five of the signatures, five of the signatories to the shul's Petition were, are members --

DR. SEGAL: Five of the members --

MR. MCCANN: -- five of the members live in Greenspring Manor.

DR. SEGAL: (inaudible).

MR. MCCANN: Okay, on the map.

DR. SEGAL: Are within the neighborhood.

MR. MCCANN: Yeah, so let me show you that map.

DR. SEGAL: Okay.

MR. MCCANN: So, this is, this is our Exhibit 33, Prot, Protestant's Exhibit 33. But this is a copy, am I right, of Petitioner's Exhibit 13, the signatory map, is that right?

DR. SEGAL: I don't know the exhibit number, but it is based on their exhibit, yes.

MR. MCCANN: Okay and is this, is this outline in blue, is that the neighborhood of Greenspring Manor?

DR. SEGAL: Yes.

MR. MCCANN: Okay. So, if, in other words, of, of the folks that are within the neighborhood that signed the Petitioner's Petition, I guess we can count the maroon dots, there's five --

DR. SEGAL: Actually, six.

MR. MCCANN: Six, and one is the rabbi, and he doesn't actually live in the, in the neighborhood.

MR. MCCANN: Okay.

DR. SEGAL: He only stays there one night a week.

MR. MCCANN: Okay. So, of the, of the signatures that are members, depicted in maroon, on this exhibit, only five are in Greenspring Manor?

DR. SEGAL: Correct.

MR. MCCANN: Okay.

DR. SEGAL: And two are Mr. Attar and his in-laws and a third is, I believe, Mr. Attar's parents.

MR. MCCANN: Are included among those five?

DR. SEGAL: That I believe is so, yes.

MR. MCCANN: Okay. I would move thirty-three into evidence.

CHAIR: Admitted.

MR. MCCANN: Thank you. Okay, winding down here. Bear with me.

MS. BONARDI: Mr. McCann, while you're looking, you did not request for eighteen to be moved.

MR. MCCANN: Is that the Petition? Yeah, I would move that in.

MS. BONARDI: Okay.

MR. MCCANN: Yes, thank you, Ms. Bonardi. Okay. I know I'm jumping around here but, Dr. Segal, but did you, did you take the opportunity to count the parking spaces at Wellwood?

DR. SEGAL: Yes.

MR. MCCANN: How, how many spaces are there over there?

DR. SEGAL: There are forty-two in the lot next to the recreation area.

MR. MCCANN: Okay.

DR. SEGAL: There's other parking about four hundred feet away on the other side of the school that is faculty and principal that has, but I don't believe that's included in the, the lot, the, the, the Petitioner's --

MR. MCCANN: Yeah.

DR. SEGAL: -- say that they have rented.

MR. MCCANN: Okay. So, the, the, the lot described

by Mr. Attar in his testimony is, has forty-two spaces?

DR. SEGAL: Yeah, I believe he said seventy-two and that is not correct.

MR. MCCANN: Okay, all right. Dr. Segal, I, I, that's all the questions I have. Is there anything else that you wanted to add before I let you go?

DR. SEGAL: I wanted to very briefly comment on what has been built in the last two weeks.

MR. MCCANN: Okay.

DR. SEGAL: The ramp (inaudible) and I believe we have an exhibit that --

MR. MCCANN: Yeah.

DR. SEGAL: But I, I, it may be difficult to tell from the photographs but this thing is huge. And I, I, my wife and I, when we come downstairs now to the living room (inaudible) all we can see out the window is this enormous, extended (inaudible) every day at Wellwood behind the school.

MR. MCCANN: Yeah.

DR. SEGAL: You can actually see it six hundred feet away and you can't see the house at all. And it just is completely out of character with this neighborhood. It, it, it infringes on the parking spaces that they say they will use.

It reduces the setback and it wasn't on the site plan. So, in addition to, I think, it interfering with the neighborhood, I, I don't think it was honest (inaudible). The

pictures that were shown did not have that on it. And it's a very different structure now, so I'm quite disturbed by that.

MR. MCCANN: Okay. I understand.

DR. SEGAL: Thank you.

MR. MCCANN: Okay. Thank you, Dr. Segal. Nothing else, Mr. Evans.

CHAIR: Thank you. Mr. La Fiandra?

MR. MCCANN: I think you're on mute, Mr. La Fiandra.

MR. LA FIANDRA: Thank you. Sorry about that. I need to take a bathroom break, and I wonder if it's, I wonder if we could take a, a min, perhaps a ten minute break.

CHAIR: Okay, ten minutes. And Mr. McCann, you don't have any witnesses after Dr. Segal, is that right?

MR. MCCANN: That's it, correct.

CHAIR: Okay, all right. We'll take a ten --

MR. LA FIANDRA: If, if we may take a ten minute break and I, I would just, I would anticipate the need for a short rebuttal case.

CHAIR: All right.

MR. LA FIANDRA: And --

CHAIR: Whatever you, whatever you need, whatever you need we'll take, whether we finish today or not, we'll see, okay?

MR. LA FIANDRA: Okay. We're certainly going to try to finish today (inaudible).

CHAIR: Okay, all right.

MR. LA FIANDRA: Thank you very much.

CHAIR: We'll come back at 3:29.

MR. LA FIANDRA: Thank you very much. We'll be here.

(PAUSE)

CHAIR: Okay. We're now back on the record.

MR. LA FIANDRA: Thank you.

CHAIR: And so, it's cross examination of Dr. Segal.

MR. LA FIANDRA: Yes, sir, thank you. Dr. Segal, I did not understand your testimony, you said something early in your testimony about, you used the term full, I think you said full force several times. I didn't understand what you, what you said in that regard. Could you, could you say that again?

DR. SEGAL: Yes, sir. The same testimony I gave at the ALJ hearing. When the gentleman who came to our door and identified himself as a director of Havat Shalom, didn't like my continued opposition to the shul, he said that they will come full force at anybody who opposed them.

MR. LA FIANDRA: I understand, okay. I didn't understand what you were saying earlier. In response to Mr. McCann's questions, it seemed like you had two areas of concern. Number one being safety, generally, and number two being quality of life, is that what you, is that what you said?

DR. SEGAL: In general, yes.

MR. LA FIANDRA: In general, okay. Under the

category of safety, you mentioned the following examples, and correct me if I, I'm misstating something. People walking side by side, and you, I think you specifically said side by side by side?

DR. SEGAL: By side, yes.

MR. LA FIANDRA: By side, you said, okay.

DR. SEGAL: Yes.

MR. LA FIANDRA: Now, when you said that, were you referring to congregants of Havat Shalom or, or, or were you referring to people walking in the neighborhood in general?

DR. SEGAL: Congregants of Havat Shalom on Friday and Saturday nights.

MR. LA FIANDRA: Okay. Do, do you have any photographs of people doing that?

DR. SEGAL: Yes.

MR. LA FIANDRA: Okay. Do, do we have those?

DR. SEGAL: The video is, and I would defer to Mr. McCann about what exhibits he decided to admit. The, they're rather lengthy but I --

MR. LA FIANDRA: Okay.

DR. SEGAL: -- would defer, the answer to you is yes.

MR. LA FIANDRA: Okay. Did you have, and you mentioned near misses. What did you mean, near misses?

DR. SEGAL: There were two kinds. There are automobiles almost hitting pedestrians and there's automobiles

almost hitting other automobiles.

MR. LA FIANDRA: And did those involve vehicles and pedestrians involved with Ahavat Shalom?

DR. SEGAL: Yes.

MR. LA FIANDRA: And when did you witness those?

DR. SEGAL: On many, many occasions. As you can see from the spreadsheet, we counted comings and goings on many occasions. And also, as, as I mentioned, we often are sitting in our living room when the synagogue is operating. So, even if we're not counting, we see what's happening in that vicinity. Many occasions.

MR. LA FIANDRA: Okay. Do you ever observe near misses involving folks that are not from Ahavat Shalom?

DR. SEGAL: Rarely. I would say, I would divide them into pedestrian versus auto and auto versus auto. The pedestrian versus auto, no. The auto versus auto, there are people who don't stop at the stop sign, so I have witnessed those kinds of near misses in general. But not, not (inaudible). And the ones I identify as involving Ahavat Shalom participants, (inaudible) I can see they were coming or going to the synagogue (inaudible).

MR. LA FIANDRA: Okay. Now, Mr. McCann, may we see Protestant's thirty-six?

MR. MCCANN: Sure.

MR. LA FIANDRA: Dr. Segal, your house is shown in

this picture, is it not? It's not, it's not the yellow house, it's, it's the house that's to the left of the yellow house, am I correct?

DR. SEGAL: Yes, you're correct.

MR. LA FIANDRA: Okay and so it's slightly off, it's actually about, it's, it's off center to the left of (inaudible), isn't that right?

DR. SEGAL: I'm not sure what you mean by that.

MR. LA FIANDRA: You can, I don't think you can see my pointer, but the yellow house is, is kind of on the center, and then your house is to the left of the yellow house.

DR. SEGAL: Yes, it is behind the car on the left, (inaudible), yes.

MR. LA FIANDRA: Okay, okay. Now, we are looking, if I have my orientation correct, northwest, northwest along the curve on Northbrook.

DR. SEGAL: Yes.

MR. LA FIANDRA: And are we in front of Dr. Kahn's house?

DR. SEGAL: No.

MR. LA FIANDRA: Where, where are we? Further, further to the south of Dr. Kahn's house?

DR. SEGAL: Further to the southeast, I guess, yeah.

MR. LA FIANDRA: Further to the southeast and --

DR. SEGAL: And let me orient, I'm sorry. Yeah,

(inaudible) southeast, yes.

MR. LA FIANDRA: Okay. Now, and the sidewalk, the, the sidewalk that's shown on the left, that continues, that's a continuous sidewalk. Does that not start at Marnat and go all the way around? That's a continuous sidewalk?

DR. SEGAL: On Northbrook, yes.

MR. LA FIANDRA: Okay and there, the, the sidewalk on the north side of Northbrook is, as you pointed out in your direct testimony, it, it resumes just off this, just off screen, on the right side.

DR. SEGAL: Correct.

MR. LA FIANDRA: Okay and then, where does it pick up further along the curve? You can't see my pointer, but does it, does it, where the tree stand is, does it pick up where the trees end over here?

DR. SEGAL: (inaudible) actually is not, it doesn't follow the, the (inaudible). The tree stands is between the Pickwick Apartments complex and the Wellwood (inaudible). So, it diverges from the street.

MR. LA FIANDRA: Okay. But what about the, the sidewalk? Can you give us a point of reference where the sidewalk resumes?

DR. SEGAL: (inaudible) not really, but it's near the Pickwick Apartments, which is just a little bit further southeast of this point.

MR. LA FIANDRA: Okay and this is what you and Mrs. Varon have referred to as the blind curve?

DR. SEGAL: Yes.

MR. LA FIANDRA: And, okay. Now, I'm having a hard time seeing why we call this a blind curve. As far as I can see, we're at least halfway through this curve and I can see your house in the distance. Why do we call this a blind curve?

DR. SEGAL: Well, let me, what you can't see is the street beyond those cars and --

MR. LA FIANDRA: Pardon me, I didn't, I didn't understand you, what was that?

DR. SEGAL: What you can't --

CHAIR: He said you can't, you can't see the street, you can see the house, but you can't see the street because of the curve.

MR. LA FIANDRA: Okay, okay.

DR. SEGAL: And (inaudible) very long curve, so it depends where you are. If you're a little bit further back, you can see the rest and, unfortunately, cars go very fast around that curve. I've seen them go fifty miles an hour around that curve. So, (inaudible) seconds ago.

MR. LA FIANDRA: Okay and you don't, you don't, you're not saying its only my clients' drivers that go fifty miles an hour, are you?

DR. SEGAL: No, no, (inaudible) in this case, I think

the concern is your clients' pedestrians walking in the middle of the street around this curve.

MR. LA FIANDRA: Okay, okay. The, Mr. McCann, may we see Protestant's number thirty-four? And if we may see the, the heading, the heading numbers, the heading labels?

MR. MCCANN: I'm sorry.

MR. LA FIANDRA: Up at the top, thank you. Now, Dr. Segal, this appears to be, to me, the same data that you presented to the ALJ, is that correct?

DR. SEGAL: Yes.

MR. LA FIANDRA: Did you do any counts of this type since the ALJ hearing?

DR. SEGAL: We did one in the late fall because my wife came home. She went to synagogue on Saturday morning and came back and she goes to another synagogue and told me that there are a lot of people coming out of the (inaudible). So, we decided to count on that occasion. And that was a hundred and four, I think. But that's the only time since the, the ALJ hearing that we took the immense time and effort to count.

MR. LA FIANDRA: Okay and that's not reflected on here, am I correct?

DR. SEGAL: It's not, you're correct.

MR. LA FIANDRA: Okay and you don't have the data, you don't, perhaps you do, but you have not mentioned the date of that count?

DR. SEGAL: I, I haven't (inaudible) offhand.

MR. LA FIANDRA: Okay, that's fine. Let's stick with this data. Now, when you say, Column C, let's just stick with January 1st, 2021, Friday evening, exit counts. Can you describe for the Board what that number means, fifty-five?

DR. SEGAL: Sure. We're counting people as they exited from the front door of the subject property.

MR. LA FIANDRA: And that, are you sure that that is, first of all, was that, is that a number that you took live, or did you take that from a videotape or explain that to the Board.

DR. SEGAL: Yeah. Some occasions were live, others video. I think the early ones were live and then we began to use video. I can't tell you what date we, we (inaudible). Even after that, we sometimes did live.

MR. LA FIANDRA: So, you did not mark on this sheet whether you did it live or by video?

DR. SEGAL: No.

MR. LA FIANDRA: Okay and --

DR. SEGAL: Actually, I, I can't see, maybe we did. I think we, we have that information. It may not be on the sheet. I, I don't see all the rows, so I don't know if it is or not.

MR. LA FIANDRA: Okay. Well, we'll scroll through it, we'll scroll through it after we get, after we ask some

more questions.

MR. LA FIANDRA: But, now, with regard to the, sticking with the fifty-five, are those, those are exit counts. What period of time is that, are those exit counts for?

DR. SEGAL: I'm not sure I understand the question.

MR. LA FIANDRA: Well, Friday evening is a relatively broad, vague term, so Friday evening could start at 6:00, it could start at 8:00, it might end at 9:00, it could end at 11:00. What is Friday evening on January 1st, 2021?

DR. SEGAL: Well, typically, we sit in the living room on Shabbos, Friday evening, we light the candles and then we sit together for a long time. So, we're, we can see when people begin to exit the shul. So, we begin counting as soon as someone exits and then we continue counting until it appears that everybody has exited.

CHAIR: So, you just count the number of people you see come out the door, is that it?

DR. SEGAL: Yes, Your Honor, yes.

MR. LA FIANDRA: Now, I assume that that was, that was January 1st. It's Friday evening. That was probably, sun was down at 5:00 that night?

DR. SEGAL: I don't know.

MR. LA FIANDRA: Are, are those unique, were, were those unique exits? Were those unique individuals who exited?

DR. SEGAL: On the occasions that there's a definite

count, yes.

MR. LA FIANDRA: How, how do you know that?

DR. SEGAL: Because no one was going back in --

MR. LA FIANDRA: How do you know that nobody went back in?

DR. SEGAL: (inaudible) some of these other counts, well, we'll get down to those, I'm sure, where we have entering and existing, those are not necessarily unique counts.

MR. LA FIANDRA: So, are you, are you aware that there are two exits from this building?

DR. SEGAL: We might well be underestimating these counts so we can't county anything from the back.

MR. LA FIANDRA: So, are you aware that, I mean, people might enter, exit one, exit and re-enter the building through the other entrance and exit again?

DR. SEGAL: Well, I think that still counts as attendance. I think that if you're asking are these maybe understating attendance, maybe they are.

MR. LA FIANDRA: My question is actually whether you're overstating attendance.

DR. SEGAL: I don't understand how that would be.

MR. LA FIANDRA: Well, if your only exit, if you're only counting the number of people who exit, and people exit, re-enter and exit again, I would think that you're over counting the attendance.

DR. SEGAL: That (inaudible) one exit. I'm telling you on those occasions we didn't see people re-enter. And on a few occasions, if we did, we subtracted those from the total number. But if you're saying maybe people came in the back way and went out the back way, then yes, we may be undercounting.

MR. LA FIANDRA: The, and let's take the entering and exit. Let's go down to May 14th, 2021, Friday evening. What's that 104?

DR. SEGAL: I'm not sure I understand the question.

MR. LA FIANDRA: Column D, entering and exiting, May 14th, 2021, Friday evening. What does the 104 represent?

DR. SEGAL: (inaudible) occasions, there were a lot of people re-entering, I don't know why. And it was very difficult to separate the entering and exiting, and we knew that it would not be unique, necessarily. So, we wanted to still count and get at least representation of what I will call the (inaudible), the in and out (inaudible). So, those are not necessarily unique attendance because it was just too busy, in and out, in and out, to, to do it that way.

MR. LA FIANDRA: And is the same true for May 8th, 2021?

DR. SEGAL: May 8th? I, I see, yes. (inaudible) sir, if you don't mind? Thank you. Yes, yes.

MR. LA FIANDRA: Those are not unique entries and exits either?

DR. SEGAL: Correct.

MR. LA FIANDRA: All right.

DR. SEGAL: But they do represent a lot of activity (inaudible).

MR. LA FIANDRA: And the same is true for May 15th, 2021, those are not unique entries and exits either?

DR. SEGAL: Correct. I think we gave an estimated unique, but that is estimated in the comments. And the (inaudible) we do, we do give time periods on some of those comments.

MR. LA FIANDRA: So, these, these are, this is nothing more than your (inaudible) the number of people was on, who were in, who were in the building?

DR. SEGAL: What is, no, I don't think that is accurate. Maybe you could restate it, your question?

MR. LA FIANDRA: So, this is nothing more than your estimate of the number of people who were in the building during the time periods stated.

DR. SEGAL: Let me say this. Let me, what number (inaudible) --

MR. LA FIANDRA: 3/15/2021.

DR. SEGAL: Well, are you talking about --

MR. LA FIANDRA: One hundred seventeen people.

DR. SEGAL: (inaudible) estimated attendance is in Column E. (inaudible) counting entering and exiting between

11:00 a.m. and 1:00 p.m. on that date. That's in the comments.

MR. LA FIANDRA: Okay and how many of those people were unique attendees?

DR. SEGAL: We estimated (inaudible) estimate, that's (inaudible) --

MR. LA FIANDRA: That's an estimate. So, you don't know how many people were actually unique attendees?

DR. SEGAL: On that date, no. And that's (inaudible) --

MR. LA FIANDRA: Okay. So, it might have been sixty-five. It might have been sixty-five.

DR. SEGAL: Yes, a lot of comings and goings for fifty-five people, but yeah.

MR. LA FIANDRA: Okay.

DR. SEGAL: I guess.

MR. LA FIANDRA: So, let's, let's see, Mr. McCann, may we see more of this sheet? Dr. Segal, why, in some instances, did you do entries in Column C and on other instances did your entries in Column D?

DR. SEGAL: I believe I explained that.

MR. LA FIANDRA: Perhaps you could explain it to me again, I didn't understand the answer.

DR. SEGAL: Column C is exit counts, Column D is any event of entrance or exit all combined.

MR. LA FIANDRA: Yes, I understand the difference

between the columns, but I guess my question is, why did you choose that methodology?

DR. SEGAL: I think there are a couple reasons. And, by the way, very few of these are exit and entrance, right? But we began doing that one day because it was too much activity to really isolate just people exiting. (inaudible) a couple times because we thought it might give a better idea of the activity on the outside of the shul, of people we actually saw coming and going (inaudible).

MR. LA FIANDRA: Okay.

DR. SEGAL: (inaudible).

MR. LA FIANDRA: When you counted the number of spaces available at the Wellwood School and you said there were forty-two, and that was less than the seventy some odd spaces that my client had indicated were available at the school, there are actually seventy, seventy something spaces available at the school. But the other spaces are available on the other side of the school, isn't that correct?

DR. SEGAL: About four hundred feet away. And my understanding was they were going to rent to the recreation area, you only get the lot that we counted. If you do get the other area, that's then about twelve hundred feet from the shul at least.

MR. LA FIANDRA: So, but where did you get that understanding from, that those other spaces are not available

to the users of the recreation area?

DR. SEGAL: Because there's a sign on that lot that reads, that we showed saying Wellwood Recreation Center, and then the other side you have principal, assistant principal and so on.

If your clients are representing that the available parking is seven hundred feet from the shul, then that could only be that lot and that's an underestimate anyways, (inaudible) feet, being generous calling it seven hundred feet and that's the only lot that is anywhere near that close to the shul.

MR. LA FIANDRA: Okay. Okay, Dr. Segal, thank you very much.

DR. SEGAL: Thank you, sir.

CHAIR: There's what, I, I doubt that there's any re-direct, is there?

MR. MCCANN: There is not, Mr. Evans.

CHAIR: Okay, go ahead. Go ahead.

MR. MCCANN: So, that, that would conclude our witnesses. The only other thing I wanted to do, if I could, is, with Ms. Bonardi's assistance, just go through the exhibits and make sure that what I understand to be introduced and admitted is introduced and admitted. Could I do that quickly?

CHAIR: I'm sorry. Did you have more questions for Dr. Segal?

MR. MCCANN: No, I did not.

CHAIR: Oh, I'm sorry. I, I didn't mean to, I didn't mean to, you know, intrude into your strategy. I, I --

MR. MCCANN: No, no, no. No further questions. But he is our --

CHAIR: Mr. Pennington or Ms. Bonardi, do you have any questions for, for the witness?

MR. PENNINGTON: No questions here.

MS. BONARDI: I do not.

CHAIR: Okay, okay. So, Dr. Segal, we're going to excuse you. Thank you very much for your participation. We really appreciate it and thank you again from everyone.

DR. SEGAL: Thank you to everybody.

MR. MCCANN: Could I, Mr. Evans, could I go ahead and run through the exhibits with --

CHAIR: Yes, yes, please do. Please do, yes.

MR. MCCANN: Mr. La Fiandra, let me know if I'm missing anything. So, Ms. Bonardi, I have Exhibits 1, 2 and 3 in evidence. I am going to withdraw four. They're public records, but I'll withdraw them. I have five and six in evidence. I'm going to withdraw Exhibit 7, I think we have enough photos in already.

I have eight, nine, ten and eleven in evidence, I believe. Twelve is not in evidence and I'm going to withdraw thirteen. I have 14-A and B in evidence, fifteen, sixteen,

seventeen in evidence. Eighteen has not been referred to, but for everyone's benefit, Mr. Evans, 18 is the, are the ZAC comments, which are the agency comments on the Petition. I think those should be part of the record.

CHAIR: Okay.

MR. MCCANN: So, I would move eighteen into evidence. They haven't been referred to yet. And then, I have nineteen, twenty, twenty-one, twenty-two in evidence. And I have 23-A in evidence, but not twenty-three and I'll withdraw twenty-three. And then I have twenty-four and twenty-five as not being in evidence, and I withdraw those as well.

MR. LA FIANDRA: Michael, I mean, Mr. McCann, --

MR. MCCANN: Yeah.

MR. LA FIANDRA: -- what, I lost you on those last two, twenty-four and twenty-five.

MR. MCCANN: Are not in evidence and I'll withdraw them.

MR. LA FIANDRA: Okay.

MR. MCCANN: I think I sent those, I sent those to you but I'm not going to introduce those. And then 26-A through F are not in evidence, but they are public records. They are aerial photographs and I would, I think I would move those in.

There was some discrepancy, I think, maybe there isn't, as to when the house on the subject lot was constructed

and I think those aerials, which are taken from USGS sources reflect, you know, support the SDAT sheets in, in, in terms of the, when the house was constructed, so that would be exhibit--

MR. LA FIANDRA: No, I object to those. If, if, you, if you want to put a witness on to put them in. I, I, without anything else, I object to them.

MR. MCCANN: Okay. Well, they are from, as I said --

MR. LA FIANDRA: There's been no discussion of them and if you want to put a witness on or, at, at least show them to the Board. I, I have --

MR. MCCANN: Oh, yeah, I can, I can certainly do that, and I can show the source of them as well. So, I, I don't want to belabor this, but real quick, I can show these to the Board. So, this would be, as I said, 26-A through F. And I'll just go through each one. This is 26-A, I can scroll down here. But it's clearly, 26-C, --

CHAIR: Do these, do these photographs have dates on them?

MR. MCCANN: They do by virtue of my, my labeling them. But I do have a separate exhibit that isn't marked, but I did pull, in terms of the source of these maps, I did, this is, I put up the wrong one, I'm sorry. These are, these are the maps and the source of them, as you can see, are USDA, USGS for these years. So, these correspond to the six aerials.

MR. LA FIANDRA: And can we, can we see the maps

again?

MR. MCCANN: Sure, yeah.

MR. LA FIANDRA: Or the photos.

MR. MCCANN: I lost one there, what did I do with it. Okay. Yes, so, here's 26-A --

MR. LA FIANDRA: Okay.

MR. MCCANN: -- which is from 2015, it shows the, you know, just the, for your benefit, shows the house, 2015 right here.

MR. LA FIANDRA: Um hm.

MR. MCCANN: Two thousand and two shows the house right here. Nineteen ninety-four shows the house right here. And 1993, shows the house right here. And I think there's another one from 1989. This is 1989, if you can see that. This is Protestant's (inaudible) clearly shows the house not there. In this area.

MR. LA FIANDRA: Are, are you going to, or can you, include the, whatever it was that you, that you, that you showed that inc, that showed where you got the maps, the photographs from?

MR. MCCANN: Sure, yeah, absolutely. I can do that. It's not marked as an exhibit right now, but I can --

MR. LA FIANDRA: If you could do that, then I, then, then I, then I have, then I withdraw my objection.

MR. MCCANN: Okay.

CHAIR: Okay. Yeah, I think that, the legend, or whatever we would call that, is useful.

MR. MCCANN: Okay. So, I'll, that's this document here, which I would, I'll mark as Exhibit 37. Or maybe I, maybe I should just keep the numbers simple, make it twenty-six, if that's okay, Ms. Bonardi, 26-G.

CHAIR: All right. That would be good.

MR. LA FIANDRA: That's fine. Thank you.

MR. MCCANN: Okay, 26-G. All right. And then continuing on with the exhibits, twenty-seven --

MR. LA FIANDRA: Those are all in, those are all in.

CHAIR: Yes.

MR. LA FIANDRA: Okay.

MR. MCCANN: 27-A and B have been introduced, that's the e-mail with the e-mail attachments from Judge Mayhew. Twenty-eight, although we couldn't see the video, that has been introduced and I maybe ought to show it now because I'm at my laptop, I mean, my desktop. And twenty-seven, twenty-eight, so twenty-eight is a, no, I'm sorry. I'm sorry. 28-A we've shown and that's, was introduced. Twenty-eight itself is a video that I will withdraw, it's a different video. And then --

MR. LA FIANDRA: 28-A is withdrawn.

MR. MCCANN: Twenty-eight is withdrawn, 28-A is intro, has been introduced. It was shown by Mr., Dr. Segal. And then, twenty-nine through thirty-six, I believe, are, are

in evidence. And that's it. And thirty-seven, which was the, I'm sorry, yeah, thirty-six is the last one.

MR. LA FIANDRA: I'm sorry, I, I don't mean to be dense. I, I, I went from twenty-nine to thirty-six. I don't know what happened to the others.

MR. MCCANN: Yeah, they're, they were all introduced. Those are --

MR. LA FIANDRA: Okay.

MR. MCCANN: -- various things that have been introduced along the way.

MS. BONARDI: Correct. And they had already been admitted, Mr. McCann.

MR. MCCANN: And I think that's it. So, thank you for that. And I apologize for all the withdrawals and, it's--

MR. LA FIANDRA: And if I could just ask, I just want to be clear, twenty-eight was withdrawn, 28-A is in?

MR. MCCANN: Correct.

MR. LA FIANDRA: Okay, thank you.

MR. MCCANN: And that's it. So, thank you.

CHAIR: So, the, the Protestants rest then, right?

MR. MCCANN: Correct.

CHAIR: Okay. So, Mr. La Fiandra, you had rebuttal, you believed?

MR. LA FIANDRA: I have one, I have one witness and I've got about four questions for him, and he'll be very

(inaudible).

CHAIR: Okay and who would that be?

MR. LA FIANDRA: Mr. Attar.

CHAIR: Okay. What is his first name again, and I'm sorry?

MR. LA FIANDRA: Yaakov (inaudible).

CHAIR: Yeah, because it, this participant's list is alphabetical by first name so.

MR. LA FIANDRA: It may be under Y.

CHAIR: Yeah, I found it, yeah. Okay. He is a, he is a panelist and he's, but he's presently muted.

MR. LA FIANDRA: Okay. So, he can hopefully unmute himself and let's see if his video is working.

CHAIR: Yep, he's unmuted, yep.

MR. LA FIANDRA: Mr. Attar, are you available?

MR. ATTAR: Yes, can you hear me?

CHAIR: Yes.

MR. LA FIANDRA: Oh, I can hear you even, great. Wonderful. I just wanted to, were you the, I'm just looking for the lady's name. Pardon me, I can't find her name in my notes. Judy Chernak. Were you available, did you hear Ms. Chernak's testimony?

MR. ATTAR: Yes, I did.

MR. LA FIANDRA: And did you hear her identify a Sephardic shul on Seven Mile Lane?

MR. ATTAR: I recall her saying there was a Sephardic shul on Seven Mile Lane, yes.

MR. LA FIANDRA: That it was about four blocks from the subject property?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Do you know the shul that she was referring to?

MR. ATTAR: I believe she said (inaudible) Hasidic.

MR. LA FIANDRA: And are you familiar with that shul?

MR. ATTAR: Yes, I am.

MR. LA FIANDRA: And do, do you know if it's a Sephardic shul?

MR. ATTAR: That is not, it is an Ashkenazic shul (inaudible).

MR. LA FIANDRA: Okay. So, that would be, that would not be the same traditions as the one that you are desiring approval for?

MR. ATTAR: No.

MR. LA FIANDRA: Okay, that's fine. I just wanted to clarify that for the Board.

CHAIR: Which, which shul? I, I'm sorry, which shul is that?

(ALL TALKING AT ONCE)

MR. LA FIANDRA: Go, go ahead. Pardon me (inaudible) --

MR. ATTAR: I believe she said (inaudible) Hasidic. It's a shul on Seven Mile.

CHAIR: On Seven Mile? Okay.

MR. LA FIANDRA: And, in fact, I can show you the exhibit that'll, if I can just put my hands on it very quickly. Here we go.

CHAIR: Okay. I, I'm good with that. I, I just, --

MR. LA FIANDRA: Yeah, I just --

CHAIR: -- wanted to be clear on which one.

MR. LA FIANDRA: Yes, sir. I was hoping to have the exhibit available for you. The one that would show you, oh, here, here we go. If I can have the ability to share, I can show you where the shul is located.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Attar, do you see Petitioner's Exhibit 12?

MR. ATTAR: Yes.

MR. LA FIANDRA: And the magenta marker, that's Ahavat Shalom, that's the subject property?

MR. ATTAR: Yes.

MR. LA FIANDRA: And the shul that you were just referring to, this is, I'm, I'm showing you Northbrook Road, and the shul that you were just referring to, is that this one where my pointer is?

MR. ATTAR: Yes, it is.

MR. LA FIANDRA: Okay, that's, this is Seven Mile, right at the end of Northbrook to the west.

MR. ATTAR: Yes.

MR. LA FIANDRA: And pardon me, you'll help me with the name, I'm, I don't think I could pronounce it.

MR. ATTAR: Dar Hasidic.

MR. LA FIANDRA: Dar Hasidic, okay. Thank you. And that's the, the, the, the more south of the two on, on Seven Mile.

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay and that's an Ashkenazic shul.

MR. ATTAR: Yes, it is.

MR. LA FIANDRA: Okay, thank you very much. That, that, that's what I have. I don't know if Mr. McCann has any questions for you.

CHAIR: Mr. McCann?

MR. MCCANN: Yeah, good afternoon again, Mr. Attar. I just wanted to, you did mention during my prior cross examination that there was a Sephardic school to the west of the subject property and I --

MR. LA FIANDRA: Do you want to see that exhibit, Mr. McCann? Did you want me to put that back up?

MR. MCCANN: Sure, great. That'd be, we'd cut to the chase a little bit. The Sephardic school that, I'm sorry, the, the Sephardic shul that I think you acknowledged that was to

the west is, I'm going to just spell it, because I think I'll mispronounce it, it's O-H-R, new word, H-A-M-I-Z-R-A-C-H, correct?

MR. ATTAR: Correct (inaudible), but that is not to the west. I believe we had to, I believe you had, had to pull up a different map. It was south, southwest, --

MR. MCCANN: Yes, southwest.

MR. ATTAR: -- but it was not on this map.

MR. MCCANN: Southwest.

CHAIR: Is that on this map?

MR. ATTAR: It's not on this map.

CHAIR: Okay.

MR. MCCANN: All right. It's on Park Heights, just south of Seven Mile Lane, correct?

MR. ATTAR: The corner of Park Heights and Fallstaff, correct.

MR. MCCANN: Right. Okay. All right, that's sufficient. Thank you. No other questions.

CHAIR: Okay. Mr. Attar, thank you very much. We appreciate again your patience and your testimony and we thank you.

MR. ATTAR: Thank you and to the members of the Board for the opportunity.

CHAIR: Sure. Okay. So, that, does that then conclude everything?

MR. LA FIANDRA: I think it does. It does as far as the Petitioners are concerned.

CHAIR: Okay, all right. So, of course, we want to have briefing on this, case lends itself to briefing. We would want it anyway, but. So, today is March 23rd. So, typically we give thirty days but, I'm happy to, I'm happy to have a schedule that accommodates counsel.

MR. LA FIANDRA: May, may I suggest, may I suggest April 29th?

CHAIR: Sure, that's fine.

MR. LA FIANDRA: I'm happy, if, if Mr. McCann wants something different, as long as it's longer than April 29th, I'm happy with that.

CHAIR: Okay.

MR. MCCANN: Yeah, yeah, I would, if I could, I would ask for, that, that's a Friday. If, if it could be that Monday, because I have hearings before this Board the week of April 25th.

MR. LA FIANDRA: Whatever you'd like.

MR. MCCANN: Yeah, so, the following Monday, the May 2nd, would be, would be much more, that weekend would be great. If that's okay.

MR. LA FIANDRA: That's perfectly fine.

CHAIR: Okay. Let me find now, so briefs due by the close of business on, on May 2nd, right?

MR. MCCANN: Sounds good.

MR. LA FIANDRA: Great.

MR. MCCANN: Great.

CHAIR: Okay. Are, is, is there any, are there any other matters that need to be taken up?

MR. MCCANN: I don't think so, no.

CHAIR: Okay, all right. Then we're going to adjourn. Again, I said at the end of our first hearing and I want to repeat how much the Board appreciates the civility and clarity, frankly, of the presentations from both counsel. That really is --

MR. LA FIANDRA: Thank you.

CHAIR: -- much, much, much appreciated. And you're both to be commended for that. Okay?

MR. MCCANN: Thank you, Mr. Evans. Thank you everybody.

MR. LA FIANDRA: Thank you very much.

CHAIR: Thank you. Thank you.

MS. BONARDI: Thank you.

CHAIR: Thank you, all.

MR. PENNINGTON: Thanks, everyone.

MR. MCCANN: Take care.

MS. BONARDI: Okay.

(OFF THE RECORD)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Saman Radparvar, Legal Owner, case number 20-299-SPHA, heard before the Board of Appeals of Baltimore County, March 23, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 254 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 29th day of January 2023.

Christine R. Leary

Christine R. Leary

Transcriber

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**IN THE MATTER OF:**

**SAMAN RADPARVAR, LEGAL OWNER**
**AHAVAT SHALOM CONGREGATION, CONTRACT PURCHASER**
**CASE NUMBER: 20-299-SPHA**

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Hearing Date: March 14, 2022

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County by remote access.

PANEL PRESIDING:

**JOSEPH EVANS, CHAIR**

**SHARONNE BONARDI, BOARD**

**BRYAN PENNINGTON, BOARD**

PRESENT FOR THE PARTIES:

**DINO LA FIANDRA, ESQUIRE**
Counsel for Petitioners

**MICHAEL MCCANN, ESQUIRE**
Counsel for Appellants

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(ON RECORD)

CHAIR: -- on the record. Today is March 14th, 2022. We're here for day two in the matter concerning 3009 Northbrook Road. This is case number, Board of Appeals case number, 20-299-SPHA and the contract, contract purch, the legal owner is Saman Radparvar, and the contract purchaser is Ahavat Shalom Congregation.

So, we, when we broke last time, we had just finished the direct examination of Mr. Attar. And we decided we would resume today with the cross examination. Before we begin that, are there any matters that we need to take up preliminarily?

MR. LA FIANDRA: None from the Petitioner.

MR. MCCANN: Not on my end.

CHAIR: Okay. Mr. Pennington is here, Ms. Bonardi is here, counsel for the respective parties is here, Mr. Attar is here. So, let's resume.

MR. MCCANN: Good. Thank you, Mr. Evans. And good morning, Mr. Pennington and Ms. Bonardi.

MR. PENNINGTON: Good morning, sir.

MR. MCCANN: Good morning, Mr. Attar.

MR. ATTAR: Good morning, Mr. McCann and the Board.

MR. MCCANN: Great. Mr. Attar, your congregation started in 2013, correct?

MR. ATTAR: That's correct.

MR. MCCANN: And the congregation is incorporated as

a formal entity with the State Department of Assessments and Taxation?

MR. ATTAR: I believe so, yes.

MR. MCCANN: Sunny, can I have sharing responsibilities, please?

CHAIR: Oh, yes. I think that's me actually.

MR. MCCANN: Okay.

CHAIR: Okay.

MR. MCCANN: Great. Thank you, Mr. Evans. Okay. Mr. Attar, do you see that?

MR. ATTAR: Yes.

MR. MCCANN: Okay. This is, has been pre-marked as Protestant's, Appellant's Exhibit 5. I'm just going to scroll down slowly. I know it's a lot to see on a, on a small screen. It's just a couple pages and it's, purports to be the Articles of Incorporation signed by its trustees in, in August of 2013. Do you recognize it, this document, this exhibit, as the Articles of Incorporation for your congregation?

MR. ATTAR: Yes, I've seen it before.

MR. MCCANN: Thank you. And then, for the past seven years or so, or eight years, you've been operating your congregation by renting facilities at other locations, is that correct?

MR. ATTAR: That's correct. For the most we rent the Myerberg Senior Center at the corner of Fallstaff and Clarks.

We were renting the art studio there.

MR. MCCANN: Okay. Let me show you what has been pre-marked as Protestant's Exhibit 8, a couple photographs here. Do you recognize that first photograph in Exhibit 8 as a copy, as a photograph from the street of the Myerberg Center?

MR. ATTAR: Yes, that is the Senior Center. The art room are the darker windows all the way to the right.

MR. MCCANN: Okay, great. Second photograph in this exhibit, let me switch that around, is that also a picture of the Senior Center?

MR. ATTAR: Yes.

MR. MCCANN: Okay.

MR. LA FIANDRA: Which number was that?

MR. MCCANN: This is Exhibit 8, photograph two.

MR. LA FIANDRA: Got it.

MR. MCCANN: And Exhibit 8, photograph three, again, I'm sorry about this. This is a different location, actually in, in close proximity to the Senior Center, correct?

MR. ATTAR: Correct, it's diagonally across the street.

MR. MCCANN: Okay and what is the name of this building?

MR. ATTAR: I believe the name of that is (inaudible), or as most commonly known as (inaudible) Shul.

MR. MCCANN: Okay and is that also a facility that

on, on some occasions your congregation has rented?

MR. ATTAR: A few times, yes.

MR. MCCANN: Okay. And then, lastly, I think this is the fourth photograph, fourth and fifth photographs, in this exhibit. Is that another facility that your congregation has rented?

MR. ATTAR: Yes, that is where we would hold, in their social hall we would hold our high holiday services.

MR. MCCANN: Okay and is that, can you tell by looking at this photograph, Mr. Attar, where in this building that the social hall is?

MR. ATTAR: All the way in the back.

MR. MCCANN: Okay. So, it's not depicted here?

MR. ATTAR: No, this is their main synagogue, the main sanctuary.

MR. MCCANN: Okay and how many people does that social hall hold? Do you know, any idea?

MR. ATTAR: I, I don't know.

MR. MCCANN: Okay. Do you know how big it is approximately?

MR. ATTAR: I don't know.

MR. MCCANN: Okay and then this last photograph in the exhibit --

CHAIR: What was the name of that building?

MR. ATTAR: Kol Torah.

CHAIR: Okay, thanks.

MR. MCCANN: Can you spell that, and spell, maybe spell the second one as well, Mr. Attar, just for the record.

MR. ATTAR: This one is K-O-L, second word Torah, T-O-R-A-H.

MR. MCCANN: Okay and the one we looked at before, this, this one on Fallstaff?

MR. ATTAR: I believe the spelling, it's O-H-R, and the second word H-A-C-H-A-I-M.

MR. MCCANN: Great, thank you. And then, this last photograph in Exhibit 8, this is a parking lot at the same facility that's pictured in photograph four?

MR. ATTAR: Yes.

MR. MCCANN: Okay, all right. And the location of these three facilities, that's, I think I have an exhibit that depicts that. Bear with me one second. This is Protestant's Exhibit 2. I have the subject property circled, or rather outlined. Do you recognize that, Mr. Attar?

MR. ATTAR: Yes.

MR. MCCANN: Okay. I'm going to try to zoom in a little bit. Can you, can you tell us, first off, where the Myerberg Center is in relationship to the subject property? You said over on Fallstaff. Is that over here, within the city limits? That's the black line. And approximate area where it says Fallstaff?

MR. ATTAR: It's, if you take (inaudible) on Northbrook, it's to the southeast a little bit. You see where it says Clarks Lane?

MR. MCCANN: Clarks Lane?

MR. ATTAR: Correct. It's at the corner of Fallstaff and Clarks Lane.

MR. MCCANN: Okay, yeah, it's, where's that in relationship to where it says Fallstaff simply?

MR. ATTAR: All the way to the right.

MR. MCCANN: Yeah, I'm missing it. Oh, over here?

MR. ATTAR: Correct.

CHAIR: When you're saying over here, are you using a cursor?

MR. MCCANN: I am, Mr. Evans, I'm sorry. I'm, I'm using a laptop today and it's terrible, it's got a pad. I'm used to a mouse, so I'm going to be a little bit slow in that today. So, yeah, I'm, I'm on the completely wrong side. It says Clark over here, I guess you can't see my cursor.

MR. ATTAR: Yeah, right there.

CHAIR: Correct, we cannot see your cursor. Right, right.

MR. MCCANN: Okay. So, you cannot, Mr. Evans?

CHAIR: I cannot.

MR. MCCANN: Okay. Well, I guess, as you, as you pointed out, Mr. Attar, it's to the southeast of the subject

property where these larger buildings are located at Clarks Lane and Fallstaff, within the city limits, correct?

MR. ATTAR: Correct. If you take, it you go a little bit eastward, you see where it says Sanzo (phonetic) Road --

MR. MCCANN: Yeah.

MR. ATTAR: -- not too far away, you just have to take Sanzo Road, go down a little bit, it becomes Clarks and then you hit that intersection, Clarks and Fallstaff.

MR. MCCANN: Okay.

CHAIR: And that's the, that's the Myerberg Center, correct?

MR. ATTAR: That's correct.

CHAIR: Okay.

MR. MCCANN: And then, across the street in which direction is the, the second one we looked at?

MR. ATTAR: Northwest.

MR. MCCANN: Okay and what about the third one we looked at? A little farther east, correct?

MR. ATTAR: A little bit further, yeah, you have to go a little further east on Fallstaff.

MR. MCCANN: How far down?

MR. ATTAR: Yeah, I think around where your cursor is.

MR. MCCANN: Okay, where, right in this area?

MR. ATTAR: Yeah, I think around there. Hard to tell

from the map.

MR. MCCANN: Yeah. You see Jenner (phonetic) Drive above Fallstaff, is that the general area?

MR. ATTAR: I think that's the general area.

MR. MCCANN: Okay. So, in each of those locations, in order for anyone who might be a member, who happened to live in Greenspring Manor, if they were to walk to those locations, they would have to get down Northbrook, head down Marnat eastward, and then get onto Clarks Lane to Fallstaff and then eastward, correct?

MR. ATTAR: That, I mean, there are the Pickwick Apartments right above that, and there are ways to just kind of cut through that, through all the sidewalks, shortening the walk.

MR. MCCANN: Okay, all right. Then in terms of this location, that is, at 3009 Northbrook, your congregation, beginning with the Rosh Hashanah holidays in September of 2020, you started holding services at that property, correct?

MR. ATTAR: Correct. We did not have anywhere to go for that year for high holidays. That was right at, I guess, you can call it towards the beginning of COVID and the place where we normally rent and mul, every shul, they were all trying to use their own space during COVID. So, we had really no other place (inaudible) --

MR. MCCANN: That wasn't my question. My question,

Mr. Attar, was simply whether or not you started holding services beginning at the Rosh Hashanah holidays in September of 2020 at the subject property.

MR. ATTAR: Yes.

MR. MCCANN: Now, you said you didn't have a place to go. Is, give, what was the status of your, for instance, any arrangement you had with My, Myerberg Senior Center in September 2020 when you held the services at 3009 Northbrook?

MR. ATTAR: So, we, we had our lease I think through the end of that year. But in the Senior Center, (inaudible) last places to fully open based on state guidelines. Also, the room that we were renting only has forty-nine chairs. So, there's really not that much space. There's painting easels and sinks and, you know, people's artwork all over the place. So, there's not really that much space for high holiday service over there.

MR. MCCANN: High holiday service where you have more people, correct?

MR. ATTAR: Correct.

MR. MCCANN: So, you're, you're, in September 2020, your lease with the Myerberg Center had extended through the end of 2020, but you needed a large location, or larger location, for the Rosh Hashanah holiday?

MR. ATTAR: Correct.

MR. MCCANN: And you said during, in response to some

direct examination, that the current location is the best viable option. What is the status, if any, of your arrangement with Myerberg Senior Center today? That is, why can't you hold services there today?

MR. ATTAR: I mean, forty-nine chairs wasn't enough for us. I mean, as I testified, we have sixty to sixty-five people that come to our main service. So, forty-nine seats really isn't a viable option. So, it's really, and they don't really have the space in the building for us to be able to rent.

MR. MCCANN: Well, okay, so two things. You said they only have forty-nine chairs and there's not enough space?

MR. ATTAR: Correct. It's a pretty small room considering all the paint equipment that's in there.

MR. MCCANN: Okay and, I'm sorry, the second reason you just mentioned? I just forgot it already.

MR. ATTAR: There's, they don't have, and there's no other place in the building to rent.

MR. MCCANN: Okay. Well, but for eight years, you held services there, correct?

MR. ATTAR: That's correct.

MR. MCCANN: Okay. So, what, what changed? Has, has the congregation grown to the point now, we suspect, to the point where it won't, the Myerberg Senior Center won't accommodate you anymore? Is that the, is that the case?

MR. ATTAR: Well, it took us eight years to get to forty-nine people and now we are a little bit over forty-nine. So, --

MR. MCCANN: It took you eight years to get to forty-nine people, is that, is that your testimony?

MR. ATTAR: Yes. I mean, we were fine, but once we got up to where we are now, we needed a bigger space.

MR. MCCANN: And there's no bigger spaces available in the Myerberg Senior Center?

MR. ATTAR: Not that's available.

MR. MCCANN: And how do you know that?

MR. ATTAR: There are spaces there but not that, not that, I think they use them for, I think there's another synagogue in there. So, there's nothing available for them to be able to rent out, even if they wanted to.

MR. MCCANN: And how do you know that?

MR. ATTAR: That's what they've said.

MR. MCCANN: Who said that?

MR. ATTAR: The directors of the Myerberg Center.

MR. MCCANN: When, when did you have that conversation with them?

MR. ATTAR: I don't recall the exact date.

MR. MCCANN: Well, --

MR. ATTAR: I mean, we've been in the building, we know how the building looks like. We know there's really,

there isn't a space there. They have some office spaces where like they have like a physical therapy office, things like that. But you can't have services in there. There's a gym, but you can't hold services in a gym. It's not a shul --

MR. MCCANN: Okay. Bear with me one second here. Well, the reason I ask is because I did a little perusing myself, Mr. Attar, and it, it appears that the Myerberg Senior Center still has space available. In fact, I'll show you what's, make sure this has been marked or not. This is the Myerberg Senior website. Have you seen this before?

MR. ATTAR: I have not seen the website, but that does look, that, the room there looks like, I guess you would call it the multi-purpose room. There is a shul that's in there that's called (inaudible). They've been renting there for like twenty-five, thirty years. They have a long-term lease in place and that's, that seem, I mean, they've been there forever.

MR. MCCANN: In that, this particular room that you, that's depicted in the background?

MR. ATTAR: Correct. They use that every (inaudible) and holidays.

MR. MCCANN: Well, it says here, and this is a recent printout of, of that website, looking for rental space? The Myerberg Center has office and event space available. Spaces are available for hourly, weekly, monthly and yearly rentals.

CHAIR: Is that, Mr. McCann, is this an exhibit?

MR. MCCANN: It is. I was just trying to find the, the exhibit number.

CHAIR: Because we need it to be marked as an exhibit and we, otherwise the record is garbled.

MR. MCCANN: Yep.

CHAIR: Yeah.

MR. MCCANN: Yeah, I understand, and I was just looking for the exhibit number, it has been pre-marked. And I can give that to you in a second if I could, Mr., Mr. Evans. I have an exhibit list here, bear with me. Let me, it's always difficult to look at the tab when you have, wait a second.

This is not marked as an exhibit, so this would be Exhibit 28, Mr. Evans. So, I'll tag it on at the end of my exhibit list. And I'll move in the last couple of exhibits in a moment. Mr. Attar, I'm just going to go through this just a little further.

So, here apparently are some of the classroom and, classrooms and facilities that are available. Have you seen this room before?

MR. ATTAR: I believe that's the technology center.

MR. MCCANN: Okay. How about, how about this room?

MR. ATTAR: So, that is the art room. That is where we were renting.

MR. MCCANN: Okay.

MR. ATTAR: But I think there's, there might be a, a small shul currently renting there.

MR. MCCANN: You think?

MR. ATTAR: I believe, I believe there is right now.

MR. MCCANN: Okay. Well, isn't that, that's an important point. I mean, you're, you're telling us on the one hand that someone from, you don't recall when, but someone from Myerberg Center told you that the space is no longer available, and you think there may be a small shul there. Is this room that, according to this website, is available for rent, is this room available for rent today or not to your knowledge?

MR. ATTAR: I do not think it is available for (inaudible). There is a shul currently there, a small shul.

MR. MCCANN: And what is the name of that shul?

MR. ATTAR: I believe they go by the acronym KSA. I'm not exactly sure what it stands for, (inaudible), maybe.

MR. MCCANN: And they're renting it on, on all occasions when you would, would, would, would want to use it? You have knowledge of that?

MR. ATTAR: I believe so.

MR. MCCANN: How about this room? Are you familiar with this room? This is the, this is the fourth page of this Exhibit 28.

MR. ATTAR: Looks like their library.

MR. MCCANN: Okay. Did you inquire about renting

that room?

MR. ATTAR: I've been in that room. It's very, a pretty small room. I don't think you can fit even forty-nine chairs in there.

MR. MCCANN: What about this room depicted on the fifth page of Exhibit 28? I mean, did you inquire renting this room?

MR. ATTAR: This room as well, I believe the first week that we were ever in the Myerberg we were in this room, but it's a very small room. Hard to access as well, it's in the back of the building, it's really not an ideal location.

MR. MCCANN: Why is it, okay. How about this one on the seventh page of this exhibit? Did you inquire about renting this room?

MR. ATTAR: So, that is part of the space that (inaudible) has been renting for the past thirty years.

MR. MCCANN: Okay. Any idea why the Myerberg has it on its website as available for rent?

MR. ATTAR: I mean, you could probably rent it during the week for an event. And they have offices that you could probably rent yearly.

MR. MCCANN: Okay. But you don't know?

MR. ATTAR: Not (inaudible), there's no place available.

MR. MCCANN: Bear with me one second again. Okay.

Getting back to 3009 and your beginning to hold services there in September of 2020. Following the Rosh Hashanah holiday, you nevertheless continued to hold services throughout the fall and winter of 2020 at 3009 Northbrook, correct?

MR. ATTAR: Correct. So, after the high holidays --

MR. MCCANN: Just yes or no. Just yes or no, Mr. Attar.

MR. ATTAR: We had for the high holidays and then we started back up in January after the zoning was filed.

MR. MCCANN: You didn't have any services at 3009 between the Rosh Hashanah holiday in September of 2020 and January of 2021?

MR. ATTAR: No, Rosh Hashanah was in September of 2020. After the high holidays, I think it ended in beginning of October, at that point we were back at the Myerberg Center. The zoning was filed, the zoning Petition, and then we moved back in January 1st.

MR. MCCANN: Okay. So, so, no services or other activities were held at 3009 Northbrook between the beginning of October 2020 and January of 2021, is that your testimony?

MR. ATTAR: I don't remember the exact date in October, but it was probably a week or two into October when the high holidays ended but (inaudible).

MR. MCCANN: Whatever that day is, is that true? That is, no services or other activities at 3009 Northbrook

between October, whatever week, first or second week of that month, 2020 until January of 2021, correct? Is that your testimony?

MR. ATTAR: I believe that is correct.

MR. MCCANN: The, the owner of that property is Saman Radparvar, correct?

MR. ATTAR: That's correct.

MR. MCCANN: He's a member of the congregation, I think we've already established that.

MR. ATTAR: Correct.

MR. MCCANN: And he's, in fact, he's a founder of the congregation, correct?

MR. ATTAR: That's correct.

MR. MCCANN: And he, he obviously doesn't live there today?

MR. ATTAR: He's not, he does not.

MR. MCCANN: Has he ever lived there since his purchase of the property?

MR. ATTAR: He has not.

MR. MCCANN: So, your holding of services in September and October of 2020 and, and assuming you didn't have any for the rest of that year, 2020, you did all of that without first, first obtaining approval from Baltimore County, correct?

MR. ATTAR: That's correct. We, we really didn't

have anywhere to pray, so, --

MR. MCCANN: Just, just yes or no, Mr. Attar. Please answer the question then it'll make things go a lot quicker, okay?

MR. ATTAR: Yes.

MR. MCCANN: In fact, the County issued a correction notice, did it not?

MR. ATTAR: That's correct.

MR. MCCANN: Let me show that to you. This is Protestant's or Appellant's Exhibit 15, pre-marked as such. Bear with me one second. Do you recognize this document as the code enforcement correction notice that was issued to the property owner, Saman Radparvar, on October 23rd, 2020?

MR. ATTAR: That's correct.

MR. MCCANN: Okay and does it not say under inspector's comments, Mr. Attar, I know the Board can't see. Can you see that, Mr. Evans, if I highlight it? Can you see my highlighting, Mr. Attar?

MR. ATTAR: Yes.

MR. MCCANN: Okay and I'll just read it to you. It says, the current use, parens, religious, end parens, must cease. You see that?

MR. ATTAR: Yes.

MR. MCCANN: And the county code enforcement folks gave your congregation a compliance date of November 27th, 2020,

correct?

MR. ATTAR: That's correct.

MR. MCCANN: And the congregation did not comply with this correction notice. You continued to hold services after that, through and including the spring of 2021, correct?

MR. ATTAR: That's correct, but that doesn't paint the full picture.

MR. MCCANN: Okay. Well, your, your counsel will have the opportunity to ask you questions about that. Let me show you Protestant's Exhibit 16. Do you recognize this document as a citation that was issued to Mr. Radparvar, the congregation?

MR. ATTAR: Yes.

MR. MCCANN: In April of 2021?

MR. ATTAR: Yes.

MR. MCCANN: I was looking for the date, it says issue date down here at the bottom. April 27th, 2021, do you see that?

MR. ATTAR: I do.

MR. MCCANN: Okay and this –

MR. LA FIANDRA: Is there, is there an exhibit number on this?

MR. MCCANN: Yeah, I think I said it was sixteen. Okay and this, and the, again, the inspector's comments, Mr. Attar, the inspector said continuing using this building for

religious gatherings and services without first obtaining a use and occupancy permit, etcetera. Do you see that?

MR. ATTAR: I do. But I do believe that this citation was given in error, in my opinion.

MR. MCCANN: Okay. Well, following this, the issuance of this citation in April of 2021, I believe it was over the summer of 2021 or late summer rather, we had the, the hearing before the Administrative Law Judge, correct?

MR. ATTAR: That's correct.

MR. MCCANN: Okay and in October of 2021, the Administrative Law Judge issued his opinion in that case, correct?

MR. ATTAR: That's correct.

MR. MCCANN: So, just to bring us fast forward through the spring, summer and fall of 2021, your congregation continue to hold services at 3009 Northbrook, correct?

MR. ATTAR: Correct.

MR. MCCANN: So, I'm going to show you the ALJ's opinion. Hold on a second. Okay. Scroll up. I will not be marking this as an exhibit, I, I, it's a matter of record. Do you recognize this document, Mr. Attar, as the opinion and order of the Administrative Law Judge in that case?

MR. ATTAR: I do.

MR. MCCANN: Okay. I'm going to scroll down to page six. And the first thing I want to ask about is what we were

just talking about, that is, the, the third bullet point where it says, quote, Petitioner shall immediately apply for and obtain a change of occupancy permit before any further use of the premises, end quote. Do you see that?

MR. ATTAR: I do.

MR. MCCANN: Okay. Am I correct that, and the date of this, just for everyone's benefit, of this Order, is October 5th, scroll up a little bit, October 5th of 2021, do you see that?

MR. ATTAR: I do.

MR. MCCANN: So, that was more than, that was almost a year and a half ago, or at least a year and five months or so.

MR. ATTAR: I believe that was six months ago, --

MR. MCCANN: I'm sorry, six months ago. I'm sorry, thank you, Mr. Attar. You did not, contrary to Administrative Law Judge's ruling, you did not obtain a change of occupancy permit before further use of the premises, isn't that correct, Mr. Attar, yes or no?

MR. ATTAR: We immediately applied for but did not get obtained.

MR. MCCANN: In fact, it did not, you did not obtain a change of occupancy permit until just recently, within the last week or two, correct?

MR. ATTAR: That's still in process, but we did apply

for it actually on October 5th, 2021 --

MR. MCCANN: (inaudible) --

MR. ATTAR: -- we had to take even the Judge's decision into the permit office because their systems weren't even updated yet. But we went in there that first day and tried to obtain the change of occupancy permit. Now, these permits, they could take weeks, even months.

And we worked very diligently to try to get that done. The architect, we paid extra to have him try to expedite the plans. We were, he was in constant contact with the County, and I believe at that point, before we could move forward, we received a notice of appeal.

At that point, that was when the decision was made to kind of put it on pause because all these permits that you are getting now, the building permits, all commercial permits. They're not residential permits anymore because it is a commercial entity --

MR. MCCANN: Mr. Attar, Mr. Attar, that wasn't my question. My question was simply, did you apply for and obtain the change of occupancy permit before any further use of the premises and the answer to that question is no, right?

MR. ATTAR: It was applied for but not obtained.

MR. MCCANN: Okay and you did not obtain it before any further use? In other words, so you continued from October 5th, 2020, until today with, with the exception of the work

that's going on inside, you, you continued, following this decision, to use the subject property as a, as a shul, correct?

MR. ATTAR: That's correct.

MR. MCCANN: Let me, let me show you the permit that you did obtain. One second. And this pad is driving me crazy. I'd love to have my mouse right now. Bear with me one second. Okay. Okay. Let me show you what's been marked as, give the exhibit number in a moment. Do you recognize this use permit?

MR. ATTAR: Yes.

MR. MCCANN: Okay. So, this was a temporary permit that you were able to convince Permits, Approvals and Inspections to issue just for a limited period of time. That is, from October 8th through October 9th, just those two days --

MR. LA FIANDRA: Objection to the question.

MR. MCCANN: I didn't finish the question.

MR. LA FIANDRA: Well, objection to the statement and the question.

CHAIR: Objection to the what?

MR. LA FIANDRA: The statement. There's no evidence that Mr. Attar convinced anybody to do anything.

CHAIR: All right.

MR. MCCANN: Okay.

CHAIR: Yeah, well, --

MR. MCCANN: I'll rephrase, I'll rephrase the question.

CHAIR: Okay.

MR. MCCANN: Thank you, Mr. Evans. So, Mr. Attar, this was a, a use permit that you obtained from Baltimore County for a limited period of time, that is, just on, for October 8th, 2021, and October 9th, 2021, correct?

MR. ATTAR: That's correct.

MR. MCCANN: So, this is, Mr. Evans, this is Protestant's Exhibit 6 (inaudible) --

CHAIR: The temporary use permit?

MR. MCCANN: It is, yes.

CHAIR: Okay, all right.

MR. MCCANN: So, I would, before we move any further, I guess it makes sense to go ahead and move exhibits in before I get too far along here. And that would be this temporary use permit Exhibit 6, the citation, which was Exhibit 16, the correction notice, which was Exhibit 15. The My Neighborhood map, which was Exhibit 2, and the photos of the rental halls, which, Exhibit 8. The Articles of Incorporation, which is Exhibit 15. And then, and then Exhibit 28 which was, was, I'm forgetting what that was right now. But whatever twenty-eight was.

MR. LA FIANDRA: (inaudible).

MR. MCCANN: Articles was number five, yes.

CHAIR: Twenty-eight was the website for the Myerberg.

MR. MCCANN: Website, correct, from the senior center.

CHAIR: Yeah. Well, hearing no objection, --

MR. LA FIANDRA: Well, if I may just have one moment.

CHAIR: Oh, for sure, yes, please.

MR. LA FIANDRA: (inaudible) I have the correct numbers. I have six is the use permit, sixteen is the correction notice, fifteen is the --

CHAIR: Fifteen is the correction notice, sixteen is the citation.

MR. MCCANN: Correct.

MR. LA FIANDRA: The citation.

CHAIR: Um hm.

MR. LA FIANDRA: Two, pardon me, I didn't get what number two is, two is the map?

CHAIR: Two is the map. Yeah, My Neighborhood.

MR. LA FIANDRA: Eight.

CHAIR: That's the photos.

MR. LA FIANDRA: Photos, I have those. Was there an eighteen? No.

MR. LA FIANDRA: No eighteen.

CHAIR: There's a twenty-eight.

MR. MCCANN: Twenty-eight.

MR. LA FIANDRA: Yes, I have twenty-eight as the website. And it's not a website, it's a pdf of a website, is

that correct?

MR. MCCANN: Correct.

MR. LA FIANDRA: I have no objection to those.

CHAIR: Okay, thank you. Okay. They'll be admitted then.

MR. MCCANN: Thank you, Mr. Evans.

MR. LA FIANDRA: So, I want to make sure I'm clear. One, two, three, four, five, six exhibits are in, is that correct, six exhibits?

CHAIR: Well, I didn't count them.

MR. PENNINGTON: I have seven.

MR. LA FIANDRA: Yeah, I might have missed one, I tried to make sure I got them all (inaudible).

MR. MCCANN: (inaudible).

MR. LA FIANDRA: Six, sixteen, fifteen, two, eight and twenty-eight.

MR. PENNINGTON: And five, which is the Articles.

MR. LA FIANDRA: Five, that, pardon me, thank you very much.

MR. MCCANN: Thank you, Mr. Pennington.

MR. LA FIANDRA: Thank you.

MR. MCCANN: All right, Mr. Attar. I want to go back to the Administrative Law Judge's decision again. In addition to requiring you to apply for and obtain a change of occupancy permit before any further use, he also required you to, and

this is the second bullet point, comply with DOP ZAC comment, a copy of which is attached hereto and made, made a part hereof.

And I'm going to scroll down to that comment. Are you familiar with this comment as being part of the Administrative Law Judge's Order?

MR. ATTAR: Yes.

MR. MCCANN: Okay and I'm referring you to the second page of that comment. More specifically, are you familiar with the, the comment that says this is comment number three on that page. Quote, limit the on street, limit the, the on-street parking for use of the synagogue, end quote. Do you see that?

MR. ATTAR: I do.

MR. MCCANN: Did you, so did you understand that as part of what you were required to do in, in accordance with the Administrative Law Judge's Order, was to limit the on-street parking for your use of the property as a synagogue? Did you understand that?

MR. ATTAR: We did. That's why we didn't have any parking on Northbrook Road.

MR. MCCANN: Okay. Can you say that again? So, that's why you didn't allow any parking on Northbrook?

MR. ATTAR: No, I mean, that's why, yeah, one of the reasons. We made sure nobody was able to park on Northbrook. We limited any parking that was on that street.

MR. MCCANN: Is, is it your testimony that there was

no parking on Northbrook during your use of the property as a synagogue?

MR. ATTAR: Not, might have been a car or two, but anytime that we saw it, we asked them to move. If it was, it was an error. It was a mistake, it wasn't --

MR. MCCANN: I'm sorry, go ahead.

MR. ATTAR: No, anytime that we ever saw any cars parked, we would ask them to move.

MR. MCCANN: And how did you go about doing that? In other words, did you have people who were in, charged with insuring that there were no cars as you, or few cars parked on Northbrook? How did, how did you do that?

MR. ATTAR: At times, we would check right before (inaudible) started just to make sure, and if we see any cars that were there that we thought, we thought were ours, we would find out who they belonged to and try to have them moved.

MR. MCCANN: Who's we?

MR. ATTAR: Me, a couple other members of the synagogue.

MR. MCCANN: Okay. Did you do anything else other than what you just described in order to comply with the Administrative Law Judge's requirement that you limit on street parking for use of the synagogue? Did you do anything other than that?

MR. ATTAR: We tell all members who are able to walk

if possible and we encourage everyone to park in the school parking lot.

MR. MCCANN: And how did, how did you do that? You just told people that during the service or?

MR. ATTAR: We tell them and it's on our newsletter every week that it goes out, and which we try to remind people.

MR. MCCANN: Did, on that issue, the parking lot. I know you spoke about that in response to Mr. La Fiandra's questions. Did your members, or any of your attendees at your services or other activities, ever use the parking lot at Wellwood, ever?

MR. ATTAR: I believe so, yes.

MR. MCCANN: And how do you know that?

MR. ATTAR: I've seen cars, I've seen people walk from there on my way to shul.

MR. MCCANN: Do you have any, I guess, I assume you don't, but do you have any photographic evidence, or other evidence, of your members using the parking lot? Any evidence that we could --

MR. ATTAR: No.

MR. MCCANN: No? Okay.

MR. ATTAR: When I'm walking to shul on Friday, I don't carry my phone with me because I'm not allowed to have it afterwards. I leave it at home. I'm not really in a position to be able to take the pictures.

MR. MCCANN: Okay. Well, you could ask somebody else to do so during service.

MR. ATTAR: I mean, not, nobody from the congregation, were not allowed to use cell phones.

MR. MCCANN: Okay.

MR. ATTAR: We're not allowed to use electricity over (inaudible).

MR. MCCANN: All right. Getting back to the ALJ's opinion, the conditions, that is, the fourth bullet point says quote, except for high holidays, Petitioners shall not hold services or otherwise occupy or use the premises after 10:00 p.m., do you see that?

MR. ATTAR: I do.

MR. MCCANN: Have you, has the congregation complied with that requirement since it was issued in October 2021?

MR. ATTAR: I believe so. When we put our classes, we actually put them a little bit earlier than we usually do. We put them at 8:00 so they're done by 9:00. That way if anybody has any questions to the rabbi for a few minutes, but this way all activities end at that time and then people just, and then people leave at that point.

MR. MCCANN: Do you believe that's the case?

MR. ATTAR: I, yeah, all the classes I've been at 8:00 and they're usually done by 9:00 --

MR. MCCANN: Okay. I'm not talking about the classes

I'm just, I'm sorry to interrupt. I'm not talking about the classes, I'm just asking whether or not, in fact, the congregation has ever used the 3009 for services or otherwise, or otherwise after 10:00 p.m. at times other than the high holidays? Have you ever done that, yes or no?

MR. ATTAR: I don't believe so, no.

MR. MCCANN: Okay. The fifth bullet point and lastly it says quote, no exterior additions or modifications will be permitted except as approved by DOP, the County Fire Marshal and/or the County Landscape Architect, end quote. Do you see that?

MR. ATTAR: I do.

MR. MCCANN: Isn't it true that you have applied for and apparently obtained approval for an addition?

MR. ATTAR: No.

MR. MCCANN: You have not?

MR. ATTAR: We have not.

MR. MCCANN: Bear with me one second. Okay. You see this document? We'll mark this as Protestant's Exhibit 29. Do you see this document?

MR. ATTAR: I do.

MR. MCCANN: Do you recognize it as a building permit that was issued for a commercial addition at 3009 Northbrook, issued on March 4th, 2022?

MR. ATTAR: Is it possible to scroll down a little

bit?

MR. MCCANN: Sure, sure. To the next page, you mean?

MR. ATTAR: Yes, please. Okay. So, this is for the ramp that's being installed in the front of the building. It was required by the County for a change in use and occupancy. I don't know if it's an addition. Maybe that's what they, I guess categorize as an addition. But that's for the handicap ramp that's required for any change of use and occupancy permit that we want to get.

MR. MCCANN: Okay. So, regardless of whether it's the addition we saw depicted on the plan or whether it's the construction of a handicap ramp, why are you applying or why is the congregation applying for a building permit for this, as they call it, an addition when the Administrative Law Judge's opinion said that you were not to construct any exterior additions?

MR. ATTAR: This is how they do the permits. If they mark it as an addition, I'm not sure why they would but if, but that's what they told us is required to get the change of use and occupancy. If, if the, if the County --

MR. MCCANN: Mr. Attar, this has nothing to do with the use and occupancy part. This is just the building permit to construct an addition onto the house, correct?

MR. ATTAR: No, this is for the use and occupancy. It's required, this is all part of the same original permit

number. We, it used to be that the County, you could go in and get a permit and walk right out. So, when we originally went to go get a permit, it was all paper.

At the beginning of November, it all moved online. So, before it would all be under one permit number, but now they require you to do different permits for different aspects of the change of use and occupancy. That is why this is a separate permit than the inside alterations permit. They categorize it as an addition, that could be how they process things, that's, we can't control any of that.

But they required us to get a handicap ramp, that was part of the plan for the change of use and occupancy, it was part of the site plan admitted for that and if that's how they categorize it, I can't do anything about it.

MR. MCCANN: Okay. Well, Mr. Attar, you're not, you never filed for any sort of permit with Baltimore, Baltimore County before, is that fair? You're not, you're not an expert --

MR. ATTAR: Personally, I have not, but I was, I was involved, I went into the County office to get this.

MR. MCCANN: All right. So, even though they told you that you needed a permit for a commercial addition, you don't believe that's a violation of the ALJ's opinion, in short? That's the sum of it?

MR. ATTAR: I don't think so, yeah, I think that if

they're requiring it to be called an addition because their permitting system works that way, there's nothing, I can't change that. They required us to get a change of use and the ramp is part of the site plan for that change of use and that's what they require.

MR. MCCANN: There was mention during the last day of the hearing about you, you not holding services recently, for the last couple weeks. Is that because this hearing was coming or is that because there is work being done inside?

MR. ATTAR: Work being done inside.

MR. MCCANN: Okay and tell us what work you've undertaken inside prior to the decision of this Board?

MR. ATTAR: In the past few weeks?

MR. MCCANN: Yeah, what, what work has been done?

MR. ATTAR: All the stuff that they, that the County required. Most of it is ADA accessibility, to make ADA bathrooms, widen a couple doorways. We had to make, we had to make two bathrooms upstairs that were ADA compliant. Things of that nature.

MR. MCCANN: Anything else?

MR. ATTAR: They wanted us to do some --

MR. MCCANN: Mr. Attar, I'm just asking you what's been done inside, not what someone else, you, you know, you claim someone else told you to do. Just tell us what you did inside the, inside the residence?

MR. ATTAR: It, it was the ADA compliance stuff and a little bit of strengthening the floors. They wanted to become commercial grade.

MR. MCCANN: Why, why is all that work being conducted before the hearing before this Board even started? Can you explain that to us?

MR. ATTAR: Because we had no choice at that point. It's very hard to get a place to go week to week. We've been lucky that there's been a couple synagogues that have been willing to work with us. But that's required sacrifices from us.

We've had to go one week here, one week there. We've had to start our services earlier (inaudible) more quickly to be done on time because they need their space as well. And I under, you know, the way I understand the process works, a decision from the Board might not come for two, three, four months. I'm not, you know, however long that process is. We can't go week to week like that, we just, we won't be able to survive.

MR. MCCANN: Let's talk about the services and other programs you talked about with Mr. La Fiandra. And why is it that the services and programs have changed since the Administrative Law Judge hearing? Why, why, why have you, why have they changed?

MR. ATTAR: I'm not sure what you mean by that.

MR. MCCANN: Have, have the services and programming, the events and other activities that have been conducted, that you proposed to conduct, have they changed since the Administrative Law Judge hearing in the summer of 2021?

MR. ATTAR: I think our services are the same. We test, I testified in front of the ALJ that we would like to move the rabbi's classes to here, just because we're using other, other shuls to hold those classes, but I don't know how much has changed.

MR. MCCANN: Okay. Well, let's talk about that.

MR. ATTAR: (inaudible) between the summer schedule and winter schedule, maybe that's what you're referring to.

MR. MCCANN: Well, and I'm going to introduce the ALJ transcript. But as, as an example, you just mentioned the classes. Before the Administrative Law Judge, you did not indicate that during the weekday there would be classes and studies.

But you indicated during your testimony the other day that there would be such classes or studies, study sessions during the weekdays. I think, I don't have your testimony in front of me specifically on that point, but almost every weekday there will be classes or, or study sessions, correct?

MR. ATTAR: So, I testified that the rabbi does give three classes a week and that, that is what we moved over. The other two nights we had a few people that afterwards requested

and said hey, you know, this is where we come to shul and this is for shabbat, let's say we bring some of our study books that we use for personal use instead of just taking them home, going to another shul, bringing them back, do you mind if we come here for an hour or so in the evenings and study here by ourselves? And we said sure. It's only about four, four or six people that come the other two nights, not that many people.

MR. MCCANN: Okay. But now you do, bottom line, you do propose classes and study sessions on Tuesdays, Wednesdays and Thursdays during the week, that's what you, correct?

MR. ATTAR: I believe it was Sunday, Wednesday, Thursday, but that was, that was, those were the rabbi's classes and that was what he proposed to move to the shul.

MR. MCCANN: Okay and in terms of the Friday evening services, during, before the Administrative Law Judge, you said that approximately fifty-five to sixty people attend those services. During your testimony the other day, you said sixty to sixty-five people attend those services. Why the increase in the number of people?

MR. ATTAR: We had a couple more people from the neighborhood come actually. We, we have gotten more, a few more (inaudible) to be able to accommodate. That's, I think that's where the biggest part of the increase has come from.

MR. MCCANN: Okay. Before the Administrative Law

Judge you said of those then fifty-five to sixty people, only three to nine, there are only three to nine people driving. Do you recall that testimony?

MR. ATTAR: I believe so. I believe during the winter it was three or nine, during the summer it was three to nine.

MR. MCCANN: Just recently the other day before the Board you testified that of the sixty to sixty-five people, some will drive. You were a little more, a little less certain. Is your testimony today that there will be more than three to nine people driving on Friday evening services then, then you indicated before the ALJ?

MR. ATTAR: I think during the winter we had around ten cars that would come out of the sixty-five people.

MR. MCCANN: Okay. On Saturday afternoon services, before the Administrative Law Judge, you indicated thirty to thirty-five people attend those services. Last week before this Board, you testified that fifty to fifty-five people will attend those services, is that correct?

MR. ATTAR: Correct. Again, that goes between the summer/winter schedules, because the summer we had split it up into two different ones so people could go to whichever one they want. That's why there were some that would attend the earlier one around 6:00, some would attend the later one around 8:00. But during the winter because sundown is much earlier

and the days shorter, we only have one afternoon service, which everybody goes to that one.

MR. MCCANN: Okay. One thing you mentioned last week that you didn't mention before the Administrative Law Judge was father and son programs that would take place Saturday evening. And you indicated that between fifty and fifty-five people will be driving for those father and son programs, is that correct?

MR. ATTAR: Not driving. I think that's, I that's how many people would come.

MR. MCCANN: I'm sorry, attending, I'm sorry.

MR. ATTAR: Correct. I believe so. Again, I mean, my son is too young to go for the whole thing, so I only go for like fifteen minutes of it with him because he's younger than four, if we go. A lot of weeks we don't because that's, that's close to his bedtime. So, I can't, I don't know exactly how many. But when I go and for the short time that I'm there that's what I see.

MR. MCCANN: Okay. Fifty to fifty-five people?

MR. ATTAR: Possibly, yeah.

MR. MCCANN: Okay. But you did indicate that those folks will drive because they have their kids with them, right?

MR. ATTAR: Correct and it's after Shabbos then, so yeah, they come with their kids, that's easier, especially during the winter.

MR. MCCANN: Okay. So, in addition to the, the, the

afternoon services and then the evening services, after Shabbos there will now be this father/son program?

MR. ATTAR: Correct. It's a program that, I don't know if I can say all shuls, I would say vast majority of shuls have. Usually runs for about maybe twelve nights out of the year, twelve Saturday nights during the winter, because you do have holidays and winter breaks that fall in between, which we don't have. But it's usually about twelve, I would say, nights out of the year that we have that.

MR. MCCANN: So, a number of things you, you, you indicated that you will not have, and I want to make sure that we're clear on each of these things. You said, at this location that is, 3009 Northbrook, no life events. That is no weddings, no bar mitzvahs, no circumcisions, correct?

MR. ATTAR: Definitely no weddings. I mean, a bar mitzvah is, I mean, the Shabbos, they read the Torah, but no, I don't know if they're going to have any parties there.

MR. MCCANN: Okay. So, you will --

MR. ATTAR: (inaudible) party.

MR. MCCANN: So, you will have life events?

MR. ATTAR: (inaudible) the bar mitzvah on Shabbos consists of the boy reading the Torah, that's, that's considered bar mitzvah. Whether we're going to have a bar mitzvah party, there's no social hall. So, I don't think we could have, it's not going to be there.

MR. MCCANN: Okay. What about other life events? And I called them life events, and I'm using that term generically, of course. But what about other types of life events? I mentioned circumcisions. Will there be circumcisions?

MR. ATTAR: I don't think so, again, because that requires a social hall because there's, there's a large meal usually given after and there's no space for that. So, I don't think there will be.

MR. MCCANN: So, you said no, at the, before the Administrative Law Judge, you said no bar mitzvahs or bat mitzvahs. So what's changed?

MR. ATTAR: I think the bar mitzvah, referring to the reading of the Torah, that happens on Shabbos. But bar mitzvahs usually have, they're associated with a party for their friends at some point during the week, that we will not have. Just because we don't have the space for it. Or we're just a, it's a house, not a social hall.

MR. MCCANN: Okay. Before the Administrative Law Judge you said no Hebrew school.

MR. ATTAR: No.

MR. MCCANN: Before the Administrative Law Judge you said no lectures.

MR. ATTAR: No lectures.

MR. MCCANN: Okay. You said no renting out to third

parties of the, of the house or any part of it.

MR. ATTAR: Correct. I don't believe we'll be renting out. There's not much place to rent.

MR. MCCANN: No increase in the number of seats?

MR. ATTAR: No.

MR. MCCANN: And no kitchen or other means to prepare food or onsite?

MR. ATTAR: No.

MR. MCCANN: Okay. Okay. Isn't it true, Mr. Attar, that you and others on behalf of the congregation told my clients and others in the community that this was a small shul with twenty members?

MR. ATTAR: I, I was never part of any conversation like that.

MR. MCCANN: Isn't it true that you told my clients and others in the community that this shul would consist of only twelve to fifteen men attending daily prayer services?

MR. ATTAR: I was not part of any conversation about that.

MR. MCCANN: Is it true that you and others on behalf of the congregation told my clients and others in the community that the shul will not be growing?

MR. ATTAR: I was not part of any conversation about that.

MR. MCCANN: Okay. Okay. Well, prior to the move to

Northbrook in, in September 2020, the congregation engaged in a fundraising campaign, correct?

MR. ATTAR: Correct. I believe it was the summer of 2019.

MR. MCCANN: And in connection with that campaign, isn't it true that your congregation told folks that the shul had grown so much that you were notified by your landlord that you were no longer able, that they were no longer able to accommodate you, is that true?

MR. ATTAR: Correct. The only, as I said, they only had forty-nine chairs. So, they didn't really want people standing or in the hallway. So, they, you know, once we were over forty-nine people, they said, you know, it's time for you to look maybe for a bigger place.

MR. MCCANN: Isn't it true during that campaign that the congregation told people that it was growing, and you needed a much bigger place and was bursting at the seams?

MR. ATTAR: Yeah, I mean, the art studio was pretty tight. Again, there were painting easels everywhere, paint, painting supplies everywhere. So, even putting the forty-nine chairs, including a section for the ladies and, and the Torah (inaudible) everything that we had in there, it was a very tight space. So, yes, I mean, that, we needed a bigger space than that.

MR. MCCANN: I'm, I'm not asking what you needed or

didn't need, or why you needed it or didn't need it. I'm simply asking you, were these, were these statements made in connection with the campaign? So, the answer, the question calls for a yes or no answer. So, next question. Isn't it true in connection with that campaign, that the congregation told folks that its membership had grown to hundreds and hundreds of members, is that true? Yes or no.

MR. ATTAR: I believe it was over two hundred, that includes every man, woman and child from every, from every member. The ones that live here and the ones that live out of town.

MR. MCCANN: Isn't it true that in connection with the campaign, your congregation told people that it is all about growth, isn't that true?

MR. ATTAR: That is true. That is the fundamental point of Judaism. To grow as a person, be a better person, that's, that's why we have classes, that's why we do things for the kids. You know, to be a better, you know, one of the rabbi's classes is about marriage and for men.

That's to become a better father, better husband, better part of the community. That is a fundamental part of Judaism, to always try to grow and be a better person. Not just for yourself but for the whole community as a whole.

MR. MCCANN: Yeah, I'm talking about growth in terms of membership and, and the size of the congregation. That's

the, was that representation made during the campaign, yes or no?

MR. ATTAR: I don't know if it was made towards membership.

MR. MCCANN: Isn't it true that the congregation intends to not use a single-family one-story home but to construct a multi-story shul at this property?

MR. ATTAR: I don't know if, I don't know if I would say that.

MR. MCCANN: Okay. I'm going to show you what's been marked as Protestant's Exhibit 9, Mr. Attar. You see this document?

MR. ATTAR: I do.

MR. MCCANN: Okay. Is this, I apologize. Bear with me one second. Okay. Is this, am I correct that this was something that the congregation published as part of that campaign? This is in September and October of 2019, that is soliciting donations for the congregation?

MR. ATTAR: That's correct. I think that was put together from our fundraising team and marketing team. That they put together, put that together.

MR. MCCANN: Okay. And this is Exhibit 11. And I'm going to blow this up so that you get a better look at it. But do you recognize this as a Facebook post by the congregation about the congregation? Do you recognize it as such?

MR. ATTAR: I do.

MR. MCCANN: And it says right here in the second paragraph, it's talking about the history of the congregation. And it says, the small group of men and their families has now, now grown to hundreds and hundreds of members and they need a new home. Please consider making a gift. True?

MR. ATTAR: I wouldn't necessarily characterize it as true. I see the name that's on there, David Golaner. He's not part of our congregation. I believe he was the original person in the Myerberg Center, I believe he was there for the first year or two when we were there. He was kind of the director there. So, I don't think he has any direct knowledge of what our congregation is, is, or how big it is, so I wouldn't characterize hundreds and hundreds as true.

A couple hundred if you include every man, woman and child on the entire membership list, maybe. But hundreds and hundreds, I would not characterize that as true. And certainly, I don't think Mr. Golaner has the direct knowledge to be able to really determine that.

MR. MCCANN: Okay. Let me show you what's been marked as Exhibit 10. Again, I'll blow this up. You recognize this as another post of the congregation? This one in October 2019, as part of the, the campaign we discussed earlier, the fundraising campaign?

MR. ATTAR: That is correct. I think that is from

the, I think that was made by the website that was doing, that was hosting the campaign. I think that's from their marketing team, correct.

MR. MCCANN: Okay. From your marketing team, the congregation's marketing team?

MR. ATTAR: I believe from there, the website that posted it. I think they have a whole team that does the, takes care of all that stuff.

MR. MCCANN: Okay. Well, they were authorized to do all this on your behalf, right?

MR. ATTAR: That's correct.

MR. MCCANN: Okay. So, again, here's this building depicted. Is that the rabbi there?

MR. ATTAR: That's correct.

MR. MCCANN: Okay and I'm going to blow this up a little bit. And this description of, again, the history of the congregation having been founded in 2013. Then it says, quote, beginning with less than thirty participants, their membership, our membership rather, has grown to more than two hundred people in just a few years.

The current rental premises is no longer able to accommodate us, and we must secure a new permanent home by this coming January. Did I read that correctly?

MR. ATTAR: You did.

MR. MCCANN: Okay and then over here on the righthand

side, I wanted to ask you a question about this. It says, we have outgrown our current facility. Quote, we desperately need a new home to serve the needs of our vibrant community and a new facility will open up new opportunities for daily min, I'm going to mispronounce the name, I apologize, Mr. Attar, and programs for our kids. So, first of all, tell us what daily Minyanim is.

MR. ATTAR: Daily Minyanim means services during the week. That again same requires ten men (inaudible) to join. Shiurim just means more classes with the rabbi. That's, those are the three that we have now, it used to be, I believe it used to be two, now it is three. And programs for the kids are, are, I guess would be like a singing program that we now have, that we do for the kids.

MR. MCCANN: Okay and lastly, this would be Exhibit 12, and I'll blow this up. This is a, do you recognize this as a post in BaltimoreJewishLife.com? You've seen this before, right?

MR. ATTAR: Yeah, I, I believe there was some discussion about, about this post.

MR. MCCANN: Okay. Well, it says by, by your congregation, right? That's the by line, right?

MR. ATTAR: Yeah, but I don't know why, I mean, we're not allowed to post on the website. We have no access to that website. That website is privately run. It's a for profit,

they do ads and all that type of stuff. So, we have no access to that website.

MR. MCCANN: Okay. So, is it, is it your testimony that this BaltimoreJewishLife.com post was, was not authorized by the congregation?

MR. ATTAR: Not by me. I don't know who would have authorized it. I mean, it's a, it's a website for the community, so anything that they see they kind of post up there.

MR. MCCANN: But is it accurate --

MR. ATTAR: (inaudible) --

MR. MCCANN: Is it accurate? The first sentence is what we've seen repeated in other exhibits. That the congregation was founded in 2013, has grown from thirty participants to more than two hundred in just a few years. That's an accurate statement, correct?

MR. ATTAR: That's, that's correct. I, I would assume that was taken off the campaign website.

MR. MCCANN: Yeah. Mr. Evans, I would move these last set of exhibits, nine, ten, eleven and twelve into evidence.

CHAIR: What's --

MR. LA FIANDRA: Mr. Evans, I'm objecting to number eleven and twelve.

CHAIR: What, what was eleven? I, I missed eleven.

MR. MCCANN: So, this was ten. One second, Mr. Evans. Was this Facebook page, based by David Golaner?

MR. LA FIANDRA: Pardon me. Was that number ten or number eleven? I thought that was --

CHAIR: Yeah, I have that as number ten.

MR. LA FIANDRA: I thought that number ten was --

MR. MCCANN: I can go through each one again. This is, this is nine. I can show you nine. That's this one.

MR. LA FIANDRA: Yeah, I have no objection to this one.

MR. MCCANN: Okay. This is number ten, this one.

CHAIR: Okay.

MR. LA FIANDRA: I have no objection to this one.

CHAIR: Okay.

MR. MCCANN: This is number eleven.

MR. LA FIANDRA: I object to this one. The witness stated that the poster, David Golaner, is not affiliated with the shul and he doesn't know how this was posted.

MR. MCCANN: I have no problem with that, Mr. Evans. I'll withdraw number eleven.

CHAIR: Okay.

MR. MCCANN: Just to make it easy. Number twelve is this BaltimoreJewishLife.com.

MR. LA FIANDRA: Same objection. In fact, it even, the, the, where it says by, the, the name of the author is, if

it's asserted to be Ahavat Shalom, it's misspelled.

MR. MCCANN: That's fine. I'll, I'll withdraw that as well.

CHAIR: Okay.

MR. MCCANN: He said it was truthful, so --

MR. LA FIANDRA: (inaudible) I have no objection to his testimony. His testimony is what it is. But I object to the, the evidence.

CHAIR: Okay, that's fine. So, eleven and twelve are withdrawn. They're, they're, they're there for i.d. only, let's say. And should be part of the record.

MR. LA FIANDRA: That's fine.

CHAIR: But they are not offered formally as exhibits.

MR. MCCANN: Okay.

CHAIR: But nine and ten are admitted.

MR. MCCANN: Great, thank you. Let me just show you nine again. This is that image that we've seen a couple times now, Mr. Attar. Was this, is this building, was this the one that the congregation proposes or may propose to construct on this property?

MR. ATTAR: I'm not sure. We, I mean, this is, what you see now is what the yard signs were that we were posting. So, we wanted something kind of just Marketing 101. Something that would kind of pop and get people's attention. Don't know

if it's necessarily a drawing of what we, of what a building would look like (inaudible) be a building.

But it was, we wanted something that was marketable to get people's attention. As a small community, you need to do, you need to do that marketing to be able to solicit the funds that you want.

MR. MCCANN: Well, the way I see it, Mr. Attar, this is either misrepresentation to prospective donors or it's a truthful depiction of what may come of this property. Which is it?

MR. ATTAR: I don't know what may come or may not come, I can't speak. I'm not, I'm not able to speak to that. But at that point, we wanted something to (inaudible) marketing team said hey, we're looking to do a fundraiser. We want to do some yard signs and things like that, what do you recommend?

MR. MCCANN: Okay. Who's, and who's the architect that prepared this, that came up with this design?

MR. ATTAR: I'm not sure.

MR. MCCANN: Is it a, is it a gentleman by the name of Donny Ankri, A-N-K-R-I? Isn't he an architect that the congregation hired to come up with this (inaudible) design?

MR. ATTAR: It's possible it was him. I wasn't part, I wasn't a part of the campaign committee.

MR. MCCANN: Okay. Bear with me one second.

MR. ATTAR: I could have been Donny Ankri. One of

our other board members, I think, was facilitating that.

MR. MCCANN: Let me show you a website from Don Ankri Architects. And this would be Protestant's Exhibit 30. And do you see there on, this is a printout from his website. Do you not see there that very same design or plan?

MR. ATTAR: I can't see the screen.

MR. MCCANN: Oh, I'm sorry. You see that?

MR. ATTAR: Yeah. Yeah, I guess he was the one who did it.

MR. MCCANN: Okay and then continuing on the second page of this exhibit, which is thirty, there's actually a rendering of Mr. Ankri. And this is actually in July of 2018, do you see that?

MR. ATTAR: Yeah.

MR. MCCANN: Okay and then lastly, the third page of this exhibit is some more sketching, apparently about the interior. Do you see that?

MR. ATTAR: Yeah.

MR. MCCANN: Okay. So, is this something, these, these sketches in particular, is this something that you or others on behalf of the congregation worked with Mr. Ankri on?

MR. ATTAR: I personally didn't. These are (inaudible) sketches, so it could be it was part of the design process for the fundraiser. But I would have, I would have to speak to our campaign committee about all the stuff they did

with that.

MR. MCCANN: Okay. Your Honor, I would move Protestant's Exhibit 30 into evidence.

MR. LA FIANDRA: I'm going to object to this, Mr. Evans. The witness said he doesn't really under, know what this evidence is about. He just said he sees it.

MR. MCCANN: Well, I think he said he --

CHAIR: Is, is Mr. Ankri going to be a witness, do we know?

MR. LA FIANDRA: He's not going to be called by me. I don't know if Mr. McCann intends to call him.

CHAIR: Okay. Well, Mr., Mr. Attar, did the, to, to the best of your knowledge, did the, did the shul retain Mr. Ankri to do designs for a shul for the congregation?

MR. ATTAR: I don't know if it was necessarily for a shul. It's very, I guess it's who they asked for to do the layout for a, for the outside for a campaign of a, of a design for a shul, to put on the posters and stuff. I don't know, there has been really no real discussions by us about what a potential shul could even look like.

CHAIR: Well, was, was this rendering done as part of that effort by your congregation?

MR. ATTAR: I'm sorry, I'm not sure I understand the question.

CHAIR: Well, it, it's, did the, did the congregation

authorize Mr. Ankri to do these renderings?

MR. ATTAR: I believe so. I mean, if it's on there then I guess it was from the board member that was part of the campaign, the, the campaign committee to do this. I would assume that's a true statement.

MR. LA FIANDRA: I have the same objection. All he said is he guesses and he, he assumes.

CHAIR: Well, he's President in the congregation, right? I mean, --

MR. LA FIANDRA: He is the President, he is the President and I think his testimony indicates he doesn't really know.

MR. MCCANN: No, it, I think he said more than that, Mr. Evans. I'm sorry to chime in here. He said they very well may have. He wasn't personally involved, but this is, this is, this is the depiction, and they very well may have.

CHAIR: Mr. Attar, do you have any reason to believe this is not what it purports to be?

MR. ATTAR: No, I mean, there was, I can say there was no like discussion within the board to review, to do this as a (inaudible) shul. For the campaign, I guess, it's, it is, that is what the facts are, that it was probably used for the campaign. I, I see no reason to doubt that.

CHAIR: All right, well, --

MR. LA FIANDRA: Mr. Evans, if I may --

CHAIR: The objection is overruled, yeah. It, it, it's, you know, whatever concerns you may have, I think go ultimately to the probative value. But --

MR. LA FIANDRA: Understood, I get it. Thank you very much.

CHAIR: All right.

MR. LA FIANDRA: Appreciate the ruling.

CHAIR: Sure.

MR. MCCANN: Mr. Attar, how do you know, go ahead –

MR. LA FIANDRA: Is that Exhibit 30, Mr. McCann? Did you say that was number thirty?

MR. MCCANN: Yes.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Mr. Attar, you, you stated pretty affirmatively and then maybe less so subsequently, that this was used in connection with the campaign, that's why it was prepared. Do you have any personal knowledge of that?

MR. ATTAR: Well, I do know that they wanted something to be able to put on a poster. At that point, we didn't have a location fully yet. I mean, we were, we were, this new location wasn't available to us. But we wanted something to be able to put on a poster. That's what the campaign website said as well.

MR. MCCANN: All right. I'll move on.

CHAIR: Mr. Attar, when was, when was the Northbrook

Road property acquired, if you, if you know off the top of your head?

MR. ATTAR: I believe it was in October of 2017. But at that point it was, it was rented out by, Dr. Radparvar rented it out to somebody at that point. And somebody was living in there, I think, I'm not sure until, until when they left. Maybe 2020, 2019.

CHAIR: Okay.

MR. MCCANN: Mr. Evans, I, I have the SDAT sheets that I wasn't really going to introduce into any, through any particular witness. But now is as good a time as any to maybe introduce those if I could.

CHAIR: Okay.

MR. MCCANN: And those would be, I actually have two sets, it's 3 and 3-A. Three is, and I'll pull those up right now. So, Exhibit 3, I think you can see that is the SDAT sheet for 3009 Northbrook, the subject property. So, I would move that into evidence, that's just the, actually, I'm sorry. I included two in here, Mr. Evans. I included both 3009 and 3101 Northbrook. That is the, the house to, to the west where the rabbi lives.

CHAIR: Okay.

MR. MCCANN: So, and at least according to the SDAT sheet, the date of transfer was December 2017, so thereabouts, consistent with Mr. Attar's testimony. And then, 3-A I

included all the SDAT sheets in Greenspring Manor so fifty-three, fifty-two, I'm sorry, sheets.

At least in this section of Greenspring Manor, which is all of Northbrook and some surrounding, there's a couple sections as we, as we learned earlier. So, I would move both of, both 3 and 3-A into evidence.

MR. LA FIANDRA: I have no objection. I, I question the probative value of them, but I don't have any objection to them, their admission.

CHAIR: Okay. They're admitted.

MR. MCCANN: Thank you. Next, Mr. Attar, I wanted to show you a video, this is Protestant's Exhibit 14-A. You've seen this before, right, Mr. Attar?

MR. ATTAR: Yes.

MR. MCCANN: And this is a video that was prepared by the congregation as part of the campaign, correct? Correct?

MR. LA FIANDRA: Can we see the video first before answering the question?

MR. MCCANN: Sure, sure. Mr. Evans, is it okay, okay if I go ahead and play it? It's about five minutes long, five minutes and thirty-eight seconds long.

CHAIR: I guess.

MR. MCCANN: Okay.

(VIDEO PLAYS)

CHAIR: So, is there a problem with the audio or is

this the way it is?

MR. MCCANN: You, you cannot hear the audio?

CHAIR: I, I don't hear it. Do other people hear it?

MR. PENNINGTON: No, it's all chopped up.

CHAIR: Yeah.

MR. MCCANN: Strange, I'm hearing it fine.

MR. MCCANN: Well, other than belabor the point, I'm sure the Board can look at it on its own time. Is, I don't know how to fix that problem immediately, Mr. Evans, quickly, I should say. Let me try one thing. Mine is working on my end.

CHAIR: Can you hear it, Mr. La Fiandra?

MR. LA FIANDRA: I cannot hear it.

MR. MCCANN: Yeah.

MR. LA FIANDRA: I can hear bits and pieces, it's very choppy. I, I, I would say that I cannot hear it.

CHAIR: Ms. Bonardi and Mr. Pennington, do you hear it?

MR. PENNINGTON: Not at all.

CHAIR: Okay.

MR. MCCANN: Well, I don't want to --

CHAIR: Mr. Attar, can you hear it?

MR. ATTAR: I wasn't able to hear it. As, as Mr. La Fiandra said, a couple of bits and pieces at the beginning, but it was choppy, I could not hear the end of it.

MR. MCCANN: Well, do, can I at least ask the witness

about it and just --

CHAIR: Oh, for sure, absolutely, sure.

MR. MCCANN: From what we've seen, Mr. Attar, you recognize this as sort of the video that was prepared on behalf of the congregation for the campaign that we've been speaking about?

MR. ATTAR: Yes.

MR. MCCANN: Okay. With that, Mr. Evans, I would just move it into evidence. It is what it is. In fact, maybe even more helpful to the Board, though I would, I would ask the Board to look at it, is the transcript of that video, which is 14-B, Exhibit 14-B, I have a transcript so. I would move both 14-A and 14-B into evidence.

CHAIR: Okay. Those are admitted.

MR. LA FIANDRA: I have no objection to the transcript or the video.

CHAIR: Okay, thank you.

MR. LA FIANDRA: That was 14-A and 14-B.

MR. MCCANN: Correct. Okay. Winding down, Mr. Attar. So let's talk about 3101 Northbrook real quick. On February 11th, 2021, or thereabouts, is when that property was acquired by Piam Norum, correct?

MR. ATTAR: I believe we went under contract, I believe the old owner moved out in 2020. That was probably when it was, but it would make sense by February that was when

it was recorded on, I assume, the S, on SDAT.

MR. MCCANN: Okay and then Mr., Mr. Norum, like the owner of 3009, is also a member of the congregation?

MR. ATTAR: Correct.

MR. MCCANN: And am I correct that he has never lived there, that is, Mr. Norum has never lived at, at 3101 Northbrook, correct?

MR. ATTAR: Dr. Norum has not lived there.

MR. MCCANN: Has he ever lived there?

MR. ATTAR: No.

MR. MCCANN: And that property, 3101 Northbrook, was purchased so that the rabbi could live there, correct?

MR. ATTAR: That's correct.

MR. MCCANN: So, that property is being used for no other purpose other than in connection with the proposed shul at 3009, correct?

MR. ATTAR: Sorry, one more time?

MR. MCCANN: Is that a fair statement, that 3101 Northbrook, where the rabbi lives, I'm assuming that no one else lives there but him and his family, correct?

MR. ATTAR: That's correct.

MR. MCCANN: No one else, no one else lives there during the week, for instance?

MR. ATTAR: No.

MR. MCCANN: Okay. 3101 Northbrook, that property is

used, is being used solely in connection with the proposed shul at 3009 Northbrook and for no other purpose, correct?

MR. ATTAR: That's correct. The rabbi lives there, and he does his activities there.

MR. MCCANN: All right. In terms of other properties, is it not true that the congregation tried to purchase a property behind 3009? Is that not true?

MR. ATTAR: Which property?

MR. MCCANN: Let me show you. I'm going to pull up Protestant's exhibit number two again, just the My Neighborhood map. I'll zoom in. Okay. I know this is not the best exhibit maybe to use for this purpose. But there are houses behind 3009 Northbrook, on Marnat Road, correct?

MR. ATTAR: That's correct.

MR. MCCANN: Isn't it true that the congregation tried to purchase one or more of these houses behind 3009 Northbrook, that is to the south, on Marnat Road?

MR. ATTAR: Not that I'm aware of. One of the houses is just recently being built, with a big addition for one (inaudible) family, he's not even a member. So, he's moving in there right now and all we want is somebody that prays by us so I'm, I'm not sure why we would try to buy those houses.

MR. MCCANN: I'm just asking you. Has, has the congregation tried to purchase any of those houses, any of them on Marnat Road behind 3009, yes or no?

MR. ATTAR: Not that I'm aware of.

MR. MCCANN: Okay and then, lastly, I'm jumping around here a bit. You had, you talked about the other Sephardic shuls that are, that are in existence. You mentioned four of them, including your congregation. And I had two in mind to ask you about, whether, whether they were or not Sephardic, if you don't mind me asking. And these would be Exhibits 31 and 32. So, let me show you website, I take it you would know if a particular congregation in the area was, was Sephardic or not, Mr. Attar?

MR. ATTAR: Probably, unless there's one I haven't heard of yet.

MR. MCCANN: How about this one, Darchei?

MR. ATTAR: No, that's, that's (inaudible) shul.

MR. MCCANN: Okay. You certain about that?

MR. ATTAR: Yes.

MR. MCCANN: Okay. That would be thirty-one. And this is just a, a printout from that website. Have you ever been on this website, Mr. Attar?

MR. ATTAR: No.

MR. MCCANN: Are you familiar with this congregation at all? I guess you are.

MR. ATTAR: Yes, yes.

MR. MCCANN: Have you ever attended services there?

MR. ATTAR: When I was younger, when I was living by

my parents I would go there sometimes.

MR. MCCANN: What do you mean by younger? How old were you?

MR. ATTAR: When I, before I got married.

MR. MCCANN: Your teens and twenties?

MR. ATTAR: Yes.

MR. MCCANN: Did you go there on a regular basis?

MR. ATTAR: No, I wouldn't, I wouldn't say it was regular.

MR. MCCANN: Okay and then, how about this one? Another congregation.

MR. ATTAR: Yes.

MR. MCCANN: This one is Sephardic, correct?

MR. ATTAR: Yes.

MR. MCCANN: Okay and this is, I think this may have been the one that you spelled for us earlier, correct?

MR. ATTAR: No, that, that, that was a different one, that was the (inaudible) shul across from Myerberg. This is a different shul.

MR. MCCANN: Okay and do you have you ever been, attended this shul?

MR. ATTAR: Yes.

MR. MCCANN: Okay and when, when did you attend it?

MR. ATTAR: I used to attend it all the time when I was younger. The last time I was there, a couple weeks ago

maybe.

MR. MCCANN: Okay. Do you recognize at least this exhibit as a, as a printout of a website from that, from that shul?

MR. ATTAR: That does look like their website, yes.

MR. MCCANN: All right. And let me show you, back to the map. So, the one we just looked at, bear with me. So, the first one we looked at, I know you indicated that it was not Sephardic. But that is, could you, could you point to us where on this map, Mr. Attar, that one is? The first one?

MR. ATTAR: So, if you take Marnat Road, go west until you hit Seven Mile.

MR. MCCANN: Right.

MR. ATTAR: It's, yeah, it's right there. It's just south of Marnat Road on that intersection.

MR. MCCANN: Right here, approximately? Seven Mile and Shelburne approximately?

MR. ATTAR: Yes.

MR. MCCANN: Okay. In fact, that was one of the synagogues, I think, that you identified on your exhibit, correct? With the, I can't recall the number. I think it was Exhibit 5, do you recall that?

MR. ATTAR: No.

MR. MCCANN: No.

MR. ATTAR: Can you show me Exhibit 5?

MR. MCCANN: Yeah, I can. I can, I will do that. Can't find my cursor. Actually, I'm sorry, it's Exhibit 12. I think it was five before the Administrative Law Judge. So, do you see that?

MR. ATTAR: Yes.

MR. MCCANN: This is Petitioner's Exhibit 12 in this case and the one, the shul we just looked at, the first of the two that I showed you websites from, is that this one right here? That is the one on the, the left side of the map, one below the other (inaudible) --

MR. ATTAR: That's correct.

MR. MCCANN: Okay, it's that one. All right. And then, in terms of the second shul I showed you the website, Exhibit 32, which you said was, you said was Sephardic, bear with me one second. Where is that one located? Can you show us on this map, which is Protestant's Exhibit 2?

MR. ATTAR: You would have to scroll up more. I meant, scroll down, I apologize. A little bit further down. It's not on this map.

MR. MCCANN: It's not? What's the address? Do you know the address?

MR. ATTAR: I do not.

MR. MCCANN: What road it's on?

MR. ATTAR: It's on the corner of Park Heights and Fallstaff.

MR. MCCANN: Fallstaff being over here on the, on the west side, correct? You don't see it (inaudible), okay. Okay.

MR. ATTAR: I think it's further south. It would be further south on this map.

MR. MCCANN: I will do this. All right. Bear with me one second, that may be all I have. On, on that point, you mentioned during direct examination, I think, Mr. Attar, that like you, your kids have gone to some of the other Sephardic shuls in the area, correct?

MR. ATTAR: My kids?

MR. MCCANN: Yes.

MR. ATTAR: My oldest is three and a half. He doesn't really go to shul.

MR. MCCANN: Okay. Maybe I misheard you. Hey, Mr. Evans, would you mind if we took a five-minute break? I guess maybe it's time for one anyway. And then I can make sure, I can look through my notes real quick and make sure there's nothing else. But I, I don't think there is.

CHAIR: Okay. It's 10:38, so we'll, we'll resume at 10:45, does that work for everyone?

MR. LA FIANDRA: Mr. Evans, perhaps, Mr. Evans, perhaps we can have until 10:50 and then I won't need to take a break and I can just go into my re-direct.

CHAIR: Okay, 10:50 it is then.

MR. LA FIANDRA: That's fine. Thank you very much.

CHAIR: Thank you.

(PAUSE IN PROCEEDINGS)

CHAIR: Okay. We're back on the record. Is Mr. McCann here?

MR. MCCANN: Yeah, thank you, Mr. Evans for that time.

CHAIR: And, and for the record, I neglected to pause the record when we broke until about two or three minutes ago. So, the record, in the event anyone needs it transcribed in the future, will have about six minutes of dead silence on it, so. Just so we understand --

MR. LA FIANDRA: Thank you.

CHAIR: There's no twelve-minute gap a la Watergate, there's just a, there's just a, my, my clumsiness with --

MR. LA FIANDRA: Very scandalous, yes, thank you.

CHAIR: There's no scandal here. There's, there's nothing untoward that occurred, just my clumsiness with the record. So, anyway, we are on the record now and so, Mr. La Fiandra, we'll turn it over, back over to you for re-direct. Oh, I should ask, Mr. McCann, did you, are, are you, are you done with your cross?

MR. MCCANN: Just a couple, just a couple quick ones.

CHAIR: Okay, okay.

MR. MCCANN: And if I could have the ability to share, that would be great.

CHAIR: I'm sorry, yeah. I changed that, so.

MR. MCCANN: Okay, got it.

CHAIR: Okay.

MR. MCCANN: Okay. Mr. Attar, I'm going to show you a map, and this would be Exhibit 32-A. This is a map showing the location of a congregation that we were just speaking about. Do you recognize it as such?

MR. ATTAR: Yes.

MR. MCCANN: That is, okay. So, just, again, I, it may be the case that folks can't see my pointer. But the congregation is depicted down here on the left-hand side of the, of the map with the black indicator. The subject property is up here where there's this bend in Northbrook Road, do you see that? You're obviously familiar with the site, correct?

MR. ATTAR: That's correct.

MR. MCCANN: Okay. All right. So, before I neglect to do so, I would move thirty-one and thirty-two and 32-A into evidence.

CHAIR: Okay. They're admitted.

MR. MCCANN: Thank you. And I think before Mr. Attar, I misspoke. I recalled that you have one child when I was asking about whether your kids attend Sephardic shuls in the area. And I, I guess what I meant to say, are there other kids whose parents are members of your congregation, do those kids attend Sephardic shuls in the area?

MR. ATTAR: It's possible. The, two of them have weekday, we don't, so it is possible they do.

MR. MCCANN: And lastly, do you, we talked about the parking arrangements, and I think you mentioned that you, you tell people park in the parking lot over at Wellwood. Do you ever tell folks not to park on Lisburne? That is, the road that intersects with Northbrook at the subject site.

MR. ATTAR: We encourage everyone to park at the school. They know not, Lisburne, so Lisburne does one side by the park and one side in front of people's houses. They know not to park in front of anyone's house. But the side by the field is, is a street that's commonly used for parking by people. So, that is where, I guess you would say, in the winter when it's a little colder, some people would park there.

MR. MCCANN: Okay. So, you said a couple things there. Number one, you said people know not to park in front of people's houses. I guess you're talking about people's houses and let me bring up the map. I don't want to belabor this too much, but I know this is something that the Board may not be completely familiar with.

And that is, this is Exhibit 2, again, the subject property is indicated. Lisburne, as we've been talking about, I think the Board knows by now, is this road here that intersects with it. You said that people know that they're not to park in front of these houses on Lisburne, that is on the

west side of Lisburne? They know that?

MR. ATTAR: They, they should, because on the other side is, is where is commonly used for parking.

MR. MCCANN: Okay.

MR. ATTAR: People park all, park there all the time, so.

MR. MCCANN: So, you don't, you don't, it sounds like you don't tell people not to park on Lisburne, you don't explicitly tell them.

MR. ATTAR: We, we encourage everyone to park at the school or to walk. That is what we tell them.

MR. MCCANN: Okay. All right. That's all I have. Thank you, Mr. Evans. Thank you, Mr. Attar.

MR. ATTAR: Thank you.

CHAIR: Okay. Mr. La Fiandra? I'm going to pass the token to you.

MR. LA FIANDRA: Thank you. Actually, I think Mr. McCann will need it because I don't have his exhibits and I will need him to share the exhibits. Thank you very much, sir.

CHAIR: All right.

MR. LA FIANDRA: If I have these correctly and I, I tried hard to keep track of them. Mr. McCann, may we see, may we see number eight, Mr. McCann?

MR. MCCANN: Sure.

MR. LA FIANDRA: Those are the photographs.

MS. BONARDI: And I just want to be clear that Mr. McCann moved for nine, eleven, which was withdrawn. So, nine, ten, thirty. We have 14-A and B, because I don't recall him asking for them to be admitted into evidence.

MR. MCCANN: Yeah, I may, I may not have. I thought I did but that would be the video and the transcript of the video.

MS. BONARDI: Because I have them all listed but I don't recall you asking for them to be moved into evidence.

MR. MCCANN: Okay.

MS. BONARDI: (inaudible) 32-A.

MR. MCCANN: Yeah, I apologize for jumping around. I'm, for reasons I guess we don't need to get into, that's why the order is what it is. But yeah, so if I didn't already, I would move 14 and 14-A, that is the video and the transcript into evidence.

MR. LA FIANDRA: I have those as 14-A and 14-B and I have no objection to those.

CHAIR: Okay, they're admitted.

MR. MCCANN: Okay.

MR. LA FIANDRA: And, and as far as the ones that were withdrawn, Ms. Bonardi had mentioned that they were somewhere around nine or ten. But I have them noted as eleven and twelve that were withdrawn. I have that nine and ten were admitted.

CHAIR: Yeah, eleven and twelve are for i.d. only.

MR. LA FIANDRA: Yes.

MR. MCCANN: All right.

MR. LA FIANDRA: Okay.

MR. MCCANN: I have Exhibit 8 up, Mr. La Fiandra.

MR. LA FIANDRA: Thank you very much. Mr. Attar, you identified this as the Myerberg Center?

MR. ATTAR: That's correct.

MR. LA FIANDRA: How, how long were you worshipping at the Myerberg Center?

MR. ATTAR: From when we started in 2013 until the end of 2020.

MR. LA FIANDRA: And how many seats did you have at the Myerberg Center?

MR. ATTAR: Forty-nine, that was the maximum seats that were allowed to fit in there.

MR. LA FIANDRA: And who, who imposed that limit on forty-nine seats, on you at the Myerberg Center?

MR. ATTAR: They did.

MR. LA FIANDRA: They did. Did you ever ask them for more seats?

MR. ATTAR: I don't think that room allowed more than forty-nine chairs.

MR. LA FIANDRA: Now, one of the photos, I think it was in the, the website, that was twenty-eight, which we'll get

to, but we don't need to see it now. That showed the room that you worship in?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Okay. Or worshipped in at the Myerberg Center.

MR. ATTAR: That's correct.

MR. LA FIANDRA: Did they put the seats out for you?

MR. ATTAR: They would have the chairs there, but we would, we would usually have someone that would come set them up. They would have them set up in a generic way, but we would have them moved around where it would kind of optimize, to give everyone the most space. It was, as I said, it was crowded in there, so you had to be a little creative to make sure everyone had enough space in there.

MR. LA FIANDRA: Now, describe for the Board the room you were worshipping in in the Myerberg Center.

MR. ATTAR: So, when you would walk in, there would be, right when you walk in is a cafe area, I guess where during the week, they would have a café running there, the senior center would. Directly to the right, you walk in, that's the art studio.

In the back of the room across the wall, there are sinks and art supplies, shelf where they keep all the artwork from all the various members of the classes that they had there in the art studio. And then, if you, if you, back in the café,

if you were to go a little bit further into the café, it was a pretty small café, there's an entrance to the gym, which they had blocked off for us on Shabbos but had access to two bathrooms there.

MR. LA FIANDRA: And had you, did I hear in your testimony that, do you refer, did you refer to this room as an art studio?

MR. ATTAR: Correct. That's an art, that, that's their art studio that they use for art classes during the week for their, for the Myerberg Senior Center.

MR. LA FIANDRA: Now, and were there art projects shown in this room where you prayed on Shabbos?

MR. ATTAR: Yes, there's a shelf in the back where they have all their, the people keep the projects that they're working on in there.

MR. LA FIANDRA: Okay and these, and this was on display while you were, while you were having services there?

MR. ATTAR: It was in the back, but you could see the paintings, some of them, yes.

MR. LA FIANDRA: Okay. Now, how far a walk is, let, how far is the Myerberg Center from 3009 Northbrook Road?

MR. ATTAR: I would say probably ten to fifteen minutes, maybe.

MR. LA FIANDRA: A walk, by, by foot?

MR. ATTAR: A walk, yes.

MR. LA FIANDRA: Okay.

MR. ATTAR: Maybe closer to that or, I don't know, I, I never measured it.

MR. LA FIANDRA: Okay. The Ohr Haim, Mr. McCann, would you be so kind as to take, so that we can see the photograph, Mr. McCann?

MR. MCCANN: Oh, I'm sorry.

MR. LA FIANDRA: And can, can we now see photograph number three? Mr. Attar, you identified this as Ohr Haim?

MR. ATTAR: Correct.

MR. LA FIANDRA: On, on Fallstaff. What portion of the building did you rent out when you rented out this building?

MR. ATTAR: The social hall upstairs.

MR. LA FIANDRA: How, how large a room was that?

MR. ATTAR: I, I don't know how big. I wouldn't be able to say how many square footage or anything like that.

MR. LA FIANDRA: How many seats did you have there?

MR. ATTAR: We just put whatever we needed. I think at the time we probably set up around fifty to fifty-five seats, I would say.

MR. LA FIANDRA: Okay and, and this, you, I believe you said this was across the street from the Myerberg Center?

MR. ATTAR: Correct. It's diagonally across the street.

MR. LA FIANDRA: So, it's about the same distance from 3009 Northbrook (inaudible)?

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay. Mr. McCann, may we see photograph number four? Kol, is this Kol Torah?

MR. ATTAR: Correct.

MR. LA FIANDRA: And you had said that you rented the social hall here for the high holidays?

MR. ATTAR: Correct.

MR. LA FIANDRA: Did you, do you happen to recall how many, how large the room was here that you would rent?

MR. ATTAR: I don't recall how big the room is.

MR. LA FIANDRA: And do you know how many seats that you rented here?

MR. ATTAR: High holidays, I don't recall exactly how many seats we had in there.

MR. LA FIANDRA: Okay. If you don't remember, you don't remember.

MR. ATTAR: I don't recall --

MR. LA FIANDRA: Let me ask you, when you rented, when you rented, when did you rent this for the high holidays?

MR. ATTAR: We had it rented while we were at the Myerberg Center. We also had it rented last year as well because at the time we weren't sure when the ALJ's decision would come or what it would be. So, we had to have a backup

plan. So, we had that rented as well.

MR. LA FIANDRA: Why did you rent this space when you were at the Myerberg Center?

MR. ATTAR: Well, one part of the high holidays is (inaudible) three days out of the year when, when you have the most amount of people that come. So, forty-nine seats would not be enough. We needed more than that. Also, it's, there's a certain amount of, I don't know what the right word for it, but for the high holidays, you don't really want to be in an art studio, if you know what I mean.

It, it's, you know, you want to be somewhere where it's a little more respectful, I guess, to the day and to the service that you're having those days.

MR. LA FIANDRA: Pardon me, I'm not Jewish, so I don't know all the rituals that go along with having a service. But I do know that, or I, I believe I know, correct me if I'm wrong, there's some ornamentation that goes along with having a service. Is, is, is there an arc that there is, in a shul or in a synagogue or a sanctuary?

MR. ATTAR: Yes.

MR. LA FIANDRA: And what, what is contained in the arc?

MR. ATTAR: The (inaudible) Torah.

MR. LA FIANDRA: Was, was there, was there an arc in the art studio?

MR. ATTAR: We had a, we had a, I guess a small cabinet type thing that we had made into an arc to be able to use there.

MR. LA FIANDRA: Did you leave it there?

MR. ATTAR: We did. We had, after that, we ended up getting a safe, which we did leave there. Just, but, the arc, we did take it back just because they needed kind of the space, so we had to take it back to Northbrook.

MR. LA FIANDRA: When did you, so, when, you said you take it back, when, when did you take it back? Tell the Board, tell the Board about that. What, what happened.

MR. ATTAR: I don't recall exactly when it was, but I think it was kind of towards when our lease was ending. I think when they required the room back, around that time, we had to take the arc back to Northbrook.

MR. LA FIANDRA: Okay and you, you constructed a safe or something in order to keep the arc and the Torah?

MR. ATTAR: So, we, we got a safe, it is there now, I believe it's being used by the other synagogue that's renting that space.

MR. LA FIANDRA: There's another synagogue renting that space now?

MR. ATTAR: I believe, I believe they're still there, yes.

MR. LA FIANDRA: Did, when did they go in?

MR. ATTAR: At, it was some point in 2021, I would say.

MR. LA FIANDRA: Early 2021?

MR. ATTAR: Possibly, I don't, I don't know the exact date.

MR. LA FIANDRA: Okay. Did the Myerberg tell you, first of all, you, you just said Myerberg needed the space back. Did they tell you why they needed the space back?

MR. ATTAR: They just said, I mean, forty-nine chairs wasn't able to accommodate us at that point. And they felt that it was time, that we needed a bigger place. Our lease was ending at that point, and they did not renew it.

MR. LA FIANDRA: Okay and pardon me, I'm not sure I asked you, how far a walk is Kol Torah from 3009 Northbrook?

MR. ATTAR: I would say around fifteen, maybe a couple minutes here or there.

MR. LA FIANDRA: Okay. Mr. McCann, may we see Exhibit 28?

MR. MCCANN: Whoop, sorry. You said twenty-eight?

MR. LA FIANDRA: Yes, sir. That was the pdf of the website.

MR. MCCANN: Yeah, sorry (inaudible). Which one again? I'm sorry, Dino.

MR. LA FIANDRA: It was the pdf of the website, it showed the spaces that were available.

MR. MCCANN: I got it.

MR. LA FIANDRA: There you go. And up at the top, if you wouldn't mind, there were some texts right at the beginning where it said rent a space. There you go. Mr. Attar, do you see this on your screen?

MR. ATTAR: Yes.

MR. LA FIANDRA: Do you see where it says the, the Frosberg room at the Myerberg Center?

MR. ATTAR: Yes.

MR. LA FIANDRA: Yeah, the, the, the Frosberg room, pardon me. Is that the room you had?

MR. ATTAR: No.

MR. LA FIANDRA: Okay. Now, sticking with the Frosberg room, can, can you read that? Do, can you read that, can you read that for the Board?

MR. ATTAR: The Frosberg room at the Myerberg Center is an ideal location for Bar/Bar Mitzvahs, parties, weddings, meetings or social events. This beautiful twenty-five --

MR. LA FIANDRA: Par, pardon me, stop, stop, just stop right there. Do you do any of those things?

MR. ATTAR: No.

MR. LA FIANDRA: Okay. And you said social events, but, but just make sure that we read it correctly.

MR. ATTAR: Spec, special events, sorry.

MR. LA FIANDRA: Okay, that's fine. Now, now, if you

may, you, you can continue with it.

MR. ATTAR: The beautiful twenty-five hundred square foot room seats two hundred twenty-five people, banquet style and has, I believe that says adjustable, --

MR. LA FIANDRA: Yeah.

MR. ATTAR: -- lighting and complete audio-visual system.

MR. LA FIANDRA: Okay. Do you have a need for that type of facility?

MR. ATTAR: No.

MR. LA FIANDRA: Okay, that's fine. Mr. McCann, if you would scroll down? You can stop. I wanted to take a look at that, that, that one room right there. There, that's fine. Mr. Attar, do you see the, the classroom there with the, the tables and the chairs there?

MR. ATTAR: Yes.

MR. LA FIANDRA: Is that appropriate, is that, is that room an appropriate style room for holding services?

MR. ATTAR: It is not. As well, there's only nine chairs I think there, they're fitting in there. Maybe ten.

MR. LA FIANDRA: Okay and why is that not appropriate for holding services?

MR. ATTAR: Just with the, the, the things, like a TV and things like that that are in there, that are not really in the spirit of Shabbos. Like we don't use a TV, we don't watch

TV, we don't turn it on. Many in the Orthodox community don't even have TVs at home. So, that's not really in the spirit of where you want to be holding services.

MR. LA FIANDRA: Okay. Mr. McCann, if you would scroll to the next room that we see? Thank you very much. Mr. Attar, I believe this is the room that you had discussed, is the art studio, is that correct?

MR. ATTAR: That's correct.

MR. LA FIANDRA: And so, when you were having services in here, how many rows of chairs did you have?

MR. ATTAR: So, it was set up a little bit differently because we had, we had to set up what's called the bema, which is kind of like a table and we would put those two boxes on the table, that's where I guess, that's where the person leading the services would be leading it from. So, we would kind of have, we would put that sort of in the middle and I would put the rows of chairs around it. How many rows? I don't recall, how many, how many rows exactly it was.

MR. LA FIANDRA: Okay and now are any of those things in the corner the art projects you were referring to?

MR. ATTAR: No, those are actually from, from where the person taking the picture, it's right behind them, and then that entire back wall behind the chairs is where you have the sinks where people could like wash their paint supplies and all the excess material and stuff like that.

MR. LA FIANDRA: Okay. Now, so would you say you were making do with this space, or would you say this space is, was appropriate for services?

MR. ATTAR: We were making do. There's a lot of set up that we had to do. Like we would put curtains on the windows and things like that, just, you know, so you don't get the sunlight coming in and things like that. So, it, there was, there was work involved to be getting that ready to have services in there. And then we would have to break it down as well after Shabbos was over.

MR. LA FIANDRA: Okay. Mr. McCann, if you would continue? Thank you. Mr. Attar, have, have you been in this room?

MR. ATTAR: I believe so.

MR. LA FIANDRA: How would you characterize this room?

MR. ATTAR: So, I think this is where their library currently is and I, and I could be, the way it's set up, it could be, they do events for some of the seniors there. I'm not sure exactly what they use it for. But, as you can see from the bookshelves, they have all their secular books in there for people to come and read, as well as a TV in there, I, I guess for different activities they do with the seniors.

MR. LA FIANDRA: Would this room be appropriate to have services in?

MR. ATTAR: No.

MR. LA FIANDRA: And why not?

MR. ATTAR: Again, you have that TV in there. I, I don't know which way it is actually facing. You have to face a certain way so it could be or would be facing directly at the TV. It's just, it's not the most appropriate, I would put it, place (inaudible).

MR. LA FIANDRA: Okay. From what you, from what you can tell, I mean, just from the, the perspective that you see, what about the size of the room?

MR. ATTAR: That room is, is not so big. It is pretty small. I, I would think it's maybe a little bit smaller than the art room. But I can't say for sure.

MR. LA FIANDRA: Okay, thank you. Mr. McCann, if you would continue? Have you been in this room, Mr. Attar?

MR. ATTAR: I have.

MR. LA FIANDRA: And do you have any comments on the suitability of this room as a worship space or shul?

MR. ATTAR: Again, same as before, you saw the TV right in the front, they have some pictures on the wall, I believe, in this room as well. It's not really the most conducive space to have a service.

CHAIR: What, what, what is the description of this room? What do you call, what is this room called, if you know?

MR. ATTAR: I don't know what they call it.

MR. LA FIANDRA: Mr. McCann, perhaps if you scroll up, we could see if there's a description of this room? Just a, just a bit. Oh, I see. It just says Virtual Senior Center. I don't know what that means. Mr. Attar, perhaps, if, if you could take a minute and just describe for the Board, what's the issue with having a television in the, in, in the sanctuary for an Orthodox shul?

MR. ATTAR: Well, as I said, electronics (inaudible) used. So, it even being in there on the Shabbos, it's not really the most appropriate place. As, but, and as well, a lot of Orthodox families don't have a television at home. They don't want to kind of introduce that for their kids. So, just that aspect of it, in terms of being a religious space, you don't have any shul having that, any Orthodox shul, I should say, having that in their shul, in their main sanctuary.

MR. LA FIANDRA: Now, this may be a naïve question from a person who is not Jewish, but does that, does it matter if the television is not turned on?

MR. ATTAR: It, it doesn't matter. I, I think the fact that it's still there kind of gives it a different feel than what, than what a shul should (inaudible).

MR. LA FIANDRA: Okay. All right, thank you for answering my question. Mr. McCann, if you could continue? Does this strike you as an appropriate room to have a service in?

MR. ATTAR: It does not. I, I believe that's their, that's their conference room for like the, the employees.

MR. LA FIANDRA: Okay. Did you consider renting this room for services?

MR. ATTAR: We did not, it, it's, it's a pretty small room.

MR. LA FIANDRA: Okay, thank you. Mr. McCann, if you could continue? This is a nice big room. Did you consider having services in this room?

MR. ATTAR: So, this is part of the Frosberg room. The other shul that rents it has that entire space. I think they take off the dividers that you see in the middle, and they use that entire space.

MR. LA FIANDRA: So, this room is occupied by another shul?

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay. This was not available to you?

MR. ATTAR: Not at all.

MR. LA FIANDRA: Okay, thank you. Mr. McCann? I think we're at the end. Okay. Thank you. I'd like to take a few moments now, and if you could, we're going to discuss the issue with the, your use of 3009 Northbrook. And when that started for a shul and the different times that you've used it as a shul during, while this case has been pending. You

testified for Mr. McCann that you started using that at Rosh Hashanah in 2020, is that correct?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Why was that?

MR. ATTAR: We didn't have anywhere else to go. There was no, that was, again, the middle of COVID. Every other place that we looked at and possibly rented, we were told it's not available.

MR. LA FIANDRA: Okay. So, how many attendees do you have for Rosh Hashana?

MR. ATTAR: I would say around eighty.

MR. LA FIANDRA: And so that was greater than the forty-nine seats that you had at Myerberg, isn't that right?

MR. ATTAR: That's correct.

MR. LA FIANDRA: What was wrong with Kol Torah?

MR. ATTAR: They were using that space.

MR. LA FIANDRA: Okay and you looked for other places?

MR. ATTAR: That's correct.

MR. LA FIANDRA: And you couldn't find any?

MR. ATTAR: Everybody was using their space.

MR. LA FIANDRA: Now, so you decided to have, so you owned 3009, or Dr. Radparvar owned 3009 Northbrook at the time?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Okay. So, the, so Ahavat Shalom

made the decision to hold services there?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Were you aware at the time that you need to have the zoning hearing in order to have services there?

MR. ATTAR: We had known that all the other shuls that were starting off were able to use their space, so we thought we would be able, would be able to use it. That's why we had moved in at that point.

MR. LA FIANDRA: Okay. Now, is Rosh Hashana what's considered a high holiday?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Is that why you have more attendees at Rosh Hashana then other services?

MR. ATTAR: Yes.

MR. LA FIANDRA: And are there other high holidays around the same time as Rosh Hashana?

MR. ATTAR: Yes.

MR. LA FIANDRA: What, what are the holidays?

MR. ATTAR: Yom Kippur, that is the holiest day of the year, that is a few days after Rosh Hashana. And after that, you have a holiday that's right after that as well called (inaudible).

MR. LA FIANDRA: And did you use, did you use the property for those holidays?

MR. ATTAR: We did.

MR. LA FIANDRA: And during that time, well, let me just make clear, did you explore using Kol Torah or any other property for those holidays also?

MR. ATTAR: Yes.

MR. LA FIANDRA: And were you able, were you, I, were you able to?

MR. ATTAR: No.

MR. LA FIANDRA: So, did you use 3009 for those holidays as well?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Now, you testified for Mr. McCann that there were no other services until January 2021, was that your testimony?

MR. ATTAR: I believe so, yes.

MR. LA FIANDRA: Okay. Why did you decide to have services after January 2021?

MR. ATTAR: So, by that point, I believe mid-November our zoning petition was filed and by the end of December our lease ended. And we were under the impression we would be able to use the property. We were put, the code enforcement was put in compliance at that point, and we were under the assumption we'd be able to use the property in the meantime.

MR. LA FIANDRA: Okay. Let's stop there for just a moment. So, where were you worshipping between the end of high

holidays and the beginning of January 2021?

MR. ATTAR: We were still at the Myerberg Center.

MR. LA FIANDRA: Okay and you were aware of the code enforcement issue?

MR. ATTAR: Yes.

MR. LA FIANDRA: What does that mean to you that the code, what do you mean when you say the code enforcement was put in compliance?

MR. ATTAR: We believed that after the zoning was filed, throughout the process, of the zoning process, we would be allowed to use the space like other synagogues were. As well as if you go look online under the code enforcement, at that point it showed in compliance. So, we believed we were in compliance to be able to use the property.

MR. LA FIANDRA: Okay. Did you check on the, tell me what you did to confirm, tell me what you did to determine that code enforcement was in compliance in the way that you just described?

MR. ATTAR: We checked online, and we saw on there, when you look under the complaint, that it shows in compliance. And we believed that we would be able to use the property --

MR. LA FIANDRA: Okay.

MR. ATTAR: -- on January 1st.

MR. LA FIANDRA: Where did you check online?

MR. ATTAR: The County website that shows all the

code enforcement complaints.

MR. LA FIANDRA: And who, who checked?

MR. ATTAR: I did, as well as other members.

MR. LA FIANDRA: Okay and, and, and you, and you verified yourself that it said what?

MR. ATTAR: In compliance.

MR. LA FIANDRA: Okay. Mr. McCann, can we see number fifteen? That's the correction notice. Was it your understanding then, beginning in January 2021, that this correction notice was in compliance, at least as far as Baltimore County was concerned?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Did you believe that that meant that you could have services there?

MR. ATTAR: Yes. As I said, and what we had seen from other shuls was that they were able to use the property during the zoning process as well. So, that is why we believed here that we would be able to use it once it was in compliance.

MR. LA FIANDRA: Do you recall when the, well, --

MR. MCCANN: I'm sorry to interrupt. Mr. Evans, there's been twice now references to other shuls being in compliance and I'm going to move to strike both those statements. I didn't get my objection in quick enough because he said it quickly both times.

And I don't think we should be talking about other

shuls being in compliance, particularly when we know nothing about the background. But also, it's irrelevant to whether or not this shul was, in fact, in compliance or not.

CHAIR: Well, --

MR. LA FIANDRA: Mr. Evans, --

CHAIR: -- (inaudible) Mr. La Fiandra. Your objection is overruled, okay? For two reasons, at least. Number one, you, you were a little tardy on that. Objections are supposed to be contemporaneous. And number two, I mean, all, I, as I understand his testimony, he's, he's simply saying what he believes. So, it's, it's a statement as to his, a, a statement as to his state of mind. I mean, if you want to explore further, we can. It's not a big deal --

MR. MCCANN: I understand, all right. Thank you. Thank you.

CHAIR: Yep.

MR. LA FIANDRA: Mr. McCann, may we see exhibit number sixteen? I believe that is the next citation or code enforcement notice. And is there a date on this? I'm not sure I'm seeing it. I see there's a hearing date, but does it say that there's a date of the citation?

CHAIR: The date of the citation should be about thirty days before the hearing date.

MR. LA FIANDRA: I see it. I do, I see it. Okay. Mr. Attar, were you aware of this citation when it was issued

in April of 2021?

MR. ATTAR: Yes.

MR. LA FIANDRA: And what did, what came about as a result of this citation?

MR. ATTAR: So, we were a little bit surprised that we got the citation. In one aspect also because I should say once we moved in the first week of January, I believe why the Protestants called a code enforcement complaint and that got marked as no violation as well. So, that kind of reinforced our thinking as to the County allowing us to use that property during the zoning process.

But we got this, we were a little surprised, as I mentioned in my testimony to Mr. McCann, I, I do believe it was kind of, maybe given in error. That, that may be my personal belief. But that was, that was the citation we got.

MR. LA FIANDRA: So, what happened as a result of this citation?

MR. ATTAR: So, we were scheduled for a code enforcement hearing. But I believe shortly before that, the citation got waived and then Judge Mayhew had said that no code enforcement would be taking place until after the results of the zoning trial.

MR. LA FIANDRA: Was there ever a hearing on this citation?

MR. ATTAR: There was not. Again, as I said, the

citation was waived.

MR. LA FIANDRA: So, the case was dismissed?

MR. ATTAR: I ended up being dismissed after the zoning case, correct.

MR. LA FIANDRA: Did, did you pay the $1,000 fine that, that it sought?

MR. ATTAR: We did not. I believe, I believe a, I believe a short time after we received it, they did away with the fine.

MR. LA FIANDRA: And there was no adjudication of the issue that was presented in the citation?

MR. ATTAR: No.

MR. LA FIANDRA: Has, has there ever been a code enforcement hearing on this property?

MR. ATTAR: No.

MR. LA FIANDRA: So, have you ever been to the Office of Administrative Hearings on a code enforcement issue involving this property?

MR. ATTAR: No. And I believe Judge Mayhew addressed that with, with one of the Protestants as to why the County would allow us during the previous hearing.

MR. LA FIANDRA: Now, --

MR. MCCANN: Mr. Evans, just so you know, I, I need to stop sharing in order to unmute for some reason, so that's a bit of my delay here. I'm just trying to, I, I don't know how

to do that. So, while I'm sharing --

MR. LA FIANDRA: (inaudible).

MR. MCCANN: -- while I'm sharing, while I'm sharing these documents, I can't object, I've got to get out of sharing to do that, just for everybody's benefit. So, if I'm a little late --

CHAIR: Well, if you're a little late, we won't hold you to the tardiness standard then, but the, the other part of my ruling --

MR. MCCANN: I understand.

CHAIR: -- adheres.

MR. MCCANN: I understand.

CHAIR: Yeah.

MR. LA FIANDRA: Mr. McCann, may we see the ALJ's decision, which was not marked? That's perfect, thank you very much. Mr. Attar, are you familiar with this decision? I assume you've been over it many times.

MR. ATTAR: Yes.

MR. LA FIANDRA: Mr. McCann directed your attention to several provisions of the last page, the bullet points. I'd like to start with the third bullet point. Petitioner shall immediately apply for and obtain a change of occupancy permit before any further use of the premises. Mr. McCann noted that the date of the decision was October 5th. What did you do on October 5th, 2021?

MR. ATTAR: So, on October 5th, 2021, a member of the shul took, printed out the decision, took it to the permit office and immediately applied for the change of occupancy permit. We immediately started getting sign offs from different agencies and it, from there we, from there we started the process of obtaining it.

The issue was, we knew that getting a change of occupancy permit could take weeks, if not more, as well as it could be an expensive endeavor. So, we, but we did whatever we can to try to get that as soon as possible, tried to submit everything the County needs and, and tried to get that change of occupancy permit.

At, at that point we were notified of an appeal and that created a, a, a decision for us because any building permit we get at that point is a commercial permit. Now that we are a commercial entity, all the building permits, change of occupancy permits, anything that you have to do is officially a commercial permit.

And based on how the decision for, with the Board would come out to be, if we were to get those commercial permits and not get a favorable result, we would have to then, all the tens of thousands of dollars spent, we would have to do, pay that additionally to undo all that work. And that was a huge financial hardship on our, on our shul.

Especially because we had just come out of an

expensive ALJ trial and we knew now it was going to appeal, which is, everyone knows, is costly as well. So, that put, that put us in a, in a spot that would put a big financial burden on us if we would have to do the work and then a few months later have to undo all that work.

MR. LA FIANDRA: What, so what did you decide?

MR. ATTAR: We dec, once we decided to, because it was an appeal process, we decided to hold off to do the physical work, so as to not have to end up in that predicament.

MR. LA FIANDRA: Okay. So, I want to make sure that the Board understands the sequence of events and the timing. On October 5th, if I'm, if I'm not mistaken, and correct me if I'm wrong, you applied for a change of occupancy permit, is that correct?

MR. ATTAR: Yes.

MR. LA FIANDRA: Or somebody from your shul. Was that you or somebody else from your shul?

MR. MCCANN: Objection, objection. Hold on, hold on. Mr. Evans, particularly on a point like this that Mr. La Fiandra is trying to make --

MR. LA FIANDRA: You can stop sharing, you can stop sharing, if it's easier for you, Mr. McCann.

MR. MCCANN: No, I, I was able to figure out how, I, I just unmute myself while --

MR. LA FIANDRA: Okay, okay.

MR. MCCANN: -- you're talking, which is, that's not a good thing to do. But Mr. –

CHAIR: Are you objecting to leading, is that what you're objecting to?

MR. MCCANN: Yeah, it's leading after leading after leading questions.

CHAIR: Okay, all right. That's sustained. That's sustained.

MR. LA FIANDRA: Okay. So, the question was what did you do on October 5th?

MR. MCCANN: Asked and answered, objection.

CHAIR: Well, we're, we're just kind of resetting here, okay? After the, after your objection. So, the, the question is what, what, if any, thing, what, if any, steps did the congregation take beginning on October 5th with regard to the ongoing use of the Northbrook Road property, okay? Is that fair enough?

MR. LA FIANDRA: That's fair with me.

CHAIR: Okay. So, can you answer that, Mr. Attar?

MR. ATTAR: So, on --

CHAIR: Describe what, describe what happened.

MR. ATTAR: So, on that day, a member of the congregation went into the permits office and immediately applied for the change of occupancy permit. He had to physically take the Order, print it, take it with him because

the permit office did not have access to that Order yet, it was just released that morning to us. That's how quickly we went to try to get this permit.

We, we did find out that these permits might take some time and we, that, that was, I guess, with the temporary use permits, that were shown, we would try, we were able to obtain those to try to get everything processed at --

MR. LA FIANDRA: Mr. Attar, Mr. Attar, Mr. Attar, answer the question that is asked of you. Just answer the question that I asked. What did you do on October 5th?

MR. ATTAR: October 5th we went, a member of the congregation went in and applied for a change of occupancy permit.

MR. LA FIANDRA: Okay and what happened as a result of that?

MR. ATTAR: We received the permit, and we started the process with the County to be able to get the change of occupancy certificate.

MR. LA FIANDRA: Okay. What did the County do?

MR. ATTAR: The County then required some, some site plans and things like that from the architect, which we gave them and they, they were then in discussion with the architect as to any other changes that we need, we might need to be done.

MR. LA FIANDRA: Okay and who was that architect?

MR. ATTAR: That was Donny Ankri.

MR. LA FIANDRA: Okay. Now, who, what did the architect tell you would be required to move forward to get a change of occupancy permit?

MR. MCCANN: Objection, just, objection.

CHAIR: Objection. What, what's that, because what? It's hearsay or something?

MR. MCCANN: Yeah, it's hearsay. It's, we're not asking what he, what he understood anymore. We're asking what, what, we're now asking about the architect's understanding of the process. Have, have the architect testify.

CHAIR: Well, it's not, I don't think it's being offered, I don't know that it's being offered, that it's being offered for the truth of the matter asserted. The question was, what did the architect tell him needed to be done. So, that's --

MR. MCCANN: He's trying to get the process in through this witness is my point and that's okay --

CHAIR: I, I get that, but I mean, you know, if you can do it, you can do it, it's, you know, --

MR. MCCANN: Yeah, but he shouldn't.

CHAIR: It, there may be preferable ways of doing it, but that doesn't make this an in, you know, a prohibited way of doing it.

MR. MCCANN: He shouldn't be testifying about the process, he's not an expert, he's not, --

CHAIR: Well, he's not an expert, it doesn't really much matter. So, what, what was your understanding, Mr. Attar, of what you needed to do, based on the conversations with Mr. Ankri, Ankri?

MR. MCCANN: Ankri.

MR. ATTAR: Ankri. He had mentioned there's, the things involved were going to be ADA compliance for wheelchair accessibility, I believe fire and safety, maybe some structural, these are the things that were all, that are usually required for change of occupancy permits.

MR. LA FIANDRA: Did he tell you how much those things would cost?

MR. ATTAR: He did not but we didn't have, I mean, at that point, we were still working through everything that the County required. There was back and forth to see exactly what would be required of this property.

MR. LA FIANDRA: Did he tell you how, did, did you ever, did you understand how long those things would take to obtain?

MR. ATTAR: Yes.

MR. LA FIANDRA: How long?

MR. ATTAR: Weeks, if not months.

MR. LA FIANDRA: Okay. Did you have a place that you could worship during that time?

MR. ATTAR: We did not have a set place that we

could, that we could worship then, no.

MR. LA FIANDRA: Did you have other arrangements that you could make?

MR. ATTAR: At that time, no. We could have always went and, and tried but, I, I didn't think we would be able to find anything long term.

MR. LA FIANDRA: Okay. So, what options do you have in terms of places to worship?

MR. ATTAR: This was it really, at that point.

MR. LA FIANDRA: So, what decisions did you make?

MR. ATTAR: The decision was made after the appeal was filed to continue using the property during the appeal process.

MR. LA FIANDRA: After what decision, after what appeal was filed?

MR. ATTAR: Appeal on this case by the Protestants.

MR. LA FIANDRA: Okay. Now, did you, Mr. McCann, may we see number six? What was, what is this number six, Mr., Mr. Attar?

MR. ATTAR: This was a temporary use permit that was obtained while we were submitting all doc, all the required documents to the County.

MR. LA FIANDRA: And how did this come about?

MR. ATTAR: I believe this came from Mr. Gutwald. I believe he had reached out to see any options there might be.

And I believe he personally was, was the one that was able to arrange this for us.

MR. LA FIANDRA: And do you recall, do, do you recall who suggested that you get this?

MR. ATTAR: It was him, I believe it was Pete Gutwald.

MR. LA FIANDRA: And do you recall why he suggested you get this?

MR. ATTAR: I believe there was no way of getting a temporary --

MR. MCCANN: Hold on, hold on, hold on. Objection. Do you know why Mr. Owald suggested that?

CHAIR: It's Gutwald, right?

MR. MCCANN: No, --

MR. ATTAR: Mr. Gutwald.

CHAIR: It was Pete Gutwald, I think is what he was saying.

MR. MCCANN: (inaudible) it's hearsay.

CHAIR: He's the director of PAI at this point in time, right?

MR. MCCANN: (inaudible) I didn't get the objection in time to his, what he told Mr. Attar. But certainly, the objection stands for what Mr. Gutwald's, the question was, what was Mr., why did Mr. Gutwald make that suggestion and, I mean, if that's not speculation I'm not sure what is.

CHAIR: Well, what, okay. So, the, the, the testimony is, I, I mean, it's perhaps a fine distinction. But there's a difference between being offered for the truth of the matter asserted and being offered just to show what Mr. Attar believed based on the words that were spoken.

Whether, whether those words ended up being objectively accurate or not. So, so, I mean, certainly he can testify as to his impression following conversations with Mr. Gutwald regarding the procedure to be followed. It's his understanding, right?

MR. LA FIANDRA: I can ask the question that way. I can gladly ask the question that way.

MR. MCCANN: Hold on, hold on, hold on, hold on. Here's my problem with that, Mr. Evans, because I don't, I don't necessarily agree, with all due respect.

CHAIR: Well, that's fine, you don't have to agree.

MR. MCCANN: I don't want to argue, I really don't want to argue.

CHAIR: I'm not perfect here, you know.

MR. MCCANN: Yeah, I really don't want to argue. But his understanding, that's a, that's a, an often, in my opinion, it's often misunderstood. His, his understanding or his impression of what was permitted, I understand that's a, an exception all the time to hearsay coming in.

But his impression in this case is irrelevant. His

understanding of what the law was is irrelevant because whether he, because it's not an issue in this case. What, what is at issue and what's being, what this is being offered for is absolutely the truth of the matter asserted and that is, what is and what is not the process, --

CHAIR: I don't think, I don't think that's correct actually because, I, I mean, I understand the point of your cross examination to, to be, to demonstrate that the congregation acted in bad faith and --

MR. MCCANN: Illegally. Illegally, yes.

CHAIR: Illegally in bad faith, right? I mean, if they simply, if they made an honest mistake, that wouldn't be in bad faith. So, --

MR. MCCANN: I don't care whether it was in good faith or not, it was illegal, and that's my point.

CHAIR: Okay, well, --

MR. MCCANN: I don't really care --

CHAIR: Well, the, the, the point, so if, well, you're going to have to call a witness to establish that. You can't do that through this witness. All he can testify to is his, his understanding, okay? And, you know, if it was wrong but in good faith, I, I, I mean, I, I'm not sure where that gets you exactly.

I'm not sure, I, I, I'd have to be, I'd, I'd need someone to tell me that it can be wrong if it's in good faith.

I'm not sure it can be wrong if it's in good faith. Is there any (inaudible) requirement here --

MR. MCCANN: No.

CHAIR: No. Okay, well, that's prob, that could well be the case. But for the purposes of assessing this man's credibility, the question is whether or not he and the others acted in good faith. That's, that's really the credibility question.

MR. MCCANN: Okay.

CHAIR: That's what I understood you were going for.

MR. MCCANN: In part, yes, that's true. That is true.

CHAIR: So, I, I'm, I forget whether that means I'm sustaining the objection or overruling your objection.

MR. MCCANN: I think you're overruling it. Thank you.

CHAIR: The point, the point is that, the point is that Mr. Attar can testify as to his understanding of what the congregation was required to do, to the extent that that is understood as his understanding, whether objectively correct or not, okay? He can testify to that. Okay.

MR. LA FIANDRA: Mr. Attar, you can answer the question.

CHAIR: Yeah. Do you have any idea what the question is, Mr. Attar, at this stage?

MR. ATTAR: At this stage, no.

CHAIR: Okay. The question is, following your discussions with Mr. Gutwald, what was your understanding of what the congregation could do with regard to holding services at Northbrook?

MR. ATTAR: Okay. Just to clarify, the conversations were through counsel --

CHAIR: Okay.

MR. ATTAR: -- with Mr. Gutwald.

CHAIR: Okay.

MR. ATTAR: But we believed that we were able to use that with this temporary use permit. That is how he had recommended for us to be able to use the property in the meantime while we were submitting all the documents to the County.

CHAIR: Okay. Now, the, the use permit is, is only for a few days though, is it not?

MR. ATTAR: Correct, it's for some of the weekends that we were there before everything was submitted to the County. Was, because it's a process of getting all the paperwork and the site plan, everything ready for the County. You can't really do that in a couple of days, just, even though we tried to expedite as far as we can, it took a couple weeks to get all that in.

CHAIR: Okay.

MR. LA FIANDRA: And why, why was it, do you know what those days were, Mr. Attar? The days that are on the use permit? What days of the week are they?

MR. ATTAR: It was Friday to Saturday.

MR. LA FIANDRA: And what do those Friday, Friday and Saturday coincide with what?

MR. ATTAR: That's Shabbos. Those were, those were the days that we were using the property.

MR. LA FIANDRA: Mr. Evans, may I have the ability to share?

CHAIR: Sure.

MR. LA FIANDRA: Thank you. Mr. Attar, do you recognize Petitioner's Exhibit 20?

MR. ATTAR: Yes.

MR. LA FIANDRA: And what is that?

MR. ATTAR: I believe this was for the following week from (inaudible) Gutwald.

MR. LA FIANDRA: Well, for the record, you need to say what it is.

MR. ATTAR: It's a temporary use permit.

MR. LA FIANDRA: For the following week?

MR. ATTAR: Correct.

MR. LA FIANDRA: And likewise, is this for a limited number of days?

MR. ATTAR: Yes, and it bears a signature. What's

the signature?

MR. ATTAR: I would assume that's director Pete Gutwald.

MR. LA FIANDRA: Okay and, now, likewise, it's for Friday and Saturday as well, is that right?

MR. ATTAR: Correct.

MR. LA FIANDRA: Were there other use permits? I'll stop sharing now so we can see you. Were there other use permits or was, was that the extent of the use permits that you acquired?

MR. ATTAR: That was the extent of it.

MR. LA FIANDRA: Now, why did you stop getting use permits?

MR. ATTAR: So, at that point, everything was submitted to the County --

MR. MCCANN: Objection, objection.

CHAIR: Okay. What is, what's the objection?

MR. MCCANN: Why, why did, why did you stop getting these use permits? That is calling for not this man's understanding, I mean, I'm afraid that question is going to come next. But the objection is still the same. Is why did the County do what it did.

MR. LA FIANDRA: I'll withdraw the question and ask it, I'll withdraw the question.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Attar, did you stop seeking use permits?

MR. ATTAR: At that point, I believe everything was filed with the County --

MR. LA FIANDRA: Mr. Attar, it's a yes or no question.

MR. ATTAR: Yes.

MR. LA FIANDRA: Did you stop seeking use permits?

MR. ATTAR: Yes.

MR. LA FIANDRA: Why did, why did you stop seeking use permits?

MR. ATTAR: Because at that point, everything was submitted to the County. The impression was that now we're just waiting to hear back to get the certificate, or the work that will be required.

MR. LA FIANDRA: Okay and the work that would be required to do what?

MR. ATTAR: To get it to, do whatever was needed to get that certificate.

MR. LA FIANDRA: What certificate?

MR. ATTAR: Certificate of occupancy.

MR. LA FIANDRA: Okay. The Judge's Order requires a change of occupancy permit. Is that what you're referring to?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. How long did that take?

MR. ATTAR: So, that, then that took a little bit of time because the County came back with, there were just some back and forth, I believe, with the County and the architect, just to clarify some things. And that was following, the following week or so.

MR. MCCANN: Following week from what? What, what's the time frame here, Mr. La Fiandra?

MR. LA FIANDRA: Yeah, Mr. Attar, the following week from what?

MR. ATTAR: I believe after that, that second use permit that you, that you had pulled up.

MR. LA FIANDRA: Okay. So, did you get feedback from the County?

MR. ATTAR: We did get, I, I believe the architect did. It was a discussion between them.

MR. LA FIANDRA: Okay. When did you, so this was in, when was this? What, what period of time was this?

MR. ATTAR: Mid to late October, I would say.

MR. LA FIANDRA: Okay and do you recall when the notice of appeal was filed in this case?

MR. ATTAR: I, I don't recall. I believe it was the beginning of November.

MR. LA FIANDRA: Okay. So, when did you resume having services in this space?

MR. ATTAR: We were in there during that time.

MR. LA FIANDRA: Okay, okay. And because why, and why, under whose authority were you in there during that time?

MR. MCCANN: Objection.

CHAIR: That's, yeah, that's, why did you, why did you continue to hold services at that point in time?

MR. LA FIANDRA: Mr. Attar, answer that question.

MR. ATTAR: Well, the impression was, once everything was submitted to the County, we were just waiting to hear back from them. We thought that at that point, we would, we would still be able to use the property.

CHAIR: Okay.

MR. LA FIANDRA: Okay. Okay. What's the status of the change in occupancy permit now?

MR. ATTAR: I believe final inspections are going to be this week and after that, it's just the issuance of the change in occupancy permit.

MR. LA FIANDRA: Okay. So, now here we are in March, and you still don't have the change of occupancy permit?

MR. ATTAR: That's correct.

MR. LA FIANDRA: What steps have you taken to get that change of occupancy permit?

MR. ATTAR: So, we, we switched, we switched architects. We went through multiple, a couple different architects, just to come up with the most, I guess, the fastest way and probably the, the way that would, that would be the

cheapest for the congregation to be able, that would be approved by the County. And in the meantime, we submitted that, got approved.

In November, on November 1st, the County's permit, the moved online. So, instead of being able to go and get permits in person, maybe even same day, just to get a, a regular work permit, to do a building permit, now just, it, it took days and, and sometimes weeks to get things like that approved. But once we got all that, then the work started and it's wrapping up right now.

MR. LA FIANDRA: Okay. The, and, that's fine. Mr. McCann, can we see that ALJ decision again? Same page?

MR. MCCANN: Um hm.

MR. LA FIANDRA: The, Mr. McCann directed your attention to, oh, the second bullet point, which incorporates the Department of Planning's comments. And Mr. McCann, if you would go to those ZAC comments?

CHAIR: Mr. Attar, just, if I could interrupt very, very briefly. So, where, where, and maybe you testified to this before and I, I just forgotten, but where have, has the congregation been worshipping between November 2021 and now?

MR. ATTAR: So, we were at 300 Northbrook until towards the end of January.

CHAIR: Okay.

MR. ATTAR: And once the work started, at, at that

point, we have been kind of flip-flopping between two shuls. You know, one week here, one week there, going back and forth as was available for us to be able to have somewhere to (inaudible).

CHAIR: Okay, thank you.

MR. LA FIANDRA: And these, Mr. McCann, would you go to the page where the, the notation limit on street parking for use by the synagogue is? I think it's on the second page, there you go. Thank you very much. Mr. Attar, do you see that notation here, the ZAC comment?

MR. ATTAR: Yes.

MR. LA FIANDRA: Department of Planning. You were, you were aware of that comment even before the ALJ incorporated that comment into the ALJ's decision?

MR. ATTAR: I don't recall if I, if I remember seeing that before or not.

MR. LA FIANDRA: Okay. But certainly, you're familiar with it since the ALJ incorporated it --

MR. ATTAR: Yes.

MR. LA FIANDRA: -- into his decision. And what does that comm, what does that language mean to you?

MR. ATTAR: To me, I thought, I believed it means Northbrook. That's where I assumed that it would mean. No on street parking for the shul there.

MR. LA FIANDRA: Okay and, and what, and what steps

did, did you take to, to, in fact, comply with that?

MR. ATTAR: So, again, we encourage all members who can, to walk. I believe that's why we, with compared to sixty-five people, I think that's why we have so many few cars coming. We do encourage everyone to use the off-site parking that we have. And if we do see anyone parking on Northbrook, we request them to move, if anybody parks there by accident.

MR. LA FIANDRA: So, when you say you encourage your members to walk, I mean, you're an Orthodox congregation, don't most members walk on the Sabbath anyway?

MR. ATTAR: Yes, but coming to shul Friday night.

MR. LA FIANDRA: Coming to shul Friday night and that's when you have a certain number of members who drive to, before sundown, isn't that, that was your testimony?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Okay.

CHAIR: Then they leave their cars until after sundown on Saturday, correct?

MR. ATTAR: That's correct.

CHAIR: Okay. So, you didn't want people to park for twenty, essentially, twenty-four hours on Northbrook.

MR. ATTAR: That's correct.

MR. LA FIANDRA: And what do you do when you see people drive on Friday before sundown?

MR. ATTAR: Sorry, can you repeat that?

MR. LA FIANDRA: What do you do when you see people drive on Friday?

CHAIR: I, I think the question is, if you saw someone park on Northbrook Road, would you tell them to move? If you had seen them? Right, is that what you're asking?

MR. ATTAR: Yes.

MR. LA FIANDRA: Yes, that's what I'm asking.

MR. ATTAR: Yes.

MR. LA FIANDRA: Do they move?

MR. ATTAR: Yes, the, the, yes, anybody we see at we tell they move.

MR. LA FIANDRA: How often do you see people park on Northbrook?

MR. ATTAR: Not too often.

MR. LA FIANDRA: Once a week, twice a week, five times a week, how often?

MR. ATTAR: I would say for most Fridays we haven't seen anything. We might have, maybe sometimes we'll have one car that might go, that might not know, or there might, let's say they forgot or whatever, and we just tell them to move, and they move their car.

MR. LA FIANDRA: May I have the ability to share?

CHAIR: Yep.

MR. LA FIANDRA: Mr. Attar, do you know if your permit to add the ADA ramp has been reviewed by the Department

of Planning?

MR. ATTAR: I'm not sure where the process is, it may be, I don't know. I don't know who has to approve it.

MR. LA FIANDRA: Okay.

MR. ATTAR: I believe the Zoning Department does, but.

MR. LA FIANDRA: And do you see the photograph that I have put on the screen?

MR. ATTAR: Yes.

CHAIR: Is this an exhibit number?

MR. LA FIANDRA: Yes, I will offer this exhibit later through another witness. I'm just marking this for identification now. This is a photograph, page, page three of Exhibit 10, which I'll mark for i.d. now.

CHAIR: Okay.

MR. LA FIANDRA: And Mr. Attar, do you recognize what you see in this photograph?

MR. ATTAR: Yes.

MR. LA FIANDRA: What does that show?

MR. ATTAR: So, this is 3009 Northbrook and I believe that's the, the beginning process of constructing the ramp.

MR. LA FIANDRA: Okay. And what does page four show?

MR. ATTAR: Same, 3009 Northbrook, the same, the construction process of the ramp.

MR. LA FIANDRA: And the Department of Planning may

have reviewed that permit, you just don't know?

MR. ATTAR: I don't know, but they may have.

MR. LA FIANDRA: Mr. McCann asked you a very direct question. Why is the work in the house being done before the hearing before this Board? Can you take a moment to, I, I'm not sure, I, I'm not sure you, I'm not sure I understood your answer to that question. Can you take a moment to explain your answer to that question? Why, why are you doing work in the house now?

MR. ATTAR: To be able to use the property. We want to get the certificate, be in full compliance, because it's hard to be able to rent and, you know, places long term. So, we want to get that done so we can move in and use, and use the property.

MR. LA FIANDRA: You, you keep referring to a certificate. What certificate are you referring to?

MR. ATTAR: It's the change of occupancy permit, I, I think, I think it's, another word for it, that's used is certificate of occupancy. I think it's, it's the same thing.

MR. LA FIANDRA: Okay. Now, and so, is it your understanding that you need to do this work in order to get that change of occupancy permit?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay and once, is it your understanding, well, what is your understanding about what will

happen once you get that change of occupancy permit?

MR. ATTAR: Then we will be allowed to use that property in compliance with that, with what Judge Mayhew wrote.

MR. LA FIANDRA: Okay. What is, what, what is your understanding about the authority of this Board?

MR. ATTAR: Sorry, I don't understand the question.

MR. LA FIANDRA: What happens if this Board enters a different decision?

MR. ATTAR: So, at that point, because these are commercial permits, and the property that will not be considered commercial property anymore, tens of thousands of dollars that went into this work will then all have to be undone.

And I believe that was in Judge Mayhew's Order as well. I think he points that out. Everything would then have to be undone. So, then that's another, a few more tens of thousands of dollars to put it back how it was originally because the permits at that point, the work permits are void.

MR. LA FIANDRA: Why would that have to be undone?

MR. ATTAR: Because those are commercial work permits now as a commercial property and if then, if we get a different judgment for this Board and it's not a commercial property anymore, that work would have to be undone because those commercial permits are then void.

MR. LA FIANDRA: So, why are you doing the work now?

MR. ATTAR: We had to. I mean, there's, there's only a certain amount of times that we could go from one place to another place. We can't just keep taking all our stuff one place, to another place. This, at some point, its, people are going to need to use their own space, their own shuls. It's not always going to be a place for us to be able to rent. And at that point, what option do we have to, to not hold services.

MR. LA FIANDRA: Okay. Mr. McCann asked you why have services and programming changed since the ALJ hearing. So, the, the ALJ hearing, which, the services followed a different schedule, why is that?

MR. ATTAR: That was during July, that was in the middle of the summer, --

MR. MCCANN: That's not what he said. Objection. That's not what he said. Fine, that's, I can handle it on re-cross if I need to.

CHAIR: Yeah, I mean, it, it doesn't matter what he said. What he's saying now is what he's saying now, okay? If it's something different than what he said before, you can cross on it, okay? So, the question, Mr. Attar, is what, what, why is, why is there a difference in the, the schedule between your testimony in front of the, Judge Mayhew and today?

MR. ATTAR: So, I believe in front of Judge Mayhew, I was testifying about the schedule at that time, which is the summer schedule. Now, that we are doing the winter, I believe

we started with the winter and I, and I believe you had asked for the summer schedule as well, which I went through that as, as to how, what the difference would be between those two.

CHAIR: Right, okay.

MR. LA FIANDRA: What about the change in programming? Can you explain that?

MR. ATTAR: So, the classes, I believe we had mentioned that we wanted to be able to bring these over to our shul, just because, you know, we would use other shuls to use the rabbi's classes, we wanted to bring them to our shul.

You know, the other two nights, where we have a few people that come, would study, he had asked us afterwards and said hey, look, we know we keep taking our stuff, our, our, our study books in and out after Shabbos, bring them back in, you know, and we use them whatever we do during the week, can we just leave them here and just come study here by ourselves? And that was something that was asked after the ALJ meeting.

MR. LA FIANDRA: So, in all these promotional materials that Mr. McCann pointed your attention to, when you speak of growth in, what does, what do you, what do mean Jewishally when you speak of growth?

MR. ATTAR: To put it in the easiest way would probably mean grow as a person. Whether that means spiritually, within your family, within your community, whether it means in your interaction with, with other people, in your

faith. I think that is how an Orthodox (inaudible) when we hear rabbis speak and they say growth, personal growth, I think that is what is being referred to.

MR. LA FIANDRA: What about growing the shul as an organization?

MR. ATTAR: I don't really, again, I don't really see us growing that much. You know, it took us eight years to outgrow forty-nine chairs. I think us being Sephardi, I don't really think we see ourselves growing as far as (inaudible) shuls, or as much as (inaudible) shuls.

MR. LA FIANDRA: What about these promotional materials that say that you have two hundred members or several hundred members? What is the explanation for that?

MR. ATTAR: So, two hundred is every man, woman, child, baby of everybody on our membership list. And that's what was, I believe that's what was, was put on the promotional material. But, you know, a, a baby is not coming to shul. A lot of the women don't come to shul. They don't, they can't because they have to be with the kids at home.

MR. LA FIANDRA: Mr. McCann, may we see number nine? Mr. Attar, are you proposing this architecture for your shul?

MR. ATTAR: No.

MR. LA FIANDRA: Are you proposing a two-story shul?

MR. ATTAR: No.

MR. LA FIANDRA: Are you, do you know how much it

would cost to build this shul?

MR. ATTAR: As depicted in this picture?

MR. LA FIANDRA: Yes.

MR. ATTAR: Mill, I would say millions.

MR. LA FIANDRA: And have you studied, have you studied building this shul on the property at 3009 in, Northbrook, in any fashion?

MR. ATTAR: No.

MR. LA FIANDRA: Do you (inaudible)?

MR. ATTAR: I don't.

MR. LA FIANDRA: Mr. McCann had directed your attention to, forgive me, I doubt that I can pronounce it, Exhibit 32 was Ohr Amizroc, Ohr Hamizrac (inaudible) --

MR. ATTAR: That is correct.

MR. LA FIANDRA: At the corner of Fallstaff and --

MR. ATTAR: Park Heights.

MR. LA FIANDRA: -- Park Heights. And you had said you'd been there. Was that one of the four shuls that, one of the four Sephardic shuls in Baltimore?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Now, you, do you know how far that is from 3009 Northbrook?

MR. ATTAR: I believe a twenty-minute walk.

MR. LA FIANDRA: Twenty-minute walk. May I have the ability to share?

CHAIR: Yep.

MR. LA FIANDRA: Mr. McCann asked you some questions about parking on Lisburne. Do you live in Greenspring Manor?

MR. ATTAR: Yes.

MR. LA FIANDRA: How far do you live from 3009 Northbrook?

MR. ATTAR: A minute walk, I would say.

MR. LA FIANDRA: I didn't hear your answer. A minute?

MR. ATTAR: About a minute walk.

MR. LA FIANDRA: A minute walk. Do you, do you walk on Lisburne to get to the shul?

MR. ATTAR: Yes.

MR. LA FIANDRA: Do, are there occasions that there's, there's parking on Lisburne?

MR. ATTAR: Yes.

MR. LA FIANDRA: What are the occasions that people park on Lisburne for?

MR. ATTAR: I would say the biggest one would probably be during the fall on Sundays. You have what's called JFL, which is like a, a flag football league in the Jewish community. You would have, I'd say, probably a couple hundred kids.

There's about like ten games happening at the same time on the fields. So, at that point, you have the entire,

you know, between them and the parents and the people that come to watch. The entire parking lot is full, Smith Avenue is full of cars, Lisburne, Hattan, Northbrook, on both sides of the street.

I personally live on Hattan Road and if I don't get home at a certain time on Sundays, I cannot find a spot in front of my house. So, that is probably when most, when you see the most congestion in that area.

There is, during the summertime, there is activities, little league and things like that nature. I do know if you come during the day for dismissal, parents park there to pick up their kids. I have seen, living there, once or maybe twice a year people come and do fireworks there, so people stop with their cars and, to watch the fireworks at night.

But, you know, activities happen on that park at, at all times. People bring their dogs, pets to walk in that area. And people, and that's where a lot of people would park to go.

MR. LA FIANDRA: Do you recognize exhibit number nineteen?

MR. ATTAR: Yes.

MR. LA FIANDRA: What is that?

MR. ATTAR: That is a picture of Lisburne Road, and you can see the 3009 Northbrook in the background.

MR. LA FIANDRA: Okay. So, my point, pointer, what is my pointer pointing at?

MR. ATTAR: That is the shul, 3009 Northbrook.

MR. LA FIANDRA: Okay and this road in front where my pointer is? What is that?

MR. ATTAR: This is, this is Lisburne.

MR. LA FIANDRA: Okay and did you take this photograph?

MR. ATTAR: I did.

MR. LA FIANDRA: Do you recall when you took it?

MR. ATTAR: It was one Sunday afternoon during the flag football games.

MR. LA FIANDRA: Do you recall when, when that was? What season of the year?

MR. ATTAR: That's during the fall.

MR. LA FIANDRA: Okay and is this representative of the, of what Lisburne looks like during a flag football game?

MR. ATTAR: Yes, you see cars parked on both sides of the street, cars driving, two cars passing each other as well.

MR. LA FIANDRA: And let me show you the next one. Do you recognize Exhibit 19-B?

MR. ATTAR: Yes.

MR. LA FIANDRA: And what is that?

MR. ATTAR: This is looking up Lisburne towards Smith Avenue.

MR. LA FIANDRA: And did you take this photograph?

MR. ATTAR: I did.

MR. LA FIANDRA: Do you recall when you took this one?

MR. ATTAR: I believe it was one day during the fall as well.

MR. LA FIANDRA: And what, what does this show? Why is this remarkable?

MR. ATTAR: This, you can see all the cars that come and, and parked on both sides of the street. But again, this is just one street. Northbrook is filled, Hattan is filled, Smith, cars are all the way on Smith, the parking lot is filled and, and does it go on Marnet? I'm not sure, depending on how hard parking, is for people to find during that time.

MR. LA FIANDRA: So, is this representative of, what does, is this representative of what Lisburne looks like when, when events are occurring at Wellwood?

MR. ATTAR: Yes.

MR. LA FIANDRA: And, in fact, there are, there are no houses on the east side of Lisburne, are there?

MR. ATTAR: No.

MR. LA FIANDRA: Mr. Attar, I appreciate your time and your testimony. Mr. McCann may have some follow-up questions.

MR. ATTAR: Thank you.

CHAIR: Does that mean you're done?

MR. LA FIANDRA: I am, thank you, sir.

CHAIR: Okay. Mr. McCann?

MR. MCCANN: Yes, thank you, Mr. Evans. Just a little bit. I know the Board, tried to summarize things rather than get into a whole lot of detail --

CHAIR: And don't forget, we, we have your witness at 1:00, right?

MR. MCCANN: Yep. I'm going to hopefully take ten minutes right now, if I could.

CHAIR: Okay.

MR. MCCANN: Mr. Attar?

MR. ATTAR: Yes?

MR. MCCANN: You offered a couple, maybe several reasons why your congregation has continued to use 3009 Northbrook on a continuous, if not regular, basis since September 2020. One of those reasons is this, the issuance of the use permits that we spoke about, correct?

MR. ATTAR: Correct.

MR. MCCANN: And despite the issuance of temporary use permits for two weeks in October 2021, you believe that you had not the temporary ability but the permanent ability to continue using 3009 for a shul, correct? Yes or no?

MR. ATTAR: I believe so.

MR. MCCANN: You also indicated that you had submitted documents, although the use and occupancy permit had not been granted, you had submitted all the documents and you

were, therefore, just waiting for the issuance of that permit. And you believed that that also, that is, the submission of the documents in and of themselves afforded you the ability to continue using the property for a shul, correct?

MR. ATTAR: Correct, once we started the process, I believed.

MR. MCCANN: Okay. Okay. You also indicated that you saw, apparently online, the notation in compliance and no violation, apparently separate notations, online somewhere, correct?

MR. ATTAR: I believe so, for two different code complaints filed.

MR. MCCANN: Okay. So, any printout of those notations, by the way, that you can show the Board?

MR. ATTAR: I do not.

MR. MCCANN: No. And no letter or anything from code enforcement saying that you were in compliance or no violation, correct?

MR. ATTAR: Not besides what's on the website.

MR. MCCANN: Okay. Well, if I were to look, strike that. Couldn't it very well be that the reason that those notations, if they, in fact, existed on the website of the in compliance and no violation was that code enforcement didn't think you were using the property for shul, didn't think you had the, the gall to do that, isn't that a possibility as well?

MR. ATTAR: I don't think so, I --

CHAIR: That's a little, that's, that's kind of a pejorative question, I mean.

MR. MCCANN: Okay, all right. But again, no printouts that we can all look at today?

CHAIR: There's, there's no, there's nothing objective for us to look at, to substantiate his testimony that it said no comp, that it said no violation and in compliance.

MR. MCCANN: Okay and then you also said that code enforcement apparently, quote, dismissed, end quote, the citation or correction notice or wherever, whatever it was. Again, you have, you have no documentation whatsoever to show us today that the code enforcement case was, as you put it, dismissed, is that fair?

MR. ATTAR: Correct, that was all conversations code enforcement --

MR. MCCANN: Okay, yes or no? Yes or no, Mr. Attar? Yes or no?

MR. ATTAR: No documents.

MR. MCCANN: Isn't it true that while all this was going on or at least, certainly for the latter part of it, the ALJ himself was concerned and expressed that concern regarding your congregation's continued use of 3009 Northbrook, isn't that true?

MR. ATTAR: I would, I would not characterize that as

fully true.

MR. MCCANN: Okay. Well, let me show you an exhibit.

MR. ATTAR: For this year, yes, for previous years, no.

MR. MCCANN: Okay. Okay. This is an exhibit that's been previously marked as 27-A. This is an e-mail exchange between myself, Judge Mayhew, your counsel, Mr. Gutwald. Have you seen this e-mail exchange before?

MR. ATTAR: Yes, this is from earlier this year.

MR. MCCANN: Okay. It says, and I'll just read portions of it to you. It is my understanding that a temporary use permit, that's in italics, was used, issued under Pete Gutwald's authority for that one weekend in October and then he grudgingly agreed to extend it one more weekend upon assurances from Mr. La Fiandra that the use and occupancy permit was virtually complete. And the date of this is January 25th, 2022.

That temporary use permit did not allow the shul to continue to operate past these two weekends as it as evidently chosen to do. I ordered, and I am going to end up reading the whole thing, I apologize. I ordered the congregation to immediately apply for and obtain, in italics, a valid use and occupancy permit before, quote, any use of the premises, any further use of the premises, end quote.

I did so because I was and still, am still concerned about fire, safety and other safety issues. Every day one

hears news reports of fatal fires this time of year. It's arguable whether the lodging of an appeal in this case stays the Order I issued.

However, if the congregation takes the position that my Order remains in force during the pendency of the appeal, then at a minimum, they must understand that they are bound by each and every term and condition of that Order, end quote. Did I read that correctly?

MR. ATTAR: Yes.

MR. MCCANN: It sounds like on your, we can argue, Mr. La Fiandra and I can argue about whether or not the ALJ's Order was in place. We believe, of course, that it was, but it sounds like you don't disagree with that. You've spent a bit of time talking to us today about how you've complied with Judge Mayhew's Order, correct?

MR. ATTAR: We, we've tried to comply as best as we could, yes.

MR. MCCANN: Okay and so, in January, that's January of this year, we're now almost two months removed from this e-mail, you still have not stopped, well, strike that. You, you've indicated, I think you've said a couple times during the course of this hearing that you have not held services, at least for the last couple to several weeks, correct? Can you give me a more specific time frame as, when that is that you stopped?

MR. ATTAR: I believe it was at the time that this e-mail went. That was when the work was going to be starting.

MR. MCCANN: Coincidentally, time, about the time of this e-mail when the, in the, at, near the end of January 2022, was when you had already scheduled the work inside of the residence to be undertaken, correct?

MR. ATTAR: No, the work wasn't scheduled at that point, then we knew we had no other choice but to go ahead and do the work. Even though, even though (inaudible) --

MR. MCCANN: When you, when you receive, I'm sorry, my eleven-year-old is popping his head in. When you received this e-mail, you finally, finally figured out that maybe we should stop using the shul, is that your testimony?

MR. ATTAR: So, again, we wanted to get this done but once the appeal was filed, it became the risk of us having to spend tens of thousands of dollars to do the work. And then, depending on the situation with the Board, tens of thousands of dollars on to the work, so that was a big financial hardship on our community, especially because we knew the cost associated with an appeal process would be (inaudible) as well. So that was a decision that the board made at the time.

MR. MCCANN: That's not my question. My question is, in response to this e-mail, which your counsel received, and I received in January 2022, January 25th, was it because of this e-mail that you have stopped using the shul since. Or was it

because, as I understood it, is because you're, you're getting work done inside?

MR. ATTAR: No, once we were required to get it done before we got a decision from the Board, that was when we had stopped and, and moved forward to get the funds together to do the work.

MR. MCCANN: I, I don't follow you at all, sir, I'm sorry if everybody else has. Did you stop work, stop holding services in, whenever you did, I'm not sure we've clarified that yet, as a result of, of you and your counsel seeing this e-mail at the end of January 2022, yes or no?

MR. ATTAR: Yes.

MR. MCCANN: Was it, or was it for some other reason?

MR. ATTAR: No, because we knew we had to stop and, at that point, we had to do the work.

MR. MCCANN: At that point you had to do the work?

MR. ATTAR: Meaning at that point we knew we were required to do the work and take on that risk, the financial risk, of having to undo the work at that time.

MR. MCCANN: Yeah, that, that I don't get. Why would you spend the money you're spending inside --?

CHAIR: Because they're, because they're hoping to win, okay? And so, it's a, it's a gamble, it's a gamble on their part. That's really all he's saying is they, they hope they win and it's because of that view, you know, they don't,

they don't want to lose time should they win. They don't want to lose time at that end.

And so, they, you know, they're putting all that on red or black or whatever. They hope, they hope it, they hope it doesn't come up zero or double zero or something. I think that's what he's saying. I don't think it's any more complex than that.

MR. MCCANN: I know, I know, you're correct. Mr. Attar, since, since you've been doing the construction inside, you have found places to hold services, right?

MR. ATTAR: It's been difficult, but yes, we've had to go back and forth.

MR. MCCANN: As, as you, as you put it yourself in response to Mr. La Fiandra's question, you continue to make do as you've done since 2013, you're making do, correct? Correct?

MR. ATTAR: Making do, correct. As hard as it is, yes.

MR. MCCANN: Well, a lot of things are hard in life.

MR. ATTAR: Having a place (inaudible) shouldn't be though.

MR. MCCANN: Well, you've been making do since 2013, correct, sir?

CHAIR: Well, I mean, really, in fairness, you know, in fairness, they rented a place, they had procedures in, in place, so that they didn't have to keep looking for a sight,

week in/week out. They were able to rent a place on a continuous basis.

Now, as I understand the testimony, is they go from week to week looking for a place. They have nothing permanent established. I don't think that the standard is whether there's no conceivable way they could through significant efforts come up with alternatives, alternatives.

I think the standard is whether there's a substantial impairment of their ability to worship. That's the standard under RLUPA. I'm not trying, I'm not trying to fight with you, Mr. McCann, but --

MR. MCCANN: Yeah, --

CHAIR: -- but we're going down a road here that's, that's not real appropriate, I don't think.

MR. MCCANN: Yep, I understand. I'll move on. The Myerberg Center, just one more point about the Myerberg Center. You told, you said that they imposed the limitation of forty-nine seats and, and no more, not fifty, not fifty-five, not eighty, correct?

MR. ATTAR: Correct. I think that's what that room can hold.

MR. MCCANN: No, I'm not asking you what it can hold, I'm asking you, you, you indicated on direct examination or re-direct, that Myerberg Center imposed, that's your term or your counsel's term, imposed the limitation of forty-nine chairs in

that room, is that true or not?

MR. ATTAR: Yes, they only gave forty-nine chairs.

MR. MCCANN: Did they tell you not to, did they tell you not to put any more chairs in there?

MR. ATTAR: They said, yes, they said you can only have forty-nine chairs in there.

MR. MCCANN: Okay. This Frosberg, I know you're not going to hold banquets, as Mr. La Fiandra was suggesting, but you, did you ever ask whether the Frosberg room was available?

MR. ATTAR: The Frosberg room, that is the room that the other shul is currently using. They've had about a thirty-year lease on there and I believe that's, they have it for many years to come. So, I don't believe that's going to be available any time soon.

MR. MCCANN: Okay. So, Myerberg Center made a mistake when they put it on their website by saying it was available?

MR. ATTAR: I mean, it could be available to do something during the week, but for Shabbos, for what we use it for, that's being used by another shul. And, and I do believe they have classes in there during the week for some of the seniors, like dance classes and things like that. So, I don't know if it's going to be constantly available, but.

MR. MCCANN: Okay. Lastly, you spoke about, and Mr. Evans as well, that the risk that you're undertaking by

completing the improvements inside the house, do, do you understand, in response to Mr. La Fiandra's questioning, that if, if the Board, if the Board does not rule in your favor, and denies the, the, the relief you requested, you have to stop using this property for a shul, you understand that?

MR. ATTAR: I guess that would be the case. I don't know how legally that would work. I would leave that to counsel, but.

MR. MCCANN: Okay, thank you. Nothing else. I would move this exhibit in, which I think is, I've already indicated, is 27-A. And what I wanted to do, Mr. Evans, is, because this is an e-mail and as e-mails do when you print them out, they don't include the attachments.

There is a, an e-mail, there are letters that are attached, just a couple, in all fairness, from both Mr. La Fiandra and myself, which are, I, I've marked and attached as, marked as 27-B. I just think for purposes of completeness, as I said, Mr. La Fiandra's letters are in here as well. There's only, I think there's three letters. So, I, for purposes of completeness, I would move 27-A and 27-B into evidence.

MR. LA FIANDRA: B are the letters, Mr. McCann?

CHAIR: B are the letters? Yeah.

MR. MCCANN: What was the question, I'm sorry?

CHAIR: I'm sorry, 27-B are the letters?

MR. MCCANN: Yes, 27-B are the letters. I can

certainly show Mr. La Fiandra. They are, my letter, I'll go all the way down. My initial letter. These are the only letters that are attached to those e-mails, and Mr. La Fiandra's letter, my letter.

MR. LA FIANDRA: I'm only seeing two letters. I'm seeing an e-mail plus two letters.

MR. MCCANN: Well, I'll, I'll tell you that all three are attached. I'm not going to, --

CHAIR: Two from Mr. McCann and one from Mr. La Fiandra.

MR. MCCANN: All three are attached.

MR. LA FIANDRA: Okay.

MR. MCCANN: Okay.

MR. LA FIANDRA: Sure, I have no objection.

CHAIR: Okay. They're admitted then.

MR. MCCANN: Thank you, Mr. Evans. That's it. Thank you, Mr. Attar.

MR. ATTAR: Thank you.

MR. LA FIANDRA: And while the witness is still on the stand, I, I'm just moving 19-A and B and twenty in. I, I don't know if I did that while he was on there. But, but I certainly want to.

MR. MCCANN: No objection.

CHAIR: Okay. They're admitted as well, 19-A and 19-B, which are photos of Lisburne Road.

MR. LA FIANDRA: Oh, yes, and I don't think I discussed twenty. So obviously I'm not moving that in.

CHAIR: Do you have any further questions, Mr. La Fiandra of Mr. Attar?

MR. LA FIANDRA: I don't, I don't, I don't.

CHAIR: Do any Board members have any questions for Mr. Attar? I'm taking that as no. I'm not hearing anything from Mr. Pennington or Ms. Bonardi.

MR. PENNINGTON: Not here, I'm sorry. I thought I was unmuted.

CHAIR: And Ms. Bonardi, any questions from you? No? Okay, all right. Well, Mr. Attar, thank you for your time and you are excused.

MR. ATTAR: Thank you and to the other members of the Board for your time as well.

CHAIR: Sure. So, it's now 12:43. We have a witness at 1:00, from 1:00 to 1:30, so I would propose that we take our lunch break at the conclusion of that witness.

MR. LA FIANDRA: I would suggest that we just move right into the witness right now. I, I --

CHAIR: Is he available now? Is that witness available now, Mr. McCann?

MR. MCCANN: I was just checking as you were saying that. I'm going to, that would be ideal. Let me just --

CHAIR: Yeah, that would be perfect, that would be

perfect if we could do that.

MR. MCCANN: Let me check real quick.

MR. LA FIANDRA: As with everything, it seems to take fifty percent longer than you think it's going to.

CHAIR: Right.

MR. LA FIANDRA: At least.

MR. MCCANN: I'm going to call him.

CHAIR: What is this witness' name?

(PAUSE)

MR. MCCANN: Thank you, Mr. Evans. That's Dr. Kahn, K-A-H-N and he's, can be somewhere in ten, fifteen minutes where he can do it. I, I was going to suggest calling somebody else if we want to quickly, if that's okay, to try to get that in beforehand?

CHAIR: Mr. La Fiandra, do you have a witness you can call to begin?

MR. MCCANN: Oh, I'm sorry. I forgot about Mr. La Fiandra's other witnesses.

MR. LA FIANDRA: My next witness will take several hours. I've got one more witness, it's an expert witness, it will take a long time.

CHAIR: Can, can we get fifteen minutes of it in?

MR. LA FIANDRA: Sure.

CHAIR: I mean, is he available right now?

MR. LA FIANDRA: I think he is. Let me just check.

Yes, he's on the line.

CHAIR: Well, why don't we, why don't we start him. Maybe you can at least get him qualified as an expert.

MR. LA FIANDRA: Sure. Mr. Kellman.

CHAIR: Mr. Kellman, Mitch Kellman, Mitchell Kellman, Mitch Kellman, all right. Okay. I'm going to make him a panelist.

MR. LA FIANDRA: Great.

CHAIR: Is he there?

MR. LA FIANDRA: He's, he's, he's now a panelist.

CHAIR: Yep. Yeah, he is now a panelist, right. Okay.

MR. LA FIANDRA: Okay.

CHAIR: So, so we need Mr. Kellman to be sworn as a witness. And I think that's Mr., Mr. Pennington, are you doing that?

MR. PENNINGTON: I am.

CHAIR: Yep.

MR. PENNINGTON: Hi, sir, can you hear me okay?

CHAIR: Yes.

MR. KELLMAN: I can.

MR. PENNINGTON: All right, thank you.

MR. KELLMAN: Thank you.

MR. PENNINGTON: Okay. Do you swear or affirm under the penalties of perjury, that the testimony you're about to

give will be the truth, the best of your knowledge and belief?

MR. KELLMAN: I do.

MR. PENNINGTON: Thank you, sir.

CHAIR: Okay. So, Mr. Kellman, we're going to have about fifteen minutes of, I, I don't know if you could hear what was going on. We're going to talk to you for about fifteen minutes and then break for another witness and then break for lunch, okay? Just so everyone is aware of the schedule here. Okay?

MR. KELLMAN: Yes, sir. I heard everything that was going on.

CHAIR: Okay, good. Good, thank you.

MR. LA FIANDRA: Okay, Mr. Kellman, what is your professional background?

MR. KELLMAN: My professional background is zoning specialist/planner and I've been doing that for thirty years. I worked for Daft McCune and Walker. I am the director of zoning services and a principle here. I've also worked for Baltimore County for about twelve to thirteen years.

I worked in the Zoning Review Office and as part of the, as, as my role in the Zoning Review Office, I sat on the Development Review Committee, also know as the DRC. With, with the office of, with the Zoning Office, I approved final development plans or record plats on behalf of the director, took in zoning petitions, advised the public on rules and

regulations, specifically, the Baltimore County zoning regulations and the Zoning Commissioner's policy manual.

And then also, going into the private sector, working for Daft McCune & Walker, I handle all Baltimore County zoning with regards to projects. I, I handle most of the filings with the, the DRC. I represent the company at those DRC meetings. I also testify at zoning hearings, like I'm, like I'm here today.

Also, I've, was the vice chair and chair of the Baltimore County Landmarks Preservation Commission. And I also was a panel member for Baltimore County Design Review Panel. I hope that sums it up.

MR. LA FIANDRA: Okay. In the course of your work throughout your professional career, have you, describe your work with the Baltimore County zoning regulations themselves.

MR. KELLMAN: I, with my, with my role in Baltimore County government, I had to work with the zoning regulations every day. You know, you're advising the public on zoning regulations, on permits, you're reviewing plans in accordance with those regulations.

So, you're, you're looking at the zoning regulations every day. Whatever you can't remember, you're opening up the, opening up the book. And the same thing with, with my role at Daft McCune Walker, working with the zoning regulations every day. When I'm filing for permits, when we're designing

developments in Baltimore County, you have to know the zoning regulations.

MR. LA FIANDRA: What types of projects do you work on at Daft McCune Walker?

MR. KELLMAN: We --

MR. MCCANN: (inaudible) I'm sorry to interrupt, if you want to proffer Mr. Kellman, that's fine too.

MR. LA FIANDRA: Yes, I, I, Mr. Kellman, yes. I intend to proffer him as an expert in the Baltimore County zoning regulations and the Baltimore County development regulations.

MR. MCCANN: I have no objection to him being admitted in those areas.

CHAIR: Do you have a c.v. for Mr. Kellman?

MR. LA FIANDRA: I do, in fact, it's, it's Petitioner's Exhibit 2 and I, if I can share it, I will do that.

CHAIR: Yes, okay.

MR. LA FIANDRA: For the benefit of the Board, I would like him to discuss his exposure to and experience with the, the RTA regulations.

CHAIR: Okay.

MR. LA FIANDRA: Thank you, Mr. McCann, for allowing me to proffer that. Mr. Kellman, is this your c.v.?

MR. KELLMAN: Yes, it is.

MR. LA FIANDRA: Okay and, and does this accurately reflect your, your professional qualifications and your education?

MR. KELLMAN: It does.

MR. LA FIANDRA: Okay. I'll move to have that admitted.

CHAIR: It's admitted.

MR. LA FIANDRA: The, Mr. Kellman, for the benefit of the Board, can you tell the Board and Mr. McCann your experience with the RTA regulations in the Baltimore County zoning regulations?

MR. KELLMAN: Yes, and, and it's really two part. With Baltimore County, of course, when a development would come in and an RTA was generated or, or an RTA was, property was subject to an RTA, you had to review it and, and make sure that, you know, all buffers, setbacks were, were complied with or else you were suggesting some other means of compliance to, to the person submitting, you know, any kind of development or, or proposal.

With my role with Daft McCune Walker, as we, we lay out developments, whether it be residential or commercial, and you have an RTA which is generated, or there's an RTA situation, you either have to notify the client, if you're going to have to go for some kind of relief, or variance, or redesign the, the project accordingly.

MR. LA FIANDRA: Okay. Have, specifically, have you testified in cases involving religious institutions that have RTA implications?

MR. KELLMAN: I have. Specifically and just recently, Suburban Orthodox, which is probably about a mile to a mile and a half from the subject site. And also, Der Haim, which, which just came, just became, just came before the Board, you know, that, that involved the RTA too. So, those are the two really religious institutions off the top of my head and very recently where I testified.

MR. LA FIANDRA: Okay and do you recall if those cases involved the same types of issues that are involved in this particular case?

MR. KELLMAN: I do and, and they were.

MR. LA FIANDRA: Okay. Mr. Evans, that's, that's where I would, that's where I would leave off his testimony without getting into kind of the meat of things. I know that we have a few minutes before 1:00. That's, this is a natural breaking point for me with this witness' testimony. Perhaps we could take a few minutes break before the next witness at 1:00?

MR. MCCANN: What I was going to suggest, Mr. Evans, if I could, is, I, I just asked Dr. Kahn if he could come on the 23rd. I didn't know that we would be using the rest of the day for, sounds like Mr. La Fiandra's witnesses. So, I was expecting to get a lot of witnesses in today, or at least

several.

So, I'm, I'm sure I could work him in on the 23rd. So, if it's, if I hear from you, from him otherwise, I'll let you know. But I, I would suggest we just keep on going in the interest of time, if that's okay.

CHAIR: Okay. So, what we'll do then is we'll take our lunch break now, I think makes sense. And it's now 12:55. So, can we come back at 1:40 and resume with Mr. Kellman? Does that work for everyone?

MR. LA FIANDRA: Sounds great.

MR. MCCANN: That sounds good.

MR. LA FIANDRA: Yes, sir.

CHAIR: Okay. So, we'll --

MR. LA FIANDRA: Thank you.

CHAIR: -- we're going to adjourn now, go off the record and we'll be back at 1:40 p.m. to resume, okay?

MR. MCCANN: Thank you.

MR. LA FIANDRA: Good. Thank you very much. Yes.

MR. MCCANN: Yeah.

(PAUSE IN PROCEEDINGS)

CHAIR: Okay. We are back on the record. It's now 1:40 p.m. on March 14th, 2022. And we're ready to resume with Mr. Kellman.

MR. LA FIANDRA: Okay.

CHAIR: Okay.

MR. LA FIANDRA: Thank you. Mr. Kellman, we, we left off with your familiarity with the RTA regulations.

MR. KELLMAN: That sounds correct.

MR. LA FIANDRA: You were present for Mr. Warfield's testimony, you were on the line for that?

MR. KELLMAN: I was.

MR. LA FIANDRA: Okay and you've been present for the entire hearings so far?

MR. KELLMAN: Yes, I have been present.

MR. LA FIANDRA: Okay. I'm going to share my screen here. Are you familiar with what we've, what I've referred to as the G-6 exception to the RTA regulations?

MR. KELLMAN: I am.

MR. LA FIANDRA: And have you, have you had occasion to, to use this exception before?

MR. KELLMAN: I have.

MR. LA FIANDRA: Okay. Have you been to, let me set a, more foundation. Are you working as a consultant for Ahavat Shalom in this case?

MR. KELLMAN: Yes, I am.

MR. LA FIANDRA: And have you been to the, the, the property, the subject property at 3009 Northbrook Road, in the course of your work for Ahavat Shalom?

MR. KELLMAN: Yes, I have.

MR. LA FIANDRA: Okay. What have you been hired to,

to do for Ahavat Shalom?

MR. KELLMAN: I've been hired to act as the expert witness with regards to the RTA and approval process (inaudible) going through.

MR. LA FIANDRA: Okay. Now, I know that we had an intervening witness since Mr. Warfield testified, let's take a look at this G-6. I'll highlight the entire thing so you can see it. Would you read the G-6 exception for the Board?

MR. KELLMAN: Yes, and do you mind blowing it up a little bit?

MR. LA FIANDRA: I will do my best, yeah.

MR. KELLMAN: I'm on a laptop and unless you want to see my face really close up trying to read the regs.

MR. LA FIANDRA: I think that's about as big as I can make it.

MR. KELLMAN: Okay, that's, that's good. Okay. So, this, the exemption under six states a new church or other building for religious worship, the site plan for which has been approved after a public hearing in accordance with Section 500.7, any such hearing shall include a finding that the proposed improvements are planned in such a way that compliance, to the extent possible, with the RTA use requirements will be maintained and that said use can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

MR. LA FIANDRA: Okay. Now, and, Mr. Warfield provided testimony about the highlighted portion, am I correct?

MR. KELLMAN: Yes, you are correct.

MR. LA FIANDRA: Okay and (inaudible) up until the word will be maintained, so just to be clear for the Board.

MR. KELLMAN: Yes, agreed.

MR. LA FIANDRA: I'm afraid I have to reduce the size of the, Mr. Kellman, otherwise I can't, I can't do anymore highlighting here.

MR. KELLMAN: Yeah, that's okay.

MR. LA FIANDRA: There we go. Mr. Kellman, I, I, I intend for you to testify on the highlighted portion now. Do you see that?

MR. KELLMAN: I do.

MR. LA FIANDRA: Okay and, so for the benefit of the Board, will, will you read that portion?

MR. KELLMAN: Sure. That said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

MR. LA FIANDRA: Okay. So, and in fact, did, did you study the, the plan and the property to determine, in order to form an opinion with regard to that provision of law?

MR. KELLMAN: I did.

MR. LA FIANDRA: Okay. Did you identify the surrounding residential premises?

MR. KELLMAN: Yes, I did.

MR. LA FIANDRA: Okay. Let me go to, do you see what I've marked as Petitioner's Exhibit 10?

MR. KELLMAN: Yes.

MR. LA FIANDRA: And what does that show?

MR. KELLMAN: That shows the subject lot, and it shows the surrounding residential premises, the street network and across the street it shows Wellwood Elementary School. This is an aerial photo that was taken off of Baltimore County's My Neighborhood website.

MR. LA FIANDRA: Okay and who prepared this?

MR. KELLMAN: I prepared that.

MR. LA FIANDRA: Okay. Now, there's a, kind of in the center just, just off to the left a little, there's a blue triangle. It's shaded a little with a cross mark. It's 3009, my cursor is on it. What is that?

MR. KELLMAN: That is the subject property.

MR. LA FIANDRA: Okay and you identified, you said that it shows the street network. Well, let's identify that for the Board.

MR. KELLMAN: It shows the, the street to which the property, the subject property fronts upon, which is Northbrook Road. It shows the, the, the street that funnels into the subject property, which, which I've heard testimony on, which is named Lisburne and then you have this, this street to the,

to the south, which is, which is Marnat, or sometimes people pronounce it Marnat.

MR. LA FIANDRA: Okay and to be clear, you've been to this, you went, you've been to the subject property, you went to the subject property for this assignment as well, is that correct?

MR. KELLMAN: That is correct. I've been to the, to the subject property about five or six times and as late as, as yesterday morning.

MR. LA FIANDRA: Okay. Okay. Can, is there anything else you want to tell the Board as, on this page one of Exhibit 10?

MR. KELLMAN: No, this, this again, is an aerial photo which was taken off of Baltimore County's My Neighborhood website, which is used a lot and it shows, it shows all the imagery of true aerial features.

MR. LA FIANDRA: Okay. So, how did you identify what the surrounding residential, residential premises are?

MR. KELLMAN: Okay. So, this, this, well, I'll go onto say, this next photo is, is still from Baltimore County's My Neighborhood website. It just doesn't show the imagery, it shows, you know, just the footprints of the property. You'll see hatch lines which represent if there were zoning hearings on the property. It still shows the same road network, and it will have the, the zoning classification on the property.

I identified the, the adjoining residential premises, first off, by, adjacent properties. You can see the subject property, which is, which is marked number one. I, I identified the adjacent properties, which is number, which are number two to the, to the left, or to the east. Number four to the left, or the west.

And then, I went a little bit further and, and included the lots and dwellings that were adjacent to the adjacent properties to the subject property, and they are shown as, as number two and number five. I went across the street, which the closest residential property, which is, which is number six, which is a corner lot.

I looked over on the other side of the street, but that's the, that is the Wellwood Elementary School, so that's not considered, you know, a residential property. Also went to the rear, which you see is marked as number seven. And then, then number eight. And I, I determined those to be the surrounding residential properties.

MR. LA FIANDRA: Okay. Now, I'm not sure I heard you speak of number three. So, what is, what is --

MR. KELLMAN: Yes, I, I, I apologize. Like, again, I did indicate that I went over, adjacent to the adjacent properties, but I just didn't mention number three. But yes, and that's, that's further east.

MR. LA FIANDRA: Okay. So, okay. So, this is what

you, this is what you determined to be the surrounding residential properties for, for purposes of G-6?

MR. KELLMAN: Yes, for purposes of, of compatible that was, that was what I determined.

MR. LA FIANDRA: Okay and now, going back to, go, go, going back to G-6. How does one, what does compatible mean in the context of this regulation? Sticking with the highlighted term, what does this word compatible mean in the context of this regulation?

MR. KELLMAN: My opinion, it means --

MR. MCCANN: I'm going to object. I'm sorry to interrupt, Mr. Evans. It's just --

CHAIR: Yeah, what's the basis of the objection?

MR. MCCANN: I mean, the, the word speaks for itself. I just want to make, I'm sure you'll overrule the objection. But I just want to make sure that we're clear as to, that I just, that I do state an objection for the record and make sure that, that I explain that compatible speaks for itself. There are rules of statutory interpretation, as, as the Board fully knows, that come into play.

The question may be better posed in as what, what is, you know, what is, based on his experience, what is his understanding. But to simply just tell us what words mean, I don't think is, is the proper question. So, I'm, I would just object for the record.

CHAIR: Okay. Well, he, he, you know, he's an expert. He can construe a significant word in the regs and --

MR. MCCANN: If that's what he's asked to do, that's fine. If that's what he's asked.

CHAIR: All right.

MR. MCCANN: He's asked --

CHAIR: And I don't think the word compatible is anywhere specifically defined. So, and it's a word that lends itself of, of multiple meanings so, in any event, the objection is overruled, and he can answer.

MR. KELLMAN: And I will keep it real simple. I'm going to say not exact, but similar.

MR. LA FIANDRA: Okay. Not exact, but similar. So, how do you show that the proposal at issue here is compatible with the surrounding residential premises?

MR. KELLMAN: It --

MR. LA FIANDRA: (inaudible) show that, yes, go ahead.

MR. KELLMAN: And it's really three steps. And number one, is you identify the surrounding residential premises. Then the second step, you look at the character of the, of the surrounding residential premises or, or the building, or whatever.

And you see that they're, you know, they're compatible, they're going to be the same as, as massing, architectural style, setbacks are, are common. Again, like I

said, that the, the architectural style is similar, building materials are, are similar. That, that's my interpretation of how to identify whether, whether a building is compatible as far as the character is concerned.

MR. LA FIANDRA: Okay. And now we're going to go, and we're, I would like to look at, do you see Petitioner's Exhibit 8?

MR. KELLMAN: I do.

MR. LA FIANDRA: And what is that?

MR. KELLMAN: That is the subject property.

MR. LA FIANDRA: Okay and how would you describe that? The subject property as, in these photos?

MR. KELLMAN: I would describe that as a, as an all-brick façade, standard windows in the front. You have, you do have a bay window. You do have a, a, like a, a peaked roof, with a portion of the roofline. It's, to me, it's just a standard architectural style that was, that was built around that, you know, that was built later and still represents the style that was built at the time these houses were constructed.

You see the driveway in front, which is typical. You know, they, they all share about the common front setback, which is about twenty-five feet. And they all share, well, that's just, it's a standard like side setback, which complied for the zoning classification when the plat was recorded.

MR. LA FIANDRA: Okay and I'm going to show you, do

you see Petitioner's Exhibit 9?

MR. KELLMAN: I do.

MR. LA FIANDRA: And in particular, do you see the photograph at the top right?

MR. KELLMAN: I do.

MR. LA FIANDRA: And what does that tell you about the subject property?

MR. KELLMAN: The subject property, again, you know, with, with, you have the brick front, you had like white, white siding or panel, which was common in that area, and you do have an open projection, which is a deck coming off, coming off the side rear.

MR. LA FIANDRA: Okay. Now, getting back to our exhibit here. Moving through this. Do you see the photograph that I'm showing you here?

MR. KELLMAN: Yes, I do.

MR. LA FIANDRA: It's labeled number one.

MR. KELLMAN: Yes.

MR. LA FIANDRA: And what does the one indicate?

MR. KELLMAN: That one is, is actually the first photo that was taken, that is the subject property.

MR. LA FIANDRA: Okay and, and so, that, that, more of this property that we were just talking about, any other impressions of the style of this, this property?

MR. KELLMAN: No, it's, it's like, it's, you know, a

standard one-story split level, you know, that was, that was, again, typical of, of the time when these houses in the area was constructed.

MR. LA FIANDRA: And when was that?

MR. KELLMAN: The plat was recorded like around ’55, so soon after, you know, they started building the houses. So, it was typical of the, of the mid to late fifties.

MR. LA FIANDRA: And do you know when this house was built?

MR. KELLMAN: This house was built later. I don’t have the SDAT, but I think that was either in the eighties or nineties.

MR. LA FIANDRA: Okay. But what can you say about the style of this house?

MR. KELLMAN: The style, again, it, it’s, it’s brick façade, which a lot of them had brick facades. They didn’t have a big height, large height, it was standard, like twenty-to-twenty-five-foot height. Like again, split or one story.

MR. LA FIANDRA: Moving on. Who took these photos, by the way?

MR. KELLMAN: I took those photos.

MR. LA FIANDRA: Okay. What’s the second photo?

MR. KELLMAN: That’s just a continuation of, of the subject property. I hit the side that shows the, the fence and it looks like the chimney that was, has that white siding.

Also represents the, the driveway, or some people call a parking pad, which was typical of this, of this subdivision and then you can see the, the portion of the, of the handicap ramp that, that was discussed in, in a prior, to my testimony.

MR. LA FIANDRA: Okay. What do we see here in this photograph labeled number two?

MR. KELLMAN: Number two is the adjacent property to the east. Same driveway pad, brick front, although it is taller than the standard houses that were built in this time era.

MR. LA FIANDRA: Okay. What can you say about this property in terms of its typical attributes?

MR. KELLMAN: Like again, it's, it's, it's, it's brick front, you know, they're all about the, they're, you know, about the same size lots and this, this house was pushed a little bit back then, then the front average of all the adjacent dwellings. But again, brick front, siding on the, looked like siding on the, on the sides.

MR. LA FIANDRA: This house labeled number three?

MR. KELLMAN: Number three. That is, that is the house adjacent to the one we just talked, further, further to the east, which is 3005 Northbrook. You can see in the background, it's either Pickwick or Fallstaff Manor Apartments. But you can see you're starting to get closer to the, to the multi-family, as you, as you move southeast along the street.

But again, typical. You have partially brick front, siding on the upper level, which again was typical for that time era.

MR. LA FIANDRA: Okay. Another photo labeled number three. Does it show anything different?

MR. KELLMAN: No, it just, it just pulls into, you can, you can see further, you can see the house next to it and then, of course, there's a, there's a car parked in the parking pad or driveway.

MR. LA FIANDRA: Okay and, in fact, do you see where my pointer is pointing? You see my pointer?

MR. KELLMAN: I don't. Oh, there, there we go. Yes, yes.

MR. LA FIANDRA: What is that pointing to?

MR. KELLMAN: That looks like the side of another, another dwelling.

MR. LA FIANDRA: And can you tell what the material is there?

MR. KELLMAN: It looks like it's siding.

MR. LA FIANDRA: I'm continuing to scroll through. Do you see the photo that's labeled number four?

MR. KELLMAN: Yes, we're moving in the opposite direction than previously. We're moving towards the western, the west, actually a westerly direction. And again, that is same type of style. You have brick, you know, about half the house and then siding for the upper portion of the house. Same

type of like dormer for the roof, with the façade. And that, that happens to be a, we had mentioned before in testimony, that that was the rabbi's house.

MR. LA FIANDRA: Now, you say westerly. So, this is the house that is immediately adjacent to the west --

MR. KELLMAN: Yes.

MR. LA FIANDRA: -- immediately adjacent to the subject property to the west?

MR. KELLMAN: Yes, also known as 3101 Northbrook Road.

MR. LA FIANDRA: Okay and what does this show, this next page?

MR. KELLMAN: So, that is just a, that's just a close up of the, of the front door and, and the façade along the, where the front door is.

MR. LA FIANDRA: Now, the next page is labeled number five. What does this show?

MR. KELLMAN: This is adjacent, and I'm going to call it to the rabbi's house, which is further, which is further west. And again, same type of style. You see how the brick comes halfway up on the west side and then the rest is, there's either white siding or paneling. And then, and then the front of, where the front door is, that façade is, is, is all brick.

MR. LA FIANDRA: Okay. Another one labeled number five. What does this show?

MR. KELLMAN: Yeah, that's just, that's just another, another photo of that.

MR. LA FIANDRA: Photograph is labeled number six, what does this show?

MR. KELLMAN: For six, this is, I'm going to use the term catty-cornered from the subject property. It's on the corner of Lisburne and Northbrook Road. You see it's angled where it's facing the actual corner of both rightaways. It, it's siding and some exposed brick. You can see that there's a, a one car garage, which going through that subdivision, and actually adjacent subdivisions, you, you do see some houses that were built with one car garages. But in general, same, same, same type of building height, same type of style.

MR. LA FIANDRA: Number seven?

MR. KELLMAN: Number seven, we're, we're, we're flipping directions. This, these, this house was adjacent to the rear of the subject property. This is identified as 3026 Marnat Road. And it's hard to see from the photo, but this is, this was sort of angled on the lot. But again, it's got stone, brick, you know, not a lot of, not a large height to it, not tall. Looks like a one-story rancher.

MR. LA FIANDRA: Another one labeled number seven?

MR. KELLMAN: It's the same, same dwelling. Again, it shows the, the brick and, and stone, front to side. And, and, you know, paneling where the dorm, you know, where the

roof is or whatever.

MR. LA FIANDRA: And number eight?

MR. KELLMAN: Number eight, this is also adjacent to the subject property. There, there were two houses that were adjacent to the subject property that we considered surrounding residential premises. And as you can tell here, this was, this is a rebuild of, of a house that was probably constructed, you know, in the forties or fifties or whatever. And this is really typical of what's, what's happening in the, in the area now. And you know, in the subdivision, which is over here in Greenspring Manor, Wellwood, Ranchleigh. A lot of these houses are being rebuilt to, just make for larger houses.

MR. LA FIANDRA: Another photo labeled number eight.

MR. KELLMAN: Yes, it's, it's the same photo, it just has more of a front view. But it's a large house. It's a large house. It's, it's taller than the ones that were constructed in that time era. Again, it's, it's a rebuild, so, so they're making some of these houses larger.

MR. LA FIANDRA: Okay. So, we're going to go back to the top to make sure we understand where all these houses are.

MR. MCCANN: Dino, could you send me this exhibit? This is not among the ones you sent. Please.

MR. LA FIANDRA: So, Mr. Kellman, we started at one, and that's the subject property?

MR. KELLMAN: Yes, one is the subject property.

MR. LA FIANDRA: And, yes, --

MR. KELLMAN: Okay. So, we --

MR. LA FIANDRA: And then, and then, and then, and then, go ahead.

MR. KELLMAN: So, we have four, we have four properties that are adjacent to the subject property. They are four, two, seven and eight. All adjacent to the subject property. Across the street, we have six, which again, is catty-corner to the subject property. And then you have two other houses that are, I want to say, adjacent to the adjacent properties, that are along Northbrook Road.

MR. LA FIANDRA: And that would be three and five?

MR. KELLMAN: Correct, three and five.

MR. LA FIANDRA: Okay, okay. Thank you. Now, based on your review of these properties, do you have an opinion as to whether the proposed, the proposed improvements at 3009 Northbrook Road can be expected to be compatible with the surrounding of the residential premises as you have described them?

MR. KELLMAN: In my opinion, yes, I do have an opinion. And that is that they, they will, the improvements can be compatible with what we consider the surrounding residential premises.

MR. LA FIANDRA: Okay and what, what do you base your opinion on?

MR. KELLMAN: As I mentioned before, I based it on building materials, architectural style, massing, distance from the, from the, from the property lines, whether it's the front, side or rear property lines, to me they're, they're all pretty much, they're not exact, but they're similar.

MR. LA FIANDRA: Now, you said building materials. What do you understand the building materials of the proposed addition to be for 3009 Northbrook?

MR. KELLMAN: What I, what I understand the building materials will be for the proposed addition will be the same as what's there now. So, that, that addition is being constructed in that area where the deck is. If there's siding there, there's going to be an extension of the white siding. It's going to be, it's going to be the same.

MR. LA FIANDRA: Who told you that?

MR. KELLMAN: The owner. I should say the president of the synagogue.

MR. LA FIANDRA: Mr. Attar?

MR. KELLMAN: Yes.

MR. LA FIANDRA: Okay. What about the driveway features? Does that enter into your, into your opinion at all?

MR. KELLMAN: Yes, I mean, they're all, again, it's, it's all common. If you look at the aerial, they all have driveways that come of the, of the road. They're not expanding, they're not expanding this driveway at all. So, so

it's going to be kept the way it is.

MR. LA FIANDRA: Now, you said, I want to make sure you have an opportunity to explain this answer. You said, I think we can understand things like building materials. But you said things like massing and proportionality and setbacks. Can you explain those, those, those things to the Board, please?

MR. KELLMAN: Yes, back in, you know, when this, when this plat was recorded and based on zoning classification, you had, you had standard setbacks that had to be complied with. And those are the setbacks for these existing houses. It, it's going to be the set, it's the setback for the subject property. And even with the, the proposed addition, there's not going to be any change in the setback. Not going close, it's not going any closer to the rear property line, the, the front property line or the side property lines to what exists.

MR. LA FIANDRA: And, but you're going to be, getting back to our proposal, I'll make sure that I, getting back to our proposal, do you see Petitioner's Exhibit 5?

MR. KELLMAN: I do.

MR. LA FIANDRA: Certainly, we're going to be filling in this void. How do you mean we're not getting closer to the, to the property line?

MR. KELLMAN: You have a piece, you have a part of a house that is, that is closer to the rear property line, and

you can consider that as being not really squared off, but keeping the same setbacks.

MR. LA FIANDRA: Okay.

MR. KELLMAN: If you look at the adjacent properties, they're, they're, they're maintaining the same type of setback that we are too, even with the proposed addition.

MR. LA FIANDRA: Okay. Now, going back to our code provision at issue here. So, that said plan can otherwise be expected to be compatible with the character of the surrounding residential premises. So, it, it would seem we need to just finish this analysis by discussing the general welfare of the surrounding residential premises (inaudible) --

MR. KELLMAN: Yes, that's correct. That's the second, second part.

MR. LA FIANDRA: The second part of the second part, if I'm not mistaken.

MR. KELLMAN: Correct.

MR. LA FIANDRA: Okay. So, how do you show compatibility with the general welfare of the surrounding residential premises?

MR. KELLMAN: Well, we've already established that, we already established what the, what the, what the, what the surrounding residential premises is. We, again, we established what the character, in compatible with the character is. The, the third part of this is the general welfare.

So, in my opinion, the general welfare is more of a, a use type analysis versus, you know, building materials or, or you know, massing or, or actually building type. It's really what the use of the property is and that's how I would, that's how I would determine general welfare.

MR. LA FIANDRA: Okay. So, let me take a moment to, are you, how familiar are you with this neighborhood?

MR. KELLMAN: I'm familiar with it. I, I lived in Pickwick Apartments, which, which is around the corner from this, lived in Pickwick Apartments, it was the first time I moved out of my house, lived in Pickwick Apartments. Had friends in the area, I was in high school growing up.

When I moved out of Pickwick, I lived fairly close by, in a subdivision called Jones Valley, which is further down Smith to the east and then I would say further north, closer to Falls Road, closer to (inaudible), but I was, I frequent this area. So, I was always around it for, for a period of time.

We go back there occasionally, but then again, really noticed that when I testified in Suburban Orthodox and, and in the Der Haim case, there has been an increased population of Orthodox Jewish people in that community.

MR. LA FIANDRA: Okay. So, what can you say, what can you say about the, the uses in this, in this community?

MR. KELLMAN: Uses in the, in the, this, well, the residential, the residential houses are, are housing, in my

estimate, a large, a large amount of the Orthodox Jewish community. And, and you have, you have synagogues that are, that are, you know, synagogues that are, that are located, you know, within the area. I mean, with, within walking distance of everybody. Synagogues have populated that, that, that community.

MR. LA FIANDRA: And, okay. So, bring it back to the surrounding residential premises.

MR. KELLMAN: Yeah, so surrounding residential premises is, in my opinion, surrounding residential premises are a, are a part of this, of this Orthodox community. And I think that, that a synagogue such as this, or really any synagogue, contributes to that, to that Orthodox community. And again, these surrounding residential premises, they are part of that Orthodox community.

MR. LA FIANDRA: So, do you have an opinion then if it contributes to the Orthodox community, what does that mean about whether it is compatible with the surrounding residential premises?

MR. KELLMAN: In my opinion, if this synagogue, or other synagogues, are contributing to this Orthodox community, and the surrounding residential premises are part of that community, I believe that the synagogue is compatible. And I could go on and say this is one of, of many synagogues in the area that is really a part of the fabric of this community.

MR. LA FIANDRA: What does that mean, part of the fabric of the community? Expound on that.

MR. KELLMAN: It, it just, it, it's, it's a function of this community. This Orthodox community, you know, all, I should say a lot of the, a lot of the residents in this community are, are walking to synagogue, it, it's a part of their, it's their lifestyle. If I could, and again, if I could go on. This synagogue is, is contributing to this community. It's part of the fabric, it's contributing to this community.

MR. LA FIANDRA: Yeah, but beyond the fact that it's contributing to the community, how is it compatible with the surrounding residential premises?

MR. MCCANN: Objection. Asked and answered. He's asked it three or four times now and now he just wants to try to get a different answer, Mr. Evans.

CHAIR: Sustained. Sustained.

MR. MCCANN: Thank you.

CHAIR: It's been asked, it's been answered, it's been asked, it's been answered. Let's move on.

MR. LA FIANDRA: Okay. Let's see. Have you seen Petitioner's number seven before?

MR. KELLMAN: I have.

MR. LA FIANDRA: And when was this approved? Or let me show you this more closely. When was this approved?

MR. KELLMAN: It's hard to see when, when it was

approved.

MR. LA FIANDRA: Okay. Let me, let me, let me zoom in.

MR. KELLMAN: You have to zoom into where, it looks like it was May 8th, 1955, was signed by the Director of Planning Commission.

MR. LA FIANDRA: Okay and there's some other approval dates as well. Can you see them?

MR. KELLMAN: There are. The, the County Road Engineer approved it a little later, May 20th of 1955.

MR. LA FIANDRA: Okay and Deputy State County Health Officer, do you see that date?

MR. KELLMAN: Looks like it is May 17th, 1955.

MR. LA FIANDRA: Okay and scrolling over. You have the, I think this has already been discussed, the liber and folio of this document?

MR. KELLMAN: Plat book ref, I, I, sometimes I'll say plat book reference is, is book twenty-one, folio seventy-seven.

MR. LA FIANDRA: Okay. I'm going to show you another provision of the Code here. I'm showing you BCZR 1-B-01.1.B.1.H. And I've highlighted it. Do you see that?

MR. KELLMAN: I do.

MR. LA FIANDRA: Can you read that, please?

MR. KELLMAN: Sure. The provisions contained in

paragraphs A through E, Subsection B-1, shall not apply to existing developments, as described in Subsection A-1, of Section 1-B-023, nor to subdivision tracts which tentatively approve plans remain in effect as described in sec, in Subsection A-2 of said section.

MR. LA FIANDRA: Okay. Now, so, this provision direct us to two, two other subsections, is, is that right?

MR. KELLMAN: That's correct.

MR. LA FIANDRA: Okay. So, let's go and check out the Subsection A-1. I've highlighted 1-B-02.3.A.1. Do you see it there?

MR. KELLMAN: I do.

MR. LA FIANDRA: Can you read that at the top, please?

MR. KELLMAN: Yes. In DR zones, contrary provisions of this article notwithstanding the provisions pursuant to the subsection shall apply to the use, occupancy and development of alteration or expansion of structures upon and administrative procedures with respect to any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan.

MR. LA FIANDRA: Okay. Now, going back to, well, sticking with A-1 for a moment. Does, does it appear to you,

do you have an opinion as to whether our, our lot qualifies under A-1?

MR. KELLMAN: Yes, I do.

MR. LA FIANDRA: And, and what is your opinion?

MR. KELLMAN: Is that it does qualify under A-1.

MR. LA FIANDRA: Why is that?

MR. KELLMAN: Because this plat was, was, was tentatively approved by a Baltimore County Planning Board or Planning Commission, and it has been used and occupied in accordance with the plat.

MR. LA FIANDRA: Well, was it tentatively approved or, or was it in a recorded residential subdivision?

MR. KELLMAN: It was actually recorded, yes.

MR. LA FIANDRA: And it was approved by whom?

MR. KELLMAN: Approved by the Planning Commission or the Planning Board. I believe that plat had a signature that said Director of Planning Commission.

MR. LA FIANDRA: Okay and, and were there other portions of this provision that you have an opinion that we, that this lot satisfied?

MR. KELLMAN: Yes.

MR. MCCANN: Can we, I'm sorry to object again, but again, on an important issue like this, Mr. Evans, I would just ask for, for non-leading questions. I, I don't normally object on that basis, but I think it's important here.

CHAIR: Okay.

MR. MCCANN: (inaudible).

MR. LA FIANDRA: I, I asked him if, were there other portions that he believed that qualified. I don't think that was a leading object, leading question.

CHAIR: No, that's not a leading question, no, go ahead.

MR. KELLMAN: As far as with, under, under this Section 1-B-02-3, just under A, it's just under A-1, none of the other ones below that. I, I should word it, not under, not any of the subsections below A-1.

MR. LA FIANDRA: Okay. So, going back to H, which is where we came from, it says the provisions contained in paragraphs A through H of Subsection B-1, shall not apply to existing developments as described in Subsection A-1 of Section 1-B-02.3. Now, if we qualify under Subsection A-1 of Section 1-B-01, 1-B-02.3 as you said we just, we do, what does that mean for, what does that mean for us in the context of the rest of this provision, Mr. Kellman?

MR. KELLMAN: Then the, that, then the provisions contained in paragraphs A through E, which are, which are the requirements in RTA do not apply.

MR. LA FIANDRA: Okay. So, let's go back and take a look at that. Of Subsection B-1, is that what it said?

MR. KELLMAN: Correct.

MR. LA FIANDRA: So, would this be the B, the Section B that it's referring to?

MR. KELLMAN: Yes, that's the B and the 1 is residential transition area requirements and uses.

MR. LA FIANDRA: And then, is this the A through E that it's referring to?

MR. KELLMAN: It is.

MR. LA FIANDRA: Okay and these are the provisions that do not apply if we qualify under H, is that right?

MR. KELLMAN: Yes, in other words, you're not, you don't have to comply with the RTA requirements.

MR. LA FIANDRA: Okay and in particular, would you describe for the Board which of these requirements, or what these requirements are?

MR. KELLMAN: The requirements are how an RTA is generated, is actually generated. But when you get down to the area requirements, or RTA use requirements, the, the, the setbacks in RTA, the buffers, the height restrictions, they would not apply, they would not be app, applicable if we qualify under this subsection.

MR. LA FIANDRA: Okay. Now, going back to, going back to A-1. Does it matter for, to you, in your opinion, that we are changing the use? That we are changing the use from a residential use to an institutional use, like a shul?

MR. KELLMAN: No, if you read the, the language of A,

it'll specifically say the provisions pursuant to this section shall apply to the use, occupancy and development of alteration or expansion of structures. So, you know, in my mind, it, it doesn't matter if you're changing it to a synagogue use.

MR. LA FIANDRA: Okay. Why is that --

CHAIR: I don't really get that, Mr. Kellman, because isn't the whole point of the buffers, isn't that because there's going to be a change in use?

MR. KELLMAN: Yes, it does, but this is saying that the RTA requirements do not apply. I'm, I'm examining that you can have the use there under this section. You can have the, the, the religious institution use under this section.

CHAIR: Okay.

MR. LA FIANDRA: I, I think Mr. Evans needs more of an explanation from you. So, if you could take another minute and explain that. Why, why don't, why, why does the change in use not, not matter?

MR. KELLMAN: Because it, it's specifically saying that you can have a change of use for an expansion where the use would still be permitted, and you would still qualify under that section where you don't have to meet RTA requirements.

So, in other words, the use would be permitted, and you would still qualify under that section where you don't have to meet RTA requirements. So, in other words, the use would be permitted, and you would still be allowed to be exempt from the

RTA requirements.

MR. LA FIANDRA: What does alteration mean to you?

MR. KELLMAN: It's different types of alteration. You could alter, you can alter something, you can make it comply with regulations. You can alter something, you could change a use, or you could alter something just to make it more, to bring it up to date. Alteration is a lot of different meanings in, in this context.

MR. LA FIANDRA: Okay. Shifting gears here to another exhibit. (inaudible) Exhibit 11. Mr. Kellman, do you recognize Petitioner's Exhibit 11?

MR. KELLMAN: I do.

MR. LA FIANDRA: What is it?

MR. KELLMAN: This is a list that is kept in, within the Baltimore County Zoning Review Office of Planning Commission or Planning Board subdivisions. And specifically, they have their tentative approval dates.

MR. LA FIANDRA: Okay. So, tell, tell the Board about this.

MR. KELLMAN: This is used, again, when I worked in Baltimore County, I, I used this list. You would have, when, when lot owners would make improvements to their property, whether they'd be putting an addition on their, their, their house or a deck on their house.

Many times, since these were approved, you know, back

in certain dates where different regulations apply and that deck or addition didn't comply with the current zoning a list was kept to, to help, way to help the planner that was reviewing the permit, what regulations apply.

So, I, I used this plenty of times when I worked there. When somebody would come in for a deck and I saw that it didn't, I saw that it didn't meet the current zoning requirements, but I noticed that the plat was like, was, it had a liber/folio where the plat was recorded somewhere in the forties, in the sixties, you could, you could use this list just to determine what setbacks applied back then.

MR. LA FIANDRA: Okay. So, you said several things. Who kept this list?

MR. KELLMAN: Again, this was kept in the Baltimore County Zoning Review Office, it was kept at the counter, at the zoning counter.

MR. LA FIANDRA: Was there a staff member or was it kept by a number of staff members, who was responsible for keeping this list?

MR. KELLMAN: It was, it was kept, I mean, it ultimately, the responsibility is the zoning supervisor of this list. But it was kept at that counter where when somebody came in, again, and, and pulled a permit, you need to see whether, you know, a subdivision had a certain tentative approval. A person would take that list out of the, out of the, I'm going

to be specific, out of the drawer of that counter, and help them see what the regulations were in effect at the, at the time. It was real, I, I, you could say it was really kept by the zoning staff.

MR. LA FIANDRA: Is this a secret list? Could anybody get a copy of this list?

MR. KELLMAN: I think anybody could.

MR. LA FIANDRA: And how many years did you work at the Zoning Office?

MR. KELLMAN: About twelve or thirteen years worked in the Zoning Office.

MR. LA FIANDRA: And did, did you refer to this list, how often did you refer to this list when you were working at the Zoning Office?

MR. KELLMAN: I referred to it when, again, if, if an applicant came in for a permit, for like a deck or an addition and I saw that it didn't comply. Maybe they were too, too close to the rear side property lines and I did notice like a plat that had had a recordation date, you know, in that area of like forty-five to sixty, I would use that list to see what, what regulations applied.

MR. LA FIANDRA: Now, this list shows approval dates and tentative approval dates. What, what are, what are, what are tentative approval dates?

MR. KELLMAN: Tentative approval dates were when the

planning or Planning Commission approve the subdivision. Not when it was recorded, it may have been approved, it may have been, it may have been tentatively approved before that plat even got signed or before the plat even got recorded.

It was, it was, I, you could say it was comparable to like the Administrative Law Judge approving a plan and then never got signed by the project manager and didn't get recorded yet. It was, it was a tent, like again, tentative approval. It was, it was approved by the, by the governing authority before the plat got signed and recorded.

MR. LA FIANDRA: Does this list show the tentative approval date for Greenspring Manor, Section 4?

MR. KELLMAN: It does.

MR. LA FIANDRA: Okay. Do you, do you know where that is?

MR. KELLMAN: It's, it's going to be whatever page the election district was on. Yeah, it should be the third, third election district. Sometimes I get councilmanic district and election district mixed up. But I'm (inaudible) --

MR. LA FIANDRA: (inaudible).

CHAIR: I think it should be in the second district, isn't that in the second district?

MR. KELLMAN: It's the second, second councilmanic district but I think it's the third election district.

CHAIR: Ah, okay.

MR. LA FIANDRA: So, do you see page five and do you, do you see that, sir?

MR. KELLMAN: Yes, it's line two, Greenspring Manor, Section 4, tentative approval and the date was March 7th, 1955.

MR. LA FIANDRA: Okay. Now, why is that, why is that date significant?

MR. KELLMAN: Well, the date is significant, again, you have tentative approvals and, and I, you know, I'm speculating that what happened is Greenspring Manor came in with one --

MR. MCCANN: Objection, objection. Objection. I'm going to object to any speculation on an important point like this, Mr. Evans.

MR. KELLMAN: Okay. Well, anyway, I'll, I'll --

MR. LA FIANDRA: Well, wait, there's an objection. Wait, the objection needs to be ruled on. Mr. Evans, can I show the witness another provision of Code? I'm going to have him, here I'll, I'll withdraw the question, I'll just move onto my next, my next question.

MR. MCCANN: Mr. La Fiandra, I need that exhibit as well, please. Exhibit 11.

MR. LA FIANDRA: I'll, I'll send you all my exhibits, Mr. McCann. And I'd appreciate the same.

MR. MCCANN: Well, exhibits are supposed to be produced before the day of the hearing, which your witnesses

are testified, I have no obligation to produce them as of yet. But I certainly will when it comes time for our case. These exhibits I do not have the benefit of reviewing, particularly normal screen, or in advance. So, that's why I'm asking that they be sent.

MR. LA FIANDRA: Mr. Kellman, do you see Section 103.1 on your screen?

MR. KELLMAN: I do.

MR. LA FIANDRA: Can you read that section of Code to the Board, please?

MR. KELLMAN: Yes. These regulations shall apply as of the date of their adoption. But the provisions applying to use, height, area and density of population shall not apply any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to then Baltimore County Planning Commission, now Planning Board, and approved or tentatively approved, in parentheses, including any approval made subject to any condition or conditions under then, under the then existing official procedure in Baltimore County prior to the adoption of these regulations, footnote forty-five --

MR. LA FIANDRA: What does the footnote say?

MR. KELLMAN: Go down to the, you can scroll down to the footnote.

MR. LA FIANDRA: Do you see it, forty-five?

MR. KELLMAN: Yes, it's hard to read. There you go.

Refers to the Baltimore County zoning regulations adopted 3/30/1955.

MR. LA FIANDRA: Okay and then it continues, the, the text continues.

MR. KELLMAN: Yes. The zoning regulations applicable to any such development, subdivision or parcel of land as aforesaid shall read the zoning regulations in effect at the time of such plan as aforesaid was originally submitted to the Baltimore County Planning Commission.

MR. LA FIANDRA: Now, do you have an opinion as to why the date March 7th, 1955, is significant in the context of the tentative approval of Greenspring Manor, Section 4, Subdivision?

MR. KELLMAN: Yes, I do --

MR. LA FIANDRA: And what is your opinion?

MR. KELLMAN: March the 7th, 1955 was before the regs were adopted March 30th, 1955. So, it had tentative approval back when this was approved, you know, there were no RTA requirements, there were no other principal building setback requirements, as existed after that date.

MR. LA FIANDRA: And for the benefit of the Board, where are those regulations contained?

MR. KELLMAN: Which, which regulations?

MR. LA FIANDRA: The regulations that were in effect prior to March 30th, 1955.

MR. KELLMAN: They are in an appendix, I think it's Appendix K, in the Baltimore County zoning regulations.

MR. LA FIANDRA: So, those are actually contained in the zoning regulations (inaudible) don't have to look for them?

MR. KELLMAN: No, they're contained in the zoning regulations.

MR. LA FIANDRA: Okay and, okay. And you went over something rather quickly, I just want to make sure that the Board is aware. There's no RTA requirement in there?

MR. KELLMAN: No, back in, between '45 and '55, before, before the new '55 regulations were adopted, there were no RTA requirements.

MR. LA FIANDRA: And there's no (inaudible) requirement?

MR. KELLMAN: That's correct.

MR. LA FIANDRA: Okay.

MR. KELLMAN: (inaudible) RTA, RTA was, I believe, RTA was introduced in 1970 with Bill 100 and it started getting into the density residential zones. But this, this, this was far before density residential zones.

MR. LA FIANDRA: Okay. I want to go down to, Mr. Evans, can, I'm, I'm about to get into another area, but would it be possible to just take a, maybe five-minute bathroom break?

CHAIR: Right. So, it's 2:43. How, how long are you

going to go with Mr. Kellman?

MR. LA FIANDRA: I've got two more, two more substantive areas before I turn him over for cross. I, probably, I, I, we're moving through much quicker than I thought we were going to. I can also give my exhibits to Mr. McCann during this break. That'll only take a moment or two.

CHAIR: Okay.

MR. LA FIANDRA: And, and I, I would expect by 3:30, I, I mean, you know how this goes. But I would expect I would be done with him by 3:30.

CHAIR: Okay. Well, I'm going to assume that the cross is extensive, is that fair to say, Mr. McCann?

MR. MCCANN: Yes, it is.

CHAIR: So, we probably won't finish with Mr. Kellman today. If we break around 4:00 or 4:15, we're not going to be done with him today I would imagine, is that fair to say?

MR. MCCANN: Yes, it is.

CHAIR: Okay. Because I would like to break by 4:15 if we can. And, Mr. La Fiandra, did I understand you to say that Mr. Kellman is your last witness? Do you have no other witnesses?

MR. LA FIANDRA: No, I do not anticipate having any other witnesses in my case in chief. Maybe I'll have a rebuttal witness.

CHAIR: Right, okay. All right. Well, it's 2:44,

why don't we break until 3:00 and then we'll plan to go until we adjourn for the day. How, does, does that sit well with everyone?

MR. LA FIANDRA: That's fine. And you think we'll have about an hour at 3:00?

CHAIR: An hour plus.

MR. LA FIANDRA: Okay.

CHAIR: Yeah. I, I mean, --

MR. LA FIANDRA: It's a long day starting at 9:00, so (inaudible).

CHAIR: It is a long, it's a long day for me, I don't know how it is for everyone else, but it's a long day for me, so.

MR. LA FIANDRA: Yes, sir.

CHAIR: Okay. So, we'll, we'll come back at 3:00 then.

MR. LA FIANDRA: That's fine, thank you very much.

CHAIR: Thank you.

(PAUSE IN TESTIMONY OF MR. KELLMAN)

CHAIR: And I just turned the record back on and it's, we're just shy of 3:00 here. I think, it's 3:00 now, I think everyone is here and raring to go, right?

MR. LA FIANDRA: Yes, sir.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Kell, that's my e-mail, which I

always do. I got to not do that anymore. Mr. Kellman, are you familiar, we're going to focus on Section 2, this is 1-B-01.1.B.2. I'm going to highlight it for you here and ask you to read it for the Board. Would you do that, please?

MR. KELLMAN: Okay. I, I will, and before I do that, I, I hope the Board doesn't mind that I stick my face close to the camera with my glasses up. But it's sort of hard to read, so.

MR. LA FIANDRA: There we go.

MR. KELLMAN: Use regulations in existing developments. In existing developments as described in Section A-1 of Section 1-B-023, uses shall be limited to those now lawfully established or those indicated in the subdivision plans on file with the Department of Permits, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

MR. LA FIANDRA: Okay. Now, do you know where this regulation fits in in the scheme of these regulations? Where number two fits in with number one and number three? I can, I mean, if you need me to help you, to show you, I can, I can do that.

MR. KELLMAN: Yeah, would you, would, could we go to the, so, so it's under, it's under the RTA.

MR. LA FIANDRA: So, this is, let's start at the top.

MR. KELLMAN: Okay.

MR. LA FIANDRA: Do you see Section 1-B-01?

MR. KELLMAN: Yes, that's, that's regulations that are, that are for the DR zones, general uses that are permitted as a matter of right.

MR. LA FIANDRA: So, well, let's be, let's be clear about what we're talking about. Section 1-B-01. Do you see where my pointer is? Here, I'll highlight it.

MR. KELLMAN: I do. I do.

MR. LA FIANDRA: What's that?

MR. KELLMAN: Section 1-B-01, regulations with respect to DR zones in general.

MR. LA FIANDRA: Okay and then we move onto Section 1-B-01.1.

MR. KELLMAN: Which is the general use regulations in DR zones.

MR. LA FIANDRA: And then we have A.

MR. KELLMAN: A, which is uses permitted as a matter of right.

MR. LA FIANDRA: Okay and that lists all those. Then we have B.

MR. KELLMAN: B, which is dwelling type and other supplementary use restrictions, which, which RTA falls under that.

MR. LA FIANDRA: Okay. So, here, number one, that's where we've spent most of our time, am I right?

MR. KELLMAN: That's correct.

MR. LA FIANDRA: Read that for the Board, just so that the record is clear.

MR. KELLMAN: A, residential transition areas and uses permitted therein.

MR. LA FIANDRA: Okay. Then we have number two, which is what I'm directing your attention to now.

MR. KELLMAN: Yes, so this is use regulations in existing developments.

MR. LA FIANDRA: But this is something different than the RTA, am I correct?

MR. KELLMAN: Yes.

MR. LA FIANDRA: Okay.

MR. KELLMAN: This is use.

MR. LA FIANDRA: And now, we previously established that we are, we are an existing development as described in Section A-1 of Section 1-B-02.3, is that right?

MR. KELLMAN: That's correct. That's correct, that's what I read.

MR. LA FIANDRA: Okay. So, that would seem that we need to pay attention to this regulation, am I right?

MR. KELLMAN: We do.

MR. LA FIANDRA: Okay. Now, prior to this case, were you aware of this regulation?

MR. KELLMAN: In all honesty, I was not aware of this

regulation. As much as I've read these regulations, I was, I wasn't aware of it.

MR. LA FIANDRA: Okay. So, in all, in the other cases you've worked on, you did not have occasion to come across this regulation?

MR. KELLMAN: Never.

MR. LA FIANDRA: The Der Haim case that you talked about and the Suburban Orthodox, you didn't stumble across this?

MR. KELLMAN: I did not. Never, never looked at this regulation.

MR. LA FIANDRA: And those res, those other RTA cases that you talked about in your voir dire and the other things that we talked about, all those years that you've worked at the Zoning Office and at DMW, you never had occasion to, to, to, to work with this particular regulation?

MR. KELLMAN: I have not.

MR. LA FIANDRA: Now, okay. So, let's, let's read this, let's parse this out a little bit. I'm going to highlight this and I'm going to ask you to, to, to read it for the Board.

MR. KELLMAN: Uses shall be limited to those now lawfully established or to those indicated --

MR. MCCANN: Excuse me. Can we read the whole thing, since no one can see it?

MR. LA FIANDRA: Yes.

MR. MCCANN: It would be helpful, thank you.

MR. LA FIANDRA: I'll even try and make it larger. It's so difficult on this split screen things.

MR. KELLMAN: So, I will read it again?

MR. LA FIANDRA: Yes, start from the top.

MR. KELLMAN: Use regulations in existing developments. In existing developments as described in Subsection A-1 of Section 1-B-023, uses shall be limited to those now lawfully established, or to those indicated in the sub, subdivision plans on file with the Department of Permits, Approvals and Inspections, except as may otherwise be permitted under provisions adopted pursuant to the authority of Section 504.

MR. LA FIANDRA: Okay. Now, I think we can eliminate certain parts of this pretty easily. Are you familiar with subdivision plans on file with the Department of Permits, Approvals and Inspections, in general?

MR. KELLMAN: In general, I am.

MR. LA FIANDRA: Have you worked with such plans?

MR. KELLMAN: I have.

MR. LA FIANDRA: And so, such plans generally contain provisions related to uses?

MR. KELLMAN: Subdivision plans, they, they really don't, especially the ones that were approved in this time era.

MR. LA FIANDRA: What does that mean? Tell the Board why, what that means?

MR. KELLMAN: Well, a subdivision, subdivision plans, you could say like a subdivision plan was like a, a development plan or JSPC plan or a CRG plan. It was, it was a plan that got you to the next step where you could get plats recorded. A lot of the old subdivision plans, they don't, they're not around anymore. So, you know, I, I just, I, I don't, I don't think a lot of the older subdivision plans, such as this, would mention or list down proposed uses.

MR. LA FIANDRA: Okay. Now, let's look at the plat here. (inaudible) chance to see it. Have you looked at the plat in this case?

MR. KELLMAN: I have.

MR. LA FIANDRA: Is there any indication, do you see it on your screen, by the way, Exhibit 7?

MR. KELLMAN: I do, I do.

MR. LA FIANDRA: Are there any provisions related to use on this plat?

MR. KELLMAN: No, they just show recorded lots.

MR. LA FIANDRA: Are there any provisions relating even to density or zoning on this plat?

MR. KELLMAN: There are not and, you know, back in, you know, prior to 1955, for single family lots, you really didn't have density. The density regulations came into effect

in, in 1970 with Bill 100. So, you know, the older the plats, the less information that was on it.

As time went on, we had, you know, you had more information that was, that was shown on plats and if you lead up to today, you have more reviewing agencies looking at plats and they want more information on them, yeah. But back then, you didn't have much information on record plats.

MR. LA FIANDRA: Okay.

MR. MCCANN: Mr. La Fiandra, can I stop you there? Mr. Evans, my pen ran out, I need to grab another pen, so give me ten seconds to walk out and come back?

CHAIR: Ten seconds.

MR. MCCANN: Ten seconds.

CHAIR: Yeah.

MR. MCCANN: Thank you.

CHAIR: Okay, sure. Mr. Kellman, is, is there anything, I, I don't want to jump ahead here, but is there anything about this plat, with regard to this specific area where the shul is proposed, that suggests that the uses are anything other than single family dwellings?

MR. KELLMAN: You know what, it just shows, it just shows the lots. It doesn't show, you know, it doesn't show proposed use, single family residential use.

CHAIR: Is that, I guess my question is, is, isn't, is that, is the notion of that use, I hate to use this word,

but is it, isn't it sort of embedded in the plat itself? I mean, we've got these small rectangular, or smallish rectangular lots in rows and it just, it strikes one just looking at it, that the concept is residences, right?

I mean, it just looks that way by, because the lots are symmetric and orderly and it's laid out like a residential area to the, to the naked eye.

MR. KELLMAN: Yes, I mean, that's, that's an assumption that, you know, but there's no specific use indicated on the plat.

CHAIR: It's an interpretation, not so much an assumption.

MR. KELLMAN: Interpretation, yes, interpretation.

CHAIR: Okay.

MR. KELLMAN: I mean, you could have and, and I'm, you could have old, recorded subdivisions that, let's say, on a busy road it never got built on and all of a sudden, the, the, the zoning changes to business and then you could put an office building there.

CHAIR: You'd have to combine several lots, right?

MR. KELLMAN: Yes. Or if you had a house that got rezoned, it was residential, a house that got rezoned RO and you converted it to, to an office, some of the old subdivision plats.

CHAIR: But again, you'd still have to re-plat it,

wouldn't you?

MR. KELLMAN: I'm not sure if you'd have to re-plat it or not. That would really be up to the DRC, if you straddled, it you straddled a, a, a lot line. I'm not sure, I'm not sure on that.

CHAIR: You would have to unify some, you would have to unify some lots to do something like that, would, would you not?

MR. KELLMAN: If you have a couple lots that are vacant, and, and you have two lots that are vacant and gets rezoned and you end up straddling. Or if you have a house there and you converted it to an office, you could do that as a class A office building.

CHAIR: All right, okay. Thanks.

MR. KELLMAN: You're welcome.

MR. LA FIANDRA: Getting back to our regulation here, do you see the highlighted portion of this regulation, number two?

MR. KELLMAN: Yes.

MR. LA FIANDRA: And are you familiar with the, the regulations adopted pursuant to authority of Section 504?

MR. KELLMAN: Yes, 504 (inaudible).

MR. LA FIANDRA: Yes.

MR. KELLMAN: I'm familiar with it.

MR. LA FIANDRA: Tell me what they are.

MR. KELLMAN: 504 is the authority to, where the CMDP can regulate certain design standards. Setback design standards, you know, number of buildings in a row, number of units in a row in a townhouse development. It, it's really design standards. It's a, it gives authority to the comprehensive manual design policies other, off, you know, known as the CMDP.

MR. LA FIANDRA: Okay and who, if you know, who, who authorizes the CMDP?

MR. KELLMAN: CMDP, they have something that's adopted by the council, but it's also, you know, goes through Planning Board Review, it's really initiated by the Planning Office, goes through Planning Board Review and I believe it's, it's initiated, it's initiated by, not initiated, but approved by the council.

MR. LA FIANDRA: The, oh, and is there any provision in the CMDP for uses?

MR. KELLMAN: There's not. The CMDP with, with design guidelines, will categorize uses, but it doesn't, you know, it doesn't specifically say what uses are permitted in what zones.

MR. LA FIANDRA: Okay. Now, getting back to our regulation here. What does that leave us in terms of this regulation in the context of our development?

MR. KELLMAN: Well, it says uses shall be limited to

ones lawfully established. So, what's lawfully established?

MR. LA FIANDRA: Well, let's read it very carefully. And so, it says --

MR. KELLMAN: In existing developments as described in Subsection A-1 of 1-B-023, which, which if we fall under, it says --

MR. LA FIANDRA: Yes.

MR. KELLMAN: -- uses shall be limited to those now lawfully established, or to those indicated for subdivision plans, and I'll skip, and I'll say or under the authority of 504. Well, it's my, there's nothing listed under 504 and my, my opinion that there's, there's not a subdivision plan of, of this subdivision that, that's, that's going to list the different uses that are allowed.

So, you know, what's, what's, what's lawfully established? We would have to be lawfully established. And lawfully established, you know, at the time of, of when this legislation was enacted, which is 2010 --

MR. LA FIANDRA: Okay. Do you know when that was? I, I, do you know when that was?

MR. KELLMAN: It was in 2010.

MR. LA FIANDRA: Okay. And, and we know that it said, it relates to 2010 how?

MR. KELLMAN: It relates to 2010, and it's saying you would have to have a use lawfully established prior to these,

the 2010, this regulation. So, it's, in other words, it's saying you don't have a use that's on that lot prior to 2010, you can't do anything with it. Can't build on it. Which I don't, you know, I don't really know where, where that's coming from.

MR. LA FIANDRA: Okay. So, so what does that mean? Tell, tell, tell us what that means to you?

MR. KELLMAN: I think it means that if you have a vacant lot, that, that is, that was, if you have a vacant lot that was sitting there, that was part of a subdivision under A-1 and is vacant and it was vacant, you know, vacant prior to 2010 and 2010 passes with this law, it's almost like saying you can't, you can't build anything there.

It's like a, it's sort of like a, it's sort of like a taking. My, my interpretation is if it's lawfully established, lawfully established means that if it was permitted by that plat and the zoning, prior to this regulation, then I think you can have that use there.

MR. LA FIANDRA: I'm not sure I understand. You need to slow down and tell me, tell me more, because I'm not sure I get it.

MR. KELLMAN: Okay. If, if you had a, like I said before, 2010, you have a vacant lot in a subdivision plat such as this, this law passes in 2010 and you haven't built anything on that lot, you could say lawfully established, well, you

can't do anything there, which, which I don't believe.

What I do believe and what my opinion is, is that when that plat was recorded, and you have that approval under A-1 and for this, in this specific case, if a house was permitted or, or, or a religious institution was permitted back when that plat was recorded, to me, that, that means lawfully established. You're allowed to have that use.

MR. LA FIANDRA: So, when you say permitted, you mean permitted by right?

MR. KELLMAN: I say permitted as a matter of right.

MR. LA FIANDRA: So, is it your opinion then that now lawfully established equates to permitted by right?

MR. KELLMAN: Yes, if it was permitted by right when that plat was recorded and it was permitted by right now, to me that's lawfully established. You can have that use.

MR. LA FIANDRA: Okay and what, what, okay and --

CHAIR: Doesn't it mean lawfully, doesn't it mean lawfully established as of 2010?

MR. KELLMAN: Yes, that's what I, I --

CHAIR: Any use that was lawfully permitted as of 2010 would hereafter be permitted?

MR. KELLMAN: That's correct. You're, you're explaining it better than I did.

CHAIR: All right. But if, if, if in 2020 the law changed to permit garbage dumps by right, that wouldn't be

authorized under this provision, right? Because it's, wasn't authorized in 2010?

MR. KELLMAN: Right.

CHAIR: Is that right? Okay.

MR. LA FIANDRA: Okay and --

CHAIR: And in 2010, in 2010, religious institutions were permitted by right, were they not?

MR. KELLMAN: They were. In the DR zones, religious institutions were permitted as a matter of right in 2010 in a DR zone.

CHAIR: Okay, all right.

MR. LA FIANDRA: In fact, Mr. Kellman, is there a time when religious institutions were not permitted by right in residential zones in Baltimore County?

MR. KELLMAN: Residential zones in Baltimore County, they, the residential zones in Baltimore County in 19, in 1945 started out as A and B residences. It went from A and B residences from '45 to '55. Then I believe they, they went to the R zones and then they went to the DR zones.

And then, all along religious institutions were permitted by right. And I should say the, in the equivalent of a residential zone. Like the A, A or B, the R-40, R-5, all the R zones and then, then they switched over to DR zones. They were permitted as a matter of right.

The residential zones that you needed special

exceptions for were the RC zones, which came into effect later. But this (inaudible) an RC, but I just wanted to distinguish the difference between residential zones.

MR. LA FIANDRA: Okay.

CHAIR: And, and just to clarify a little bit more. If, when it says by right, that means by right, but not by special exception.

MR. KELLMAN: That's correct.

CHAIR: Okay, all right.

MR. KELLMAN: As a matter of right.

CHAIR: Okay.

MR. LA FIANDRA: Then lastly, let me go back to our layout here. Are you familiar with the, the request that we, that the Petitioners made for the non-residential principal building setbacks in this case?

MR. KELLMAN: Yes.

MR. LA FIANDRA: And why does the Petitioner need those, the variances for those setbacks?

MR. KELLMAN: The, the existing dwelling, as a single-family dwelling, met the, the setbacks that were in force at the time the plat was recorded. When you convert the use to something other than residential, the other principal building setbacks apply, which are greater than the residential setbacks that were in force at the time and that exist now.

So, once you, once you convert the use, the other

principal building setbacks, other than residential kick in, and you have to comply with those setbacks.

MR. LA FIANDRA: And are you familiar with the requirements for obtaining a variance in Baltimore County?

MR. KELLMAN: I am.

MR. LA FIANDRA: And what are they?

MR. KELLMAN: Applicant has to prove a practical difficulty or a hardship or prove a uniqueness of the property.

MR. LA FIANDRA: Okay and is there a, what are the unique aspects of this particular property?

MR. KELLMAN: Unique aspects is that, I mean, simply it's, it's, it's a house that is being, is being converted over to a synagogue which, you know, the, the setbacks exist the way they are. You can't change them unless you, you tear it down. And so, you just don't, you don't meet those, you don't meet those setbacks.

MR. LA FIANDRA: Okay. So, is, so it's the reuse of the property as a shul that makes it unique?

MR. KELLMAN: I think that --

MR. MCCANN: Objection, objection. Please, that's a lead, very, very much a leading question. Very much a leading question.

CHAIR: Well, it, it, it's not (inaudible) --

MR. LA FIANDRA: (inaudible).

MR. MCCANN: He did answer, he did answer.

CHAIR: Right. It's not so much a leading question as it is just a restatement of what counsel thought the witness said.

MR. MCCANN: Just unnecessary.

CHAIR: Which is unnecessary. So, let's not do that. Go ahead.

MR. KELLMAN: If you, if you, I don't know if this site plan, if you can scroll down a little bit, or may have to go to a different exhibit. The other way where it shows the, it shows the (inaudible) --

MR. LA FIANDRA: (inaudible) you to see. Sure, give me a moment. I'll show you. Does that one help?

MR. KELLMAN: Yes, yes, that helps. So, you do have, you do have some uniqueness here where this is, this house faces the street right of way of Lisburne, plus is, it's, it's across the street from Summit Park Elementary School. So, the two of that, the two of those things, are unique with regard, in comparison with all the other lots.

CHAIR: But how, but how does that, I mean, how does that possibly relate, how does that, those two features relate to its use as a synagogue? I mean, the uniqueness has to, has to have a nexus with the proposed use here and --

MR. KELLMAN: I understand. I, I just, you know, it, it, the lot is different from other, from other lots.

CHAIR: You're saying it is different?

MR. KELLMAN: It is, it is from, I mean, there's no other lots that directly face that street right of way and adjoins Summit Park Elementary School. You know, I --

CHAIR: But, but those, those, those two features don't have anything to do with the conversion of a use to a shul.

MR. KELLMAN: No, no, there's not. Agreed.

MR. LA FIANDRA: In any event, moving on past uniqueness, could you discuss the practical difficult element of the variance requirements?

MR. KELLMAN: Yeah, excuse me, if the variances were not granted, you wouldn't be able to convert the use, if the variances weren't granted. Because you don't meet the other principal building setbacks. Or the other than residential principal building setbacks. You couldn't have the use.

MR. LA FIANDRA: Okay.

CHAIR: So, Mr. Kellman, this is a, this is one of the sort of more confounding parts here, is to, to extent, if I understand you correctly, we've got the, the tail wagging the dog here a little bit. In other words, it's unique and there's practical difficulty because of the desired use.

But it's supposed to be unique, and in other words, the desired use is frustrated if it's not unique and if it's not, and, and I'm not, I'm not saying this very well. But, there's practical difficulty if the, if the variance is not

granted, right? (inaudible) but, but it's premised on a change in the use. There's no practical difficulty if the use is maintained as a residence, right?

MR. KELLMAN: There's, if there's, if there's, if the use is maintained as a residence, no, there's no practical difficulty unless you're putting an addition on there and you can't meet the setbacks.

CHAIR: No, right. Right, that might be, that might be different. But, you know, if you were to convert it to a two-story building or something with the same setbacks, it would all be, there, there wouldn't be a variance issue, correct?

MR. KELLMAN: That's correct. It's the conversion of the use.

CHAIR: Yeah. I, I'm not expressing myself well, so I, I should, I should just shut up. But I guess there's, there's just a sense in which it seems like there's a (inaudible) here that doesn't exactly add up, in my estimation. So, anyway, (inaudible).

MR. LA FIANDRA: Okay, no problem. If you're done, I can ask him another question --

CHAIR: Yes, please, please, please, I apologize for that, yeah.

MR. LA FIANDRA: Not a problem at all. Mr. Kellman, do you know if the, if there are similar non-residential

principal building setbacks in the Code, in the zoning regulations that predate 1955?

MR. KELLMAN: There were no, there were no other principal building setbacks in the regulations from ’45 to ’55.

MR. LA FIANDRA: Does the proposed addition conform to the requirements of the Code that predates 1955?

MR. KELLMAN: It does. If you were to go in with a permit on this, you’re not changing any of the setbacks, the sides or the rear. You’re keeping the setbacks in line. So, by maintaining those setbacks, you would be okay.

MR. LA FIANDRA: Okay. Okay. It’s, those were my questions for Mr. Kellman. And it’s 3:30 and I’ve concluded my direct exam of him.

MS. BONARDI: I just want clarification. I, I know that you have introduced, but you did not ask for ten and eleven to be admitted into evidence.

MR. LA FIANDRA: I would like them in and, in fact, thank you for asking and I’d move them in.

CHAIR: They’re admitted.

MR. LA FIANDRA: And also, thank you.

MR. MCCANN: May I, may I ask, I have one potential objection to Exhibit 11, and I don’t want to, it can be clarified, and my objection may be withdrawn. This is, if I recall, I don’t have it with me, but this is the listing of, of subdivisions that were approved, that Mr. Kellman said he

referred to when he was working for the County, is that correct?

CHAIR: Right, right.

MR. LA FIANDRA: Yes.

MR. MCCANN: Okay. The only problem I have with that is, I, I mean, maybe Mr. Kellman can tell us right now, I mean, is this something that, that's used today as opposed to fifteen, twenty years ago when Mr. Kellman was working in the Zoning Review Office? Is it, in other words, did he get it from the Zoning Review Office in connection with this case or is this something he had in his files hanging around?

And is it used today in the same fashion as it was used back in, in his day, which he said was some time ago. So, with that clarification, I may not have any objection, but I think that needs to be explained. Does that make sense?

CHAIR: Yes, it does. Mr. Kellman?

MR. KELLMAN: Yes, and I, and I, I, I, in my opinion, it's still used today. I, I actually went for a zoning, I actually applied for a zoning variance for, for an applicant about three years ago. And when I, when I applied, I, I filled out the petition form and I, and I can't remember exactly what case it was, it was in Stevenson.

And I had put in those dates of tentative approval because different setbacks applied. So, I think when you're filing for variance, if you have to file for variance for, for

an addition or so and it did have tentative approval, I think you have to use that, the setbacks that were, that were in effect at the time of tentative approval of the subdivision.

I, I think it is still used today. I mean, I did it for a variance and I also think that in the Zoning Office, they, they will have a setback chart that will give you different setback requirements in different zones for the time of, of the, the, the different approvals were obtained.

CHAIR: So, Mr. Kellman, you kind of surrounded that point a little bit. The question is, is, is the document reflected in Petitioner's Exhibit 11, to the best of your knowledge, is that still in use today?

MR. KELLMAN: I think it is. I don't work in that Zoning Office, but I, but I still use it, so I think it is.

CHAIR: When did you get your copy of it?

MR. KELLMAN: I, I just recently, I had, I got a copy, I got a copy now for this case. And I'll be honest with you, I got a copy for this case, but I also got a copy of it--

CHAIR: Did you get, did you get your copy for this case from the Zoning Office?

MR. KELLMAN: I did.

CHAIR: Okay, all right. Okay, that's enough. That's enough.

MR. KELLMAN: Okay.

CHAIR: They, they still maintain it in the course of

their records, correct?

MR. KELLMAN: Yes.

CHAIR: Okay.

MR. MCCANN: Okay. Well, thank you, Mr. Kellman.

CHAIR: So, that, I think with that, Mr. McCann, we, I think we, we'll admit the document.

MR. MCCANN: Very well, thank you.

CHAIR: Okay.

MR. MCCANN: And Mr. Evans, I have to ask, because I should ask, --

CHAIR: Sure, sure.

MR. MCCANN: I really think it would benefit everybody if I did not begin my cross until the 23rd, our next hearing date. Both because of the length of my cross examination and because of the hour. It's 3:35. This is sort of mundane stuff, to say the least. So, I think, I would, I would ask the Board's indulgence in that and Mr. La Fiandra's, and ask to begin my cross when we come back on the 23rd. I'm definitely not going to be done today, that's for certain.

CHAIR: So, what, what's your, how, how long is your anticipated, how long do you anticipate your case to be, Mr. McCann?

MR. MCCANN: Well, my witness, I don't have any experts.

CHAIR: Okay.

MR. MCCANN: And my witnesses will all be short. Only one long witness, Dr. Seigel who lives across the street maybe, may be a half an hour. But all my witnesses, and I don't expect any more than, and one will be thirty seconds, I'm including him.

CHAIR: Right.

MR. MCCANN: So, you know, I don't, three or four witnesses, five maybe including Dr., Dr. Seigel. So, you know, an hour or two tops.

CHAIR: Okay and Mr., Mr. La Fiandra, without prejudice, at, at least at this point, do you anticipate any rebuttal?

MR. LA FIANDRA: At this point --

CHAIR: And if so, would it be anything lengthy?

MR. LA FIANDRA: At this point, I would anticipate non-technical rebuttal and of a, of a relatively short duration.

CHAIR: Okay. So, I, I'm just trying to, as you can obviously tell, I'm just trying to figure out whether we can (inaudible) --

MR. LA FIANDRA: (inaudible) --

CHAIR: -- plan on finishing on Tuesday, finishing on Thursday.

MR. LA FIANDRA: Well, it's, it's Wednesday next week.

CHAIR: Wednesday, I'm sorry.

MR. LA FIANDRA: I don't want anybody showing up for the wrong day.

CHAIR: Including me.

MR. LA FIANDRA: Right. So, if, if, if, if I'm reading things correctly, I don't know how long Mr. McCann intends to go with Mr. Kellman, but, assuming a few hours, I mean, I think I took an hour, two hours, so that's probably reasonable.

I would think that if, if Mr. McCann's witnesses take say two or three hours and Mr. Kellman is two hours, that's five hours there. I would think that, and then I've got cross exam of Mr. McCann's witnesses. I would think that we're going to be pressed to finish, but I think that we can do it. And particularly if we, if we, you know, if we plan on, you know, trying to finish.

CHAIR: Okay.

MR. LA FIANDRA: I would think we could do it on the 23rd.

MR. MCCANN: Yeah, my witnesses won't be two hours, my witnesses won't be two hours, if that helps. These are all folks that have, so.

CHAIR: Didn't, didn't someone, didn't some, didn't some wag once say that, with regard to a written submission, that if he had had more time he could have made it shorter?

MR. MCCANN: Yeah, that was --

CHAIR: So, I'm, I'm, so what I'm, I, I, I'm going to, I guess we'll, you know, we'll, we'll go with your suggestion, Mr. McCann. But part of the thought process there is that with more time to prepare, you can make it shorter and more crisp than maybe if we just started now and wandered around for a half hour and then broke, right?

MR. MCCANN: I would agree with that. Yes, absolutely.

CHAIR: Okay, all right. Okay. Well, then we will adjourn now until 9:00 a week from Wednesday and we --

MR. LA FIANDRA: I have a housekeeping matter before we adjourn (inaudible) --

CHAIR: Please, go ahead.

MR. LA FIANDRA: As I was offering exhibits, I mentioned that I had not offered number twenty and I do, I think I did offer it and that was, it was a photograph of, give me a moment and I'm going to pull it back up. I sent it to Mr. McCann. Oh, it was the second use permit. I will show it to everybody right now.

CHAIR: Okay, yeah, well, that's admitted. If you didn't offer it, that's admitted, that second use permit, yeah.

MR. LA FIANDRA: Yes, and that's all I had intended to ask for, to have it be admitted. The second use permit, it's number twenty. Yes.

CHAIR: All right, okay. Well, and we'll take, we'll take whatever time we need to, or maybe you want to speak with Ms. Bonardi now after we adjourn to make sure everything is copacetic there with your exhibits, is that something you might want to do?

MR. LA FIANDRA: Ms. Bonardi, are you there?

MS. BONARDI: (inaudible).

MR. LA FIANDRA: For me, you should have one through twenty, and that includes 19-A and 19-B.

MR. MCCANN: And for me, if you want to hear, Ms. Bonardi?

MS. BONARDI: Yes.

MR. MCCANN: You should have one, two, three, four and five, eight, nine and ten, eleven and twelve are i.d. only, 14-A and B, fifteen, sixteen and 27-A and B.

MS. BONARDI: Okay.

MR. MCCANN: And then, I'm sorry, yeah, the couple I added at the end, which were, I apologize, which are –

MS. BONARDI: You had twenty-nine, thirty, thirty-one and thirty-two.

MR. MCCANN: Exactly, yes, thank you.

MR. PENNINGTON: Mr. McCann, you said number four. I don't recall four ever being admitted.

MR. MCCANN: Did I say four? I did not mean to say four.

MR. PENNINGTON: You did.

MR. MCCANN: Three, three and 3-A.

MR. PENNINGTON: Three and 3-A, okay.

MR. MCCANN: Not four. I'm sorry. Thank you, Mr. Pennington.

CHAIR: Okay, are we clear? Everything good?

MR. MCCANN: We are.

MR. LA FIANDRA: I'm good.

MR. MCCANN: Yes, thank you.

CHAIR: Okay. So, we will readjourn at 9:00 a.m. on whatever date that is in eight days or nine days, okay?

MR. LA FIANDRA: (inaudible) 23rd, and we'll pick up with --

CHAIR: Twenty-third.

MR. LA FIANDRA: -- cross exam of --

CHAIR: Of Mr. Kellman.

MR. LA FIANDRA: -- Mr. Kellman. Okay, great.

CHAIR: Okay. Okay. Thank you, counsel.

MR. LA FIANDRA: Thank you very much.

CHAIR: Yes. Thanks, Mr. Kellman.

MR. LA FIANDRA: Have a good day.

CHAIR: Yep, bye-bye.

MR. KELLMAN: Thank you.

CHAIR: Bye.

(OFF THE RECORD)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Saman Radparvar, Legal Owner, case number 20-299-SPHA, heard before the Board of Appeals of Baltimore County, March 14, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 218 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 26th day of January 2023.

Christine R. Leary

Christine R. Leary

Transcriber

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**IN THE MATTER OF:**

**SAMAN RADPARVAR, LEGAL OWNER**
**AHAVAT SHALOM CONGREGATION, CONTRACT PURCHASER**
**CASE NUMBER: 20-299-SPHA**

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Hearing Date: March 10, 2022

Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore County by remote access.

PANEL PRESIDING:

**JOSEPH EVANS, CHAIR**

**SHARONNE BONARDI, BOARD**

**BRYAN PENNINGTON, BOARD**

PRESENT FOR THE PARTIES:

**DINO LA FIANDRA, ESQUIRE**
Counsel for Petitioners

**MICHAEL MCCANN, ESQUIRE**
Counsel for Appellants

---

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(ON RECORD)

CHAIR: We are now on the record. This is a hearing of the Baltimore County Board of Appeals in case number 20-299-SPHA, in the matter of an appeal regarding the property at 3009 Northbrook Road. And the legal owner is Saman Radparvar, if I'm pronouncing that correctly. And the contract purchase is Ahavat Shalom Congregation. This hearing is being held remotely, well, I should say it's 9:31 right now. This hearing is being held remotely and virtually using WebEx and by telephone. My name is Joseph Evans and my colleagues on the Board are Sharonne Bonardi and Bryan Pennington. Today's date is March 10, 2022. If you're not speaking, please mute yourself to maintain the quality of the recording. And counsel, can you please identify yourselves for the record?

MR. LA FIANDRA: Good morning, Mr. Evans. My name is Dino La Fiandra. I represent Ahavat Shalom and Dr. Saman Radparvar, the Petitioners in this matter.

CHAIR: Okay.

MR. MCCANN: Good morning again, everyone. Michael McCann on behalf of the Appellants.

CHAIR: And who, who precisely do you represent, Mr. McCann? If you could identify them?

MR. MCCANN: Sure. Andrew and Sarah Segal.

CHAIR: Okay.

MR. MCCANN: Zalman, Z-A-L-M-A-N, Kahn (phonetic).

CHAIR: Okay.

MR. MCCANN: And Deborah and Simka Varon, V-A-R-O-N.

CHAIR: Okay and Avran and Gayla Elbaum (phonetic) and Andrew and Sarah Segal are not your clients?

MR. MCCANN: Correct.

CHAIR: Okay. Do you know whether they're here or not?

MR. MCCANN: I do not.

CHAIR: Okay. Do you know whether they're planning to participate or not?

MR. MCCANN: I do not.

CHAIR: Okay, all right.

MR. LA FIANDRA: Mr. Evans, may I ask a point of order of Mr. McCann?

CHAIR: Sure.

MR. LA FIANDRA: Mr. McCann, are, unless I've missed it, are, are Mr. and Mrs. Efrom (phonetic) still involved in the case?

MR. MCCANN: That's what we just indicated.

MR. LA FIANDRA: Oh, I'm sorry, --

MR. MCCANN: Yeah, I don't represent them. I don't represent them.

MR. LA FIANDRA: Okay, okay. Thank you very much.

CHAIR: Okay. So, let me run down what we understand the Petitions to request so that we can be clear on that. As I

have it, the Petition for a Special Hearing under Section 500.7 requests a determination that the RTA, that is the residential transition area, regulation at 1-B-01.1.B.1 does not apply to the proposed development by reason of the exception in 1-B-01.1.B.1, Sub H.

In the alternative, the request is to approve the site plan for the conversion of an existing single family dwelling to a new building of religious worship in accordance with the requirements of 1-B-01.1.B.1.G, Sub 6, including a finding that the restrictions in the RTA do not apply to the proposed project.

Number three, in the alternatives to those two requests, a determination pursuant to 1-B-01.1.B.1, Sub C.1, that the RTA buffer and the RTA setback of zero feet for parking spaces and ten feet for the existing building is adequate.

Number four, a modified parking plan under Section 409.12.B to allow two parking spaces as shown on the plan to accompany Petition for zoning hearing to serve the proposed synagogue on the property, which would otherwise require twenty parking spaces. And then, such further and other relief as the cause may require.

Then, to the extent that we're talking about a variance, there are three requests. Number one, that there be a variance to permit non-residential principal building

setbacks for an existing building in the DR-3.5 zone as follows, from the yard of thirty feet in lieu of fifty feet otherwise required and the interior side law, side yard of ten feet in one instance and fifteen feet in another instance in lieu of the twenty feet otherwise required.

And then, in the alternative to special hearing request one, two and three, which have to do with the residential transition area, a variance from the RTA to permit RTA buffers and RTA setbacks as follows. Zero feet for the existing parking spaces, ten feet in one instance, fifteen feet in one instance, thirty feet in one instance and thirty feet in one instance for existing structure in lieu of the fifty foot RTA buffers and the seventy-five foot RTA setback that would otherwise be required.

And in the alternative, special hearing request number four, which is the modified parking plan, a variance from BCZR, Section 409.6 to permit two, two parking spaces in lieu of the twenty parking spaces required.

Now, does that cover it? Have I said, have I, I was going off the notice of postponement and reassignment. Is, is that correct as far as counsel --

MR. LA FIANDRA: That is correct, sir.

CHAIR: Okay.

MR. LA FIANDRA: Yes.

CHAIR: All right, okay. Mr. McCann, you filed a

preliminary Motion and Mr. La Fiandra responded to it. So, my view is, honestly, to, is simply to defer on this Motion at this time and let me explain the reasoning behind that. And if my reasoning, or the Board's reasoning, is incorrect or, or flawed in some fashion, I'm certainly willing to hear it.

But first of all, there, there are factual disputes here. Mr. McCann filed his Motion with two attachments. These are unverified, that is the record plat and the SDAT records. We usually accept unverified records of that sort, but that's because no one objects. And here there is an objection to it.

And so, I think that we can't, for those purposes, indulge the typical kind of, I don't want to call it informality, but accommodation that we usually do. I, I don't think that that would be appropriate under, in, in this procedural posture.

And secondly, it is asserted, though without a heck of a lot of explanation, that the inferences to be drawn from those documents are subject to, there are, there, there can be differing inferences drawn and so, I'm concerned enough about the, that concern so as to not want to proceed with something that is just going to devolve into that kind of dispute at this, at this point.

I mean, there was a claim that the documents did not necessarily represent, or purport to represent what Mr. McCann says they do. And at this point, again, procedurally it

probably makes sense to just press ahead and come back to that.

It is also quite correct to note that there are religious, there are RLUPA implications here, which may impact whatever legal analysis that would otherwise be operative. And RLUPA is first and foremost a fact based inquiry. So it defies resolution at this point on a procedural ground that may be, frankly, trumped by RLUPA.

And finally, I, I did take a look at Section 1-B-01.1.B and I, it's not entirely clear to me, wearing my heart on my sleeve here a little bit, that Mr. McCann's reading is the only possible construction of that provision.

It did occur to me that the Board might benefit from the testimony of someone knowledgeable from the County, from Planning and Zoning, and PAI, describing how the County has traditionally interpreted this provision, because it's not entirely clear to me that it, it's given to only one interpretation.

So, that's another reason for deferring on it at this point. The briefing is, you know, relatively, I don't want to say scanty but it's a, it's, it's clipped and so, I'm a little, I'm, myself, reluctant to resolve the matter on that basis at this point in time.

So, again, my proposal is that we press ahead with the hearing, that this matter be deferred till the fac, the record is more developed factually, probably until the parties

can brief it in the context of the factual development. So, Mr. McCann, this is your Motion. Is there anything I've said there which is so stunningly wrong that we need to, we need to address it at this point?

MR. MCCANN: Well, you're seldom stunningly wrong, Mr. Evans.

CHAIR: Well, wrong, how about just wrong?

MR. MCCANN: Well, I, I guess I'm stunned a little bit because, for a couple reasons. Number one, that the only facts that are necessary to support the Motion, and I anticipated argument on this this morning. I wasn't expecting the Board to rule. But the only facts really in, in dispute, are, including the documents, are, are the, involve the record plat, as you mentioned, and the SDAT sheet. Those --

CHAIR: Well, what about, what about RLUPA?

MR. MCCANN: Well, let me get to that in a second and --

CHAIR: Okay, all right.

MR. MCCANN: -- I do have thoughts about that. But the record plat on the SDAT sheets were introduced, you know, just as an example, by Mr. La Fiandra during the ALJ's hearing. So, I don't think there can be any legitimate, and I don't even think Mr. La Fiandra was saying that they're, they're not authentic, that they should not be introduced, that they're not business records of the County, etcetera.

I, I don't think there's any, any legitimate dispute that those two documents can be introduced by this Board and considered by this Board on a Motion. The only other fact in play, and also not disputed.

In fact, I asked this very question of Mr. La Fiandra's expert, Mr. Richardson, before the ALJ, is whether or not there is, is when, when the, and I don't think timing is that relevant, but the, whether there is a house on the subject property.

And there is a house on the subject property, we have photographs of it. I don't think there's any dispute of that. As to when the house was constructed, under our argument, the date really doesn't matter and I can explain that a little bit. But my point about Mr. Richardson was that both the SDAT records as well as aerial photographs, which are matters of public record as well, clearly support that this house was constructed in 1993.

So, those facts, that is, the construction of the house on, on this lot, the record plat, what's reflected in the record plat and the SDAT record, which reflects the very same thing actually, are really the only facts.

And in terms of what inferences you may draw from those, there is, in, in my opinion, and I'm not going to convince you of this probably this morning, Mr. Evans. But I don't think, that's what you guys do, you draw inferences.

And the only inferences are to be drawn are the inferences drawn from those very same facts that I just spoke about, nothing else is relevant to the Motion. I would have addressed it in the Motion.

But the only facts, again, that are relevant are the record, the record plat, when this subdivision was approved, how it was approved, which is all reflected in the plat itself and the fact that there's a house here.

So, I don't think the, the inability to draw inferences based on, based on the current state of the record should prohibit the Board from addressing it. I mean, this is, in my opinion, this is a classic Motion to Dismiss, well, based on facts that aren't really in dispute at all.

As terms, in terms of your last point, that is, the construction of this provision by the, the County, as, as you know, Mr. Evans, we don't get to that if the language of the statute at issue is, is, is plain. In other words, put it differently, there, there can be no County interpretation or application of the statute that could ever be contrary to the plain language.

So, I'm certainly familiar with that body of law that says administrative decision making can become law. That is the way that the County administers a statute and handles it and interprets it over a period of time and in an established way, it can become the law.

But there's also a collateral principal to that, and that is, the administrative agency can never interpret or apply even over a hundred years a statute that is contrary to its plain language. And here to, in my, my humble opinion, that this is a very straight forward statutory analysis.

Lastly, in terms of RLUPA, I think either this, this statute violates RLUPA or not. There is, there is as of today, no other, there's no governmental decision that could qualify under RLUPA as, as actionable. So, either the statute is, violates on its face RLUPA or not.

I don't think you need to hear any evidence from folks in the community about how they feel about this particular plan on either side, that I think is going to help you interpret or, you know, well, apply RLUPA here. So, again, I, I just think this is a classic Motion that should be handled off the bat. So, I don't know if I addressed all your points, Mr. Evans.

CHAIR: I, I don't fault the Motion in the slightest. As to RLUPA, and, you know, I've encountered it a couple of times, I don't purport to be an expert in it. But part of the analysis is whether, you know, to what extent the applicants are foreclosed from the free exercise of their religion by the denial of the requested relief.

And that's, that's just fact, that's just fact based. I mean, we have to hear that. We can't just say that's

irrelevant, because it's centrally relevant.

MR. MCCANN: But you're not hearing facts about the decision. You haven't made the decision yet.

CHAIR: Well, we have, we have to hear facts about the operation of the legal principals and the, the, the regulations and the statutes that apply to determine whether they result in a de facto restriction, unreasonable restriction, on the free exercise of religion. I mean, you know, we have to make that assessment.

MR. MCCANN: Yeah, maybe I was looking at the --

CHAIR: I've made it in, I've made it in two cases, one for and one against, and, you know, it's, it's, it requires hearing what the heck is going on in the neighborhood and with the, the applicants and with the other people in the, the Protestants and it just isn't, it just isn't susceptible of a resolution on this procedural posture, in my estimation. I mean, I, I don't think you can convince me otherwise, frankly, on that.

MR. MCCANN: Can I just make one point about that?

CHAIR: For sure, yeah.

MR. MCCANN: And I didn't mean to interrupt you.

CHAIR: No.

MR. MCCANN: The way, the way I perceive RLUPA's application is there's got to be a governmental action and there's only two ways that can happen in this case. Number

one, the statute itself is, violates RLUPA, or number two, your, your decision, because there, there hasn't been, aside from the ALJ's opinion, there hasn't been a governmental decision on this yet.

Unless and until, so I, I, I always am at a loss why we're, why RLUPA is in play as a matter of fact during these hearings. Unless and until the County Board of Appeals issues a decision, would anybody even have an action under RLUPA to say that the County Board of Appeals action, the decision itself, violates RLUPA and the facts I don't think are, well, I don't think are necessary to, to, to do that. But I understand, I certainly understand (inaudible).

CHAIR: Right, and, and, and, you know, there's, there's significant aspects of the County (inaudible) that are at issue here and I'm not going to risk that in order to resolve this at this point in time, number one.

And number two, you, you may, you certainly are correct enough about statutory interpretation, but it did strike me, and again, this is with a relatively superficial view of the operation of this provision. But it did strike me that arguably the reading that you're ascribing to it is, leads to a, a non-rational result.

And in such an instance, the plain meaning of the language is, is not operative and there, there's an embedded ambiguity that requires, or can require, or can be helped by an

interpretation, or by the administrative agency that, that administers that provision.

So, that is what I was referring to. But I leave that up to you, to counsel, to deal with. I'm not saying that, and I'm not even sure my reading is, is, as I say, it's difficult to look at the, this in a, on a cold record and it would be, it would be more useful to my ultimate analysis, my ultimate understanding of the issue to hear this all sort of fleshed out. So, unless my Board members have any, unless they think we should proceed further, I'm going to not bother Mr. La Fiandra to respond and just suggest that we move on.

MR. LA FIANDRA: I did just want to make one point. I know to keep my mouth --

CHAIR: Okay.

MR. LA FIANDRA: -- shut when I'm winning. But I did just want to make one (inaudible) --

CHAIR: That, that's rule two they say --

MR. LA FIANDRA: It's actually rule one.

CHAIR: Rule one is a little crasser, but rule two is, you know, when you're ahead, shut up. But go ahead.

MR. LA FIANDRA: And, and I, I did want to, Mr. McCann can appreciate this. My, my issue with the attachments to the Motion were not so much with the legit, legitimacy of the records themselves, it was with the completeness of the records.

And with the state of the record before the Board, and that's to say that, that when, when the Board is through with the presentation of the Petitioner's case, it will present, and, and, and obviously the entire case, there will be a complete factual record from which the Board can, will have, will, can, will, will, will be able to make a, a variety of factual findings.

And one of those factual findings very well may be that that section two does not apply and, and I am confident in being able to tell the Board that. And that's what I wanted, and that's what I wanted to say. Not that, I mean, the records are what they are.

And Mr. McCann is absolutely correct that we, that we, that the Petitioner introduced those records before the Board. So, I did not want to leave the Board with any other impression besides that. So, I, I wanted to make sure to circle back on that point.

CHAIR: Okay.

MR. LA FIANDRA: Otherwise, I'll just keep my mouth shut at this point.

CHAIR: Okay. That, that's fair enough and we appreciate the fact that you're not relying on some ultra-hyper technical --

MR. LA FIANDRA: No.

CHAIR: -- position that, well, so anyway. Good.

Thank you for that explanation. Is, is there anything else we need to say about this before we move on? Mr. Pennington, Ms. Bonardi?

MR. PENNINGTON: No, I agree with you, Mr. Chair.

MS. BONARDI: No, absolutely.

CHAIR: Okay, all right. So, let's proceed then with our hearing. Did counsel want to make opening statements?

MR. LA FIANDRA: I would like to orient the Board to the site plan and the relief that we're requesting.

CHAIR: Okay. So, okay, so, Mr. La Fiandra, if you want to proceed then with your, with a --

MR. LA FIANDRA: Yes, and if I may have the, if I may share so I can just refer to the site plan?

CHAIR: Sure. Okay. I think we're set to go.

MR. LA FIANDRA: Okay. And let me see if I can do this without getting into too much trouble here. I'm just going to bring up the Petitioner's Exhibit --

MS. BONARDI: And, Mr. Chair, if you like, I can keep track of the exhibits.

CHAIR: Oh, that'd be great, thank you. Thank you so much. And Mr. Pennington, I guess you'll swear the witnesses, huh?

MR. PENNINGTON: Yeah, that's fine. I also keep track of the exhibits just for, when there's a case like this where there's a bunch, just so we're all on the same page.

CHAIR: It's always good to have a backup.

MR. LA FIANDRA: Here we go. As Mr. Evans and the Board members, we're, Ahavat Shalom is a, you'll hear evidence that the Ahavat Shalom is an Orthodox Jewish congregation in the Pikesville area of Baltimore County. We're asking you, through this hearing, to approve a site plan for the conversion of a single family dwelling to a, a shul, a synagogue. This, the, the site plan for which appears before you right here.

The, I, I know that this particular panel has appeared, has decided other similar cases and so, I won't belabor the point. But as, as Mr. Evans had gone through our Petition, there, there, there are a number of, there are a number of ways that the Board may find that, that the site plan may be approved for this, for this, this use.

As a preliminary matter, houses of worship are permitted by right in the DR zones. I understand there will be much discussion about that particular point. That being the case, moving, moving past that, you will hear testimony about the RTA and, and how that comes into play. And how, how that impacts this particular lot and how this site is, qualifies for an exemption for a variance from the RTA, for this particular lot.

We are going to focus on, on the, the, the new shul, or the new church exemption under what we are calling the G-6 exemption. That is the site plan for the conversion of an

existing single family dwelling to a new building for religious worship under 1-B-01.1.B.1.G-6. That is, if you're looking at our Petition, that is our special hearing request number two.

And we will, you will hear from our experts that this site plan has been prepared in a manner that it will, it has been planned in a manner that the RTA use requirements will be maintained to the extent possible. And it is expected to be compatible with the character and general welfare of the surrounding residential premises.

And when, when we are through with that analysis, we, you will find that we are entitled to an exemption from the RTA under that basis.

The evidence will also support other exemptions from the RTA as well. Specifically what is generally referred to as the plat exemption, which is our, number one, the, the special hearing request number one, which is the, which, the RTA, pardon me.

The RTA regulations contain an exemption for the, from the RTA requirements for uses that are platted pursuant to the regulations in effect in the 1950's and earlier, and approved by the Planning Board and signed by the Director of the Planning Board, or the Planning Commission. That is our special hearing request number one. That's 1-B-01.1.B.1.H, that's our special hearing request number one.

But as I mentioned, the evidence will largely focus

on special hearing request number two. The syn, the shul in question, the, the shul that we're proposing has eighty seats in the sanctuary. The parking regulations for the, for shuls in general require one parking space for every four seats in the main sanctuary. That requires twenty parking spaces.

We've asked for a modified parking plan under special hearing request number four to provide for two parking spaces in lieu of the twenty parking spaces that are otherwise required. You will hear about alternate parking arrangements. Those two parking spaces are shown on the property. That's the driveway that's proposed here. Or actually exists on the site.

You will hear about alternate parking arrangements that have been made well in excess, actually, of the twenty parking spaces that would otherwise be required for this use. They're not on site but they are nearby. And there are arrangements for both parking spaces, which you will hear about through the president of the congregation who will testify in this case.

As is often the case, the, we have sought multiple items of relief in the alternative to these requests. We've also asked for a parking variance. We've also asked for variances from the RTA under the RTA statute. We've asked for variances from the RTA under the, under the typical variance statute. Those are all in the alternative.

In the interest of the efficiency of the hearing, we

intend to proceed generally under the, under the, the G-6 exemption, which I've indicated to you in this opening statement, the modified parking plan and in, which you'll hear about from the president of the synagogue.

And you'll also hear testimony about the uniqueness and practical difficulty, which will allow you to grant the variances from the non-residential principal building setbacks, which also, we've, we've sought variances from. Because when this use shifts from a dwelling to a synagogue, as the, as a technical matter, the, the required setback shifts from a, a residential setback to a, a non-residential setback.

Obviously, we can't change the setback of the building as it exists today, so we need to ask for a, the, the setback the, a setback variance to accommodate the, the change in use of the building. So, you'll hear about that.

Those, that, those are the primary items of relief that we'll be moving forward on. We're not dismissing anything by, by any means. The evidence will be available to you to, to grant any of the relief that you see fit. However, I am very confident in telling you that the evidence will be presented to you, to grant the, the G-6 exemption that we have sought.

The evidence will be available to you to grant the modified parking plan as we have sought it. And the evidence will be available to you to grant the non-residential principal building setback variances that we have sought. I did want to,

I know that there will be plenty of discussion about the use being permitted by right in the DR, DR zone.

There will be evidence presented to you that will allow you to find that the use is permitted by right in this zone, regardless of the item that was brought to your attention through the Motion to Dismiss, either as a matter of statutory construction of that particular provision, or as an, or as an alternative, as, through an alternative provision of the zoning regulations.

And there, there will be evidence presented to you which will allow you to, to, to, to bypass that section of the Code entirely. And I, I don't want to get too far into the weeds in my opening statement, but that will be presented to you.

So, and I did not want to conclude my opening without making a statement about RLUPA in general, because I think that, while I appreciate Mr. McCann's statement about there's been no decision and how can anything the Board does absent a decision be violative of RLUPA. I think the Board is a player within the realm of RLUPA, so I would ask the Board to be mindful of RLUPA during the context of this case as, as I'm comforted to know through Mr. Evans' statements early on that you will be.

I know, just, as, as, as it appears that you know, I would just say it for the record. RLUPA states that no

government shall impose or implement a land use regulation in a matter, in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly, or institution, unless the government demonstrates that the imposition of the burden on that person, assembly or institution is in furtherance of a compelling governmental interest. And is the least restrictive means of furthering that compelling governmental interest.

That is the portion of RLUPA that is often is, is, is referred to. And I know that is the lens through which many decisions are, are often viewed. There's another portion of RLUPA that I want to make sure that the Board has in mind. It spoke little, it, it, it's less, it's not, it's not cited quite as often but I think it's equally important to keep in mind. That's section one.

Section three. No government shall impose or implement a land use regulation. Three B, that unreasonably limits religious assemblies, institutions or structures within a jurisdiction.

We will, we will be referring to this, we would ask the Board to keep this in mind throughout the proceedings and we will be referring to this section of law in our, in our closing brief.

So, with that in mind, that concludes my opening statement. I don't know if Mr. McCann wants to make an opening

statement or if you would just like me to proceed to my first witness.

MR. MCCANN: Yeah, I would like to say a couple things. I wasn't intending to do so, but just briefly, Mr. Evans and members of the Board. And this is not an attempt to demonstrate all the evidence that will be introduced, but rather just to respond to Mr. La Fiandra's comments thus far.

Mr. La Fiandra indicated that there seems to be, or there will be some dispute about whether a church or a synagogue is permitted in a DR zone. That's not at all the case. The, the Baltimore County zoning regulations say that explicitly in identifying the uses and the DR zones that a church, synagogue or other place of religious worship is a permitted use.

But what the regulations also say in the, in the very same sentence in which Mr. La Fiandra did not mention is that those, that use is subject to the restrictions hereinafter ascribed. So, any use, regardless of who the user is, whether it's a church, a synagogue or an individual who simply wants to put a house in a DR zone, is subject to the restrictions in, in the County regulations and in County law.

As far as the G-6 exemption, Mr. La Fiandra referenced the standards in G-6 and I think that's a, sort of a common way of referring to that exception. The standard being that the Board must find that the improvements are planned in

such a way that compliance to the extent possible with the RTA use, the RTA use requirements will be maintained.

And secondly, it's a two part standard, that the proposal can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. I, on, on this point, I think the evidence will establish convincingly, we believe, that this was not planned in a way to comply with the RTA regulations.

In fact, the, the evidence will support that this use, the use of this property as a synagogue, has been going on for a year and a half now, beginning in September 2020, without County approval.

These folks came to this property, started a synagogue in the middle of this neighborhood during the Rosh Hashanah holiday in September of 2000, were cited by the County for doing so, were issued, were, I'm sorry, were issued a correction notice first to specifically cease the illegal use, did not do so, were subsequently issued a citation for the failure to do so several months later and to this day, are still operating a synagogue and have been doing so, as I said, over the last year and a half.

You'll hear evidence about all of that. And so, it was not planned, it never was planned. They decided to come here and start a synagogue.

In terms of the second part of that standard, I'm,

I'm confident the evidence will, will show you that putting this synagogue on this small lot in the middle of this small community, is not at all compatible with the welfare of the folks who live around there and the character of, of that neighborhood. I'll leave that at that.

In, in terms of the so called (inaudible) exemption, I have never heard that term before, but that's the grandfathering of what I would, I guess, Mr. La Fiandra would call, also call what the grandfathering provisions. They're, and that's mainly a legal argument.

But we will establish that this synagogue has not been grandfathered in. This is a residential community. Every other single lot in this community is residential. There's no, there has been no expect, expectancy interest created, as you know that's a, sort of a pre-requisite to grandfathering on the part of a synagogue.

There was no prior approval of any synagogue at any relevant point in time and that this is just a completely new use that is not grandfathered.

And then finally, with respect to the, as Mr. La Fiandra put it, the multiple items of relief, other relief. All the variances regarding the parking, the setbacks. I won't address those now other than to say that I, I think if you look at all of those things, collectively or individually, I think they're an indication of how this proposal was really fitting,

trying to fit a square peg in a round hole.

As I said a, a, a synagogue on a small lot in a small community that needs multiple variances and is really not, at the end of the day, what the County Council intended when it contemplated synagogues and churches in residential areas.

And then finally, I, I don't disagree with, with Mr. La Fiandra that you should be mindful of RLUPA. It's there, it is what it is. But it does require governmental action and, and that action during the course of this hearing will be your hearing and consideration of the evidence and acceptance of it and I have no doubt that, that the Board will, will do everything properly and legally in, in that respect. And not violate RLUPA in any respect.

So, with that, thank, thank you to the Board and that's all I have for now.

MR. LA FIANDRA: Mr. Evans, are you ready for me to present my first witness?

MR. PENNINGTON: Mr. Evans, you're muted, I believe.

CHAIR: Sorry, sorry, sorry. Yeah, why don't you go ahead, Mr. La Fiandra.

MR. LA FIANDRA: Okay. I will call Mr. Warfield and I believe he's in the attendee's cue.

CHAIR: Okay.

MR. MCCANN: You know, if you want you can offer him as an expert. I'm not going to object to his being admitted as

such, just to save time.

CHAIR: Okay. Mr. Warfield, Mr. Warfield is a panelist.

MR. LA FIANDRA: Okay.

CHAIR: He needs to be sworn.

MR. LA FIANDRA: Yes, yes, sir.

CHAIR: Are you there, Mr. Warfield?

MR. WARFIELD: Yes, I am unmuted and videoed, ready to go.

CHAIR: Okay, okay.

MR. LA FIANDRA: There we go, okay. Good, thank you.

MR. PENNINGTON: Mr. Warfield, can you hear me?

MR. WARFIELD: Yes.

MR. PENNINGTON: Okay. Do you swear or affirm under the penalties of perjury, that the testimony you're about to give will be the truth to the best of your knowledge and belief?

MR. WARFIELD: I do.

MR. PENNINGTON: Thank you.

MR. LA FIANDRA: Okay and I'm going to go back to sharing.

CHAIR: Mr. Warfield, can you spell your first name for us, please?

MR. WARFIELD: Sure, it's S-T-E-P-H-E-N.

MR. LA FIANDRA: Mr. Warfield, your, do you recognize

exhibit number one, Petitioner's number one?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And for the benefit of, I know that you've appeared before Mr. Evans, is that correct?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Do you recall if you've appeared, you have?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And for the benefit of the board members, have you, well, for the benefit of the Board, why don't you take a minute to introduce yourself and what is your, what are your professional credentials?

MR. WARFIELD: I am a civil engineer, and I am President of Mattis Warfield, Incorporated. We are consulting engineers that generally work for developers and people that want to build something on a piece of property. And we take the projects through the development process, the zoning process, the, what, what the County calls phase two, which is the construction documents and getting permits for projects.

So, we, we basically help people that want to build something or want to get a use approved or and basically helping people that want to do something on a piece of property.

MR. LA FIANDRA: And do you deal with the Baltimore County zoning regulations?

MR. WARFIELD: We do. Yes, I do.

MR. LA FIANDRA: And, and are you familiar with the, the DR zoning regulations?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And the, do you deal with record plats in Baltimore County?

MR. WARFIELD: Yes, we do, yes.

MR. LA FIANDRA: What about things like the, the DRC and things of that nature?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay.

CHAIR: I think it's better not to use abbreviations. That would be like the Development Review Committee, is that what we're talking about?

MR. LA FIANDRA: Yes, that's fine. And what, the DRC is what?

MR. WARFIELD: The Development, Development Review Committee, yes.

MR. LA FIANDRA: And how long have you been a professional engineer in the State of Maryland.

MR. WARFIELD: Since 1994, I believe, yes.

MR. LA FIANDRA: How many times have you appeared before, ballpark, how many times have you --

MR. WARFIELD: Actually it's 1995, I'm sorry, 1995. How many times have I appeared before the, sorry, go ahead.

MR. LA FIANDRA: Sorry about that. How many times have you appeared before the, the Zoning Commissioner or the Administrative Law Judge as an expert?

MR. WARFIELD: Oh, gosh, dozens.

MR. LA FIANDRA: And before the Board of Appeals?

MR. WARFIELD: Probably ten, maybe less than ten, six maybe, I'm not exactly sure what the number is but a few times.

MR. LA FIANDRA: Have you been qualified as an expert in civil engineering and the Baltimore County zoning regulations and the Baltimore County zoning regulations?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay and Mr. McCann, did I hear that you are not going to object to his admission as an expert in those areas?

MR. WARFIELD: That is correct.

MR. LA FIANDRA: Okay. Mr. Evans, I would offer him as an expert in the Baltimore County zoning regulations, the Baltimore County development regulations and in civil engineering.

CHAIR: He's accepted.

MR. LA FIANDRA: And I'd move for the admission of Petitioner's Exhibit 1, just for the sake of recordkeeping.

CHAIR: It's admitted.

MR. LA FIANDRA: Okay, great. Thank you.

CHAIR: Let, let me just interrupt procedurally here,

just so counsel know. I, I'm not going to ask whether there are objections to exhibits as a routine matter. So, if you have an objection, speak up, okay? Otherwise I'm just going to assume it's, there's no objection, okay?

MR. LA FIANDRA: Would you like us to ask that they be admitted or assume that they're admitted?

CHAIR: You better ask that it be admitted, that's probably prudent, but I'm not going to, I'm not going to stop and ask whether there's an objection, I was just --

MR. LA FIANDRA: Okay.

CHAIR: Unless I hear an objection, it's, it's going to be admitted, okay?

MR. LA FIANDRA: Thank you.

CHAIR: Yeah.

MR. LA FIANDRA: Mr. Warfield, do you, do you recognize Petitioner's Exhibit 3?

MR. WARFIELD: I do.

MR. LA FIANDRA: And can you tell us about this exhibit?

MR. WARFIELD: That is the --

MR. LA FIANDRA: I backed up a little too far, hold on. One second, there we go.

MR. WARFIELD: The site plan to accompany zoning petition, or zoning hearing for the subject property at 30, 3009 Northbrook Road and it was prepared by Richardson

Engineering.

MR. LA FIANDRA: Okay and so, you did not prepare this exhibit?

MR. WARFIELD: Correct.

MR. LA FIANDRA: Have you been out to the property here?

MR. WARFIELD: I have.

MR. LA FIANDRA: And just, for the record, are, are you now, are you a consultant now for Ahavat Shalom Congregation?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. The, you've been to the property?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And have you examined this exhibit?

MR. WARFIELD: Yes, I have.

MR. LA FIANDRA: Can you tell us what the existing conditions are at the property, with reference to this exhibit?

MR. WARFIELD: Sure. The, the property is, it, it fronts, the front of the property fronts on Northbrook Road, which I believe is a sixty foot wide right of way, curb and gutter, asphalt street and then there's a sidewalk along the front and there, there's a parking pad, which is shown in red, a concrete parking pad that shows, shows, has labeled two spaces there. Thank you for your mouse operation.

A small sidewalk that goes from the parking, parking lot over to the front of the house and there's a, there's a gray or black dashed line, which is, which represents the perimeter of the existing house that's on the property. It's a one-story house with a basement and it comes across the back there, it goes up back towards the front, right, exactly. Yes, thank you again for the mouse operation.

And then it runs up the side property line to the front. If my calculations are correct, that house was, I actually wrote this down, is about, it's approximately sixty-five feet deep from front to back and fifty feet wide with the notch that's missing out of the back left corner of the house.

There's a, on the east, so or, north is oriented up towards the top of the sheet, so the east side has a ten-foot setback from the existing house to the property line. The west side has a fifteen-foot setback. The front is a thirty-foot setback, and the rear yard is also a thirty-foot setback.

The zoning of the property is DR-3.5. It's actually incorrectly labeled on this plan as 5.5. The 3.5 and 5.5 are actually flipped from what is labeled on the plan. So, it's 3.5 in the front of the property and then there's a little sliver of the property, approximately four feet wide, that's zoned DR-5.5 in the back.

There's also a drainage and utility easement across the back of the property that's ten feet wide, but it's not

shown on the plat. It is shown on the plat, but it's not shown on this plan, this site plan. And the areas outside the house are yard areas, basically grass with some landscaping. And I think that kind of describes the existing property.

I think the, the width of the property, the actual property width is seventy-five feet and the depth of the property from front to back is a hundred and twenty-five feet. I believe that's nine thousand three hundred and seventy-five square feet. I wrote it down. I think that's right, let me double check. Seventy-five by one twenty-five, yeah, nine thousand three hundred and seventy-five square feet is the lot area.

MR. LA FIANDRA: Now, what are the, moving on from the existing conditions, what are the proposed, what's the proposal as you understand it to be?

MR. WARFIELD: So, the proposal is to convert the existing single-family dwelling to a synagogue and then also to have the ability in the future to install a proposed addition in the back corner where the, I'm going to say where the notch is, is missing from the existing house.

I think there's a partial deck back there and but, to, to build a one-story addition in that area to, to function as a women's entrance, a secondary entrance to the back and to the side of the building with the main entrance being in the front.

MR. LA FIANDRA: Can you explain the, the red lines back here and what the black lines and the red lines in this proposed addition, this might be confusing for people to understand.

MR. WARFIELD: Yes, so, when the --

MR. LA FIANDRA: (inaudible) might be helpful for you to --

MR. WARFIELD: I think it's okay.

MR. LA FIANDRA: Okay.

MR. WARFIELD: And you can zoom in, that's fine.

MR. LA FIANDRA: Okay.

CHAIR: Yeah, I would appreciate you zooming in actually.

MR. WARFIELD: Okay.

MR. LA FIANDRA: Okay, let me do that. Give me just one moment to do that. It's a little (inaudible) here, here we go. Is that better, Mr. Evans?

CHAIR: Yes.

MR. WARFIELD: So, so there's a, there's a, a heavier black line, which is a rectangular shape with a little notch in the front and that was the proposed addition that was on the plan when it was originally filed before the Administrative Law Judge, the Zoning Commissioner for the previous zoning hearing.

And at that hearing, there were some redline revisions to the plan, so the proposed addition was expanded

from the, the black shaped area to include that red rectangle in the back. Like I said, basically filling in the, filling in the, the vacant area, or the non-building area that's on the lot there that would basically square off the building to that sixty-five by fifty-foot, fifty feet dimension and make it a complete rectangle.

MR. LA FIANDRA: So, the, the proposed addition now is this entire heavy black line plus the, the, the red line (inaudible)?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay.

MR. WARFIELD: It would be like that, that section of the black line that's below the words proposed addition would be removed and then, yeah, then it would be that whole area.

MR. LA FIANDRA: Okay. Do you know the number of seats, so when it becomes a synagogue or shul, I, will there be seats inside?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And do you know the number of seats?

MR. WARFIELD: Eighty seats are planned. The, the, and the, as you come in the front door there's a, I walked in the building and looked and there's a, there's a lobby area planned and then there's a, the sanctuary area and then some bathrooms in the back and maybe like a little office or area, I'm not exactly sure what all the areas are. But the main

sanctuary area is in the middle of the building and eighty seats are proposed.

MR. LA FIANDRA: Okay. Now, do you know, sticking with this, how do, you're familiar, are you familiar with the RTA regulations?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Can you explain for the Board how the RTA regulations work?

MR. WARFIELD: Sure.

MR. LA FIANDRA: Would it be helpful if I showed you, if I brought them up for you?

MR. WARFIELD: Sure.

MR. LA FIANDRA: Okay. Do you see them on the screen?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay.

MR. WARFIELD: So, the first thing we need to determine is if an RTA is generated. So, the residential transition area, RTA, is, I'll probably butcher the language a little bit, but it says something like to sure, to ensure that similar housing units are built next to each other, or that adequate buffers or setbacks are provided between dissimilar housing types. Something to that effect.

And then, it goes on to say how the RTA is generated and it says an RTA, it's a, it's a one-hundred-foot area and

it's generated if, if the adjacent properties are improved with single family dwellings, basically, which is the case for here. There are some other things that generate it.

If there's a piece of property that's vacant and it's big enough to build a house, you know, there's, so there's different, different things that generate the RTA.

In this particular case, the residential transition area would be generated on all four sides of the property. The sides, the front, the back, so there would be a hundred-foot area and you can see the lot is only seventy-five feet wide.

So, it would, it would extend from the boundary of the property into the site to be developed one hundred feet, which it can't even go a hundred feet because it's only seventy-five feet wide. And then front to back, it would go a hundred feet in each direction.

So, basically, the entire area would be included in the residential transition area. The entire site area would be in the residential transition area.

MR. LA FIANDRA: And what does that mean? What happens when you're in the residential transition area?

MR. WARFIELD: So, then when you're in that area, certain things are allowed to be built as of right in that area, such as a single-family house. And then there are certain uses that would require, say like a dissimilar housing type.

So, we have a, we have single family houses adjacent to, to this particular site. So, we could built, you, you could build on this site a single-family house and meet the regular principal building setbacks and really not worry about the residential transition area. Or a, I think it's a duplex or a semi-detached basically, it would be two houses connected.

You could build those things in here and there would be no specific requirements except for the building setbacks. But if you propose a synagogue or a school or townhouses or apartments or, you know, some kind of dissimilar use like that, then the RTA, then within the RTA, then other setback requirements are generated.

And I believe that's, there's, there's a seventy-five foot, that's the conditions, the conditions in the residential transition area that have up there right now, Section E. Generally, you have a fifty-foot wide, fifty feet wide and it's called a, they call it an upgraded, which there's been discussion on that, whether that should be ungraded or upgraded, but it's an upgraded, uncleared landscape buffer.

And it's not really supposed to be disturbed. You can have roads and pathways and things like that bisecting it to come in and out of the development, but basically, it's a fifty-foot buffer area. And then there's also a seventy-five-foot setback, a building setback, for these dissimilar housing types, or a church or a synagogue or a school. So, it's a

seventy-five-foot building setback.

And then, there are some other things for parking garages or structures at the height, but we don't have a parking garage or structure. So, for this particular site, we have a, a fifty-foot residential transition condition, that there be a fifty-foot buffer area and a seventy-five-foot-wide setback from the, from the sides, the rear and the front of the property.

CHAIR: That would mean, that would mean there has to be a hundred- and twenty-five-feet total, total area between the building and the adjoining, or the adjacent buildings or, or the building and the adjacent property line?

MR. WARFIELD: It would have to be from the site property line, the, the build, the building would be setback seventy-five feet from the site property line.

MR. LA FIANDRA: Right.

MR. WARFIELD: And, and, and then, like I said, there'd be a fifty foot, basically, a landscape buffer, so the (inaudible) --

CHAIR: (inaudible).

MR. WARFIELD: Within the seventy-five feet, exactly. So, for the first, the first fifty feet of the seventy-five feet would be the fifty-foot buffer and then there would be another twenty-five --

CHAIR: Okay.

MR. WARFIELD: -- feet of setback area outside of the buffer, where you could grade and install utilities and do, you know, whatever you would normally do for developing a property.

CHAIR: Okay. Thanks.

MR. LA FIANDRA: And, Mr. Warfield, you said that there's no parking lot, or parking structure, but we do actually have two parking spaces, isn't that correct?

MR. WARFIELD: We do have parking spaces, yes, and they would be setback seventy-five feet. I didn't mean to say that, if I did, I meant there's no parking structure. That was, what I was referring to is, let me see what it says. It's Section, it's E-5, that talks about the, yeah, the fifty foot, the section I was talking about was the, the height of a parking structure couldn't be higher than thirty-five feet within the hundred-foot transition area.

So, that would be an additional condition. So, yes, the parking does have to be set back seventy-five feet and cannot be in the buffer area. The fifty-foot buffer area.

MR. LA FIANDRA: Okay.

MR. WARFIELD: But I, I was, I'm sorry, I meant to say the parking garage. That section about the parking garage doesn't apply because we don't have a parking garage here.

MR. LA FIANDRA: Okay. Now, so, against that backdrop, moving back to our site plan, which is over here, how do, in order to accomplish the conversion of this single-family

dwelling to a shul or synagogue, in the context of the RTA regulations, how do, how, how do we accomplish that? How, how does that happen?

MR. WARFIELD: Well, without qualifying for an exception to those requirements, it really is not possible to comply. Because, like I said, the width of the lot is not, the width of the lot is only seventy-five feet. So, you can't have a seventy-five-foot setback from both side yards, you'd need a hundred and fifty feet and then you could build nothing, basically.

You know, it would be a seventy-five-foot setback from each side for a hundred- and fifty-foot-wide lot, and you still wouldn't be able to build anything. And then the same thing from the front to the back. So, basically, the entire site is encumbered by those setbacks.

So, the only way you can change the use, you know, from, from the existing single family to the proposed synagogue and, and do the addition is to qualify for one of the exemptions or, or, or obtain a variance.

MR. LA FIANDRA: Okay. So, let's look at the exemptions then. Are you familiar with this, the G-6 exemption here?

MR. WARFIELD: Yes. I'm sorry, I should have said, I think it says exception but exemption, exception, exception I think it says but.

MR. LA FIANDRA: It actually does say exception.

MR. WARFIELD: Yeah, exceptions.

MR. LA FIANDRA: G --

MR. WARFIELD: So, it says in the paragraphs above don't apply to these different categories. So, yes, G is the exceptions, and then number six is a new church or other building of religious worship. The site plan for which has been approved after a public hearing in accordance with 500., Section 500.7.

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

MR. LA FIANDRA: Okay. So, let's, let's parse this out a little bit. G-6, G, what specifically does not apply?

MR. WARFIELD: So, it says the restrictions contained in paragraphs A through E above of, of Section B-1 do not apply.

MR. LA FIANDRA: All right. So, looking at that --

MR. WARFIELD: Yeah.

MR. LA FIANDRA: A through E, so that would, that includes A, --

MR. WARFIELD: The definitions and purpose.

MR. LA FIANDRA: -- B-1 is, B-1, help me out, --

MR. WARFIELD: Yeah.

MR. LA FIANDRA: I'm going to have you testify. So, B-1 is what?

MR. WARFIELD: B-1 is residential transition areas and the uses permitted therein.

MR. LA FIANDRA: And A through E includes, tell me.

MR. WARFIELD: Definitions and purposes, where it defines the residential transition area, the variance of the RTA, I'm sorry, I skipped B. B, generation of the residential transition area wouldn't apply, so it wouldn't --

MR. LA FIANDRA: Yes.

MR. WARFIELD: -- be generated. The variance of RTA wouldn't apply. D, residential transition area, the uses, it wouldn't apply. And basically, the restriction of the uses, any use permitted would be allowed. E, conditions in the residential transition area is what we were just talking about, about the setbacks, that, none of that would apply.

MR. LA FIANDRA: Okay.

MR. WARFIELD: That's, that's, that's through E.

MR. LA FIANDRA: Okay. That, that appears what would not apply.

MR. WARFIELD: Correct.

MR. LA FIANDRA: And how, parsing that out, G-6, the substance of the requirements for the exception. A new church

or other building for religious worship. The site plan for which has been approved after a public hearing in accordance with Section 500.7. Is, is this that type of public hearing?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay.

MR. WARFIELD: And the church, the existing building is being converted to a new church under the proposal on the site plan, so the, complies with that section.

MR. LA FIANDRA: Now, the next sentence. Any such hearing shall include a finding that the proposed improvements are planned in such a way, well, okay. That the proposed improvements.

MR. WARFIELD: Yes. So, the proposed improvements, would mean the change in use of the existing house to a synagogue and the addition, the parking.

MR. LA FIANDRA: Okay. So, the, the addition, the, well, let's take that one at a time. The parking exists currently, is, does it not?

MR. WARFIELD: It does.

MR. LA FIANDRA: Okay. So, the redline was, the redline, I know that you did not do the redline.

MR. WARFIELD: The only reason I said the, the parking was proposed is because the, technically, it's an existing single-family house and its existing parking for a single-family house. So, when we changed the use to, remember,

if the, when the use gets changed to a synagogue, then it becomes synagogue parking, not residential parking anymore. So, it's, it's, that was my thought process there, that it changes with, you know, the --

MR. LA FIANDRA: Okay.

MR. WARFIELD: -- even though it's an existing parking pad, the existing parking pad is not subject to the RTA because it's for a single-family residence. But when we change the use to a synagogue, then it becomes synagogue parking, which is subject to the residential transition area. Unless it's an exception.

MR. LA FIANDRA: Okay and what are, what are the other proposed improvements?

MR. WARFIELD: Like I said, the change in the use of the existing building and the proposed addition in the back to fill in the notch. There are some other improvements that are proposed. There's a fence that goes around the building and that it starts at the front corners of the building and goes down the side property lines and across the back property line and kind of encloses the side and rear yards.

Except for five feet of the western side yard. So, the fence is ten feet off the house, ten feet off the house/synagogue on the west side and approximately nine feet off the house on the east side.

MR. LA FIANDRA: Well, let me, I have another exhibit

that may be helpful for you on, in that. Well, before we get to that, you had, well, here.

CHAIR: Are fences permitted in the RTA?

MR. WARFIELD: They would be. Technically, in the fifty-foot RTA buffer, we would not propose a fence unless there was an exception. That would be an improvement, that would be landscaping and, you, you could have a fence say within the fifty-foot buffer along a road.

You know, like I said there, there are certain things allowed along that fifty-foot buffer roads and sidewalks and, you know, access pathways. So, you could have a fence along those. But you wouldn't put a fence along the entire length of the RTA buffer, inside the buffer.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Evans, since I'm moving off of Exhibit 4 for the moment, I'm going to move to have it be admitted.

CHAIR: Okay. It's admitted.

MR. LA FIANDRA: Mr. Warfield, do you recognize Exhibit 5?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what is this?

MR. WARFIELD: It, I don't know if you could zoom out just a tiny bit but --

MR. LA FIANDRA: Oh, pardon me, Mr. Evans, I

misspoke. I moved off of Exhibit 3.

CHAIR: Right.

MR. LA FIANDRA: That's the one I intended to, to move in.

CHAIR: Okay. Exhibit 3 is admitted then.

MR. LA FIANDRA: Yes, sir.

CHAIR: Okay and Exhibit 4 is (inaudible).

MR. LA FIANDRA: (inaudible) and I will ask him about that separately.

CHAIR: Okay, so this is Exhibit 5?

MR. LA FIANDRA: I'm moving onto Exhibit 5. Yes, sir.

CHAIR: Okay.

MR. WARFIELD: So, this is a plan that I prepared showing the, I took a, a clip of the site plan, basically, and then I added some things to the site plan. So, I added the blue text and the blue lines which are the fence and existing, it's, the, the fence is actually existing right now, so I labeled it as existing.

But that's technically proposed as part of the, part of the development, I guess. But it's an existing fence that runs, there's a gate on each side of the existing house in the front. And then in the, like I mentioned, the fence runs down, parallel to the western property line, about ten feet off the building down the west side.

And then it turns ninety degrees, runs parallel to the rear property line about four or five feet off the back property line. And then it runs back towards the north along the eastern side property line about nine feet off of the existing building, maybe nine and a half.

And then there's a gate that turns back in the front corner of the building and there's a gate in the front as well on that side. So, it basically, like I said, encloses, it encloses the side and rear yard areas. The fence is approximately six feet high.

It's a solid, gosh, I don't know what that material is. Some kind of PVC or vinyl fence, with a post every approximately six feet or eight feet and solid material in between. So, it's, it's a solid six-foot-high fence.

And then, I also added landscaping. There, there are some large evergreen trees that run down the western side property line. The branches are pretty high off the ground. The main, so, you know, the, if you're walking down there, you can see trunks of the trees, basically, and you look up and you can see the branches.

So, I was, I added some leather leaf (inaudible) along the side there, which are, it's a, it's also an evergreen shrub. Keeps it, keeps its leaves basically all year and grows to a relatively dense shrub. I think they, they can get to be, you know, sixteen, twenty feet tall. And they spread pretty

wide.

So, they, we're proposing those along the side in the five-foot area between the existing property line and the existing/proposed fence. And then, across the rear of the property line I mentioned before there's a drain utility easement in the back there.

There's also overhead power lines that run down, run down the common rear property line with all these houses. So, in that area, I was proposing burning bushes, which is also a, a hedge type plant, turns red in the, green but leaves turn red and planting those along the fence, between the property line and the fence on the backside.

So, this is an exhibit I prepared to show some landscaping and try, and to show compliance with the, some RTA screening and buffering to the extent possible for this property.

MR. LA FIANDRA: Well, let's go back to that then. So, we were, we were in the process of showing the proposed, pardon me, I've got too many things here to switch between. The proposed improvements, so you were showing the proposed improvements and I think that you had just concluded doing that, is that correct?

MR. WARFIELD: Correct.

MR. LA FIANDRA: Okay. Now, and previously, by going through the condit, the, E-1 through 5, are those the RTA use

requirements?

MR. WARFIELD: Those are conditions in the residential transition area, yes.

MR. LA FIANDRA: Are there other RTA use requirements?

MR. WARFIELD: Yes, I mean, there's above, above here there's, there's, it, it specifically talks about which uses are allowed in the, in, in the buffers and, you know, the uses permitted as a right, uses permitted by special exception.

MR. LA FIANDRA: Where, are, are there other RTA use requirements that are outside of this section or are they all contained --

MR. WARFIELD: No.

MR. LA FIANDRA: -- within this section?

MR. WARFIELD: They're all in this section.

MR. LA FIANDRA: Okay.

MR. WARFIELD: They're all in this section.

MR. LA FIANDRA: Okay. So, my question is, going back to G-6, how does one show that improvements, proposed improvements, are planned in such a way that compliance, to the extent possible, with RTA use requirements will be maintained? In general, how does one do that?

MR. WARFIELD: Well, I guess you, I don't guess, you, you would start with the best possible case, would be to provide the entire fifty-foot buffer. And to provide the

seventy-five-foot setback. And then, something less than that is going to be what is the extent possible on a site-specific basis.

And in this specific case, we have a, we have an existing building and existing property, and we have a fifteen-foot side yard setback on the west side, and a ten-foot side yard setback on the east side. The change in the use is going to require that, you know, they have building code requirements to meet where they'd have exits out the back of the building and they're going to have to be able to get to the public way.

So, we need to maintain pathways on the sides of the buildings to allow congregants, or whoever, to, to get out of the property and to get to the public way in the event of an emergency or fire or whatever. So, we're limited with the areas that we can provide RTA screening to the extent possible to the five-foot-wide area on the west side and so, the, the, the, the, the area that we can provide screening in is five feet wide.

There's existing trees in there, which provide screening for higher level things and we've added plantings and a gate so the, I mean, plantings and a fence so, the fence provides a six foot screen, a six foot high screen immediately and the plantings will continue to grow throughout the years to provide more screening, and then the same thing in the rear of the property.

There's a rear yard area and, you know, there's, there's some use area for the synagogue for that rear yard and then there's a, a screen area that we provided in the back to the extent possible.

MR. LA FIANDRA: Okay. Now, the need for a rear exit, first of all, you're aware that, from your discussion with the client, that it's going to be a women's entrance for the synagogue, is that right?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Separately from that, you mentioned something about the con, changing it from a residence or dwelling, to a commercial building or, or an institutional building. Does that have a separate entrance requirement? Did you say something to that effect?

MR. WARFIELD: Yes, there would, for, for, for instance, any space, any space like this, like a, a sanctuary or some space like that, I, I don't know exactly all of the requirements in the building code. The architect would be able to tell you that exactly, you know, what is required based upon spacing, but almost every space is going to require two exits.

So, you, you can't, like say for instance, there was a fire in the front of the building, you can't have that be the only way to get out of the building. That they have to go through the fire to get out. So, usually there's two exit, you have to have two exit pathways to get out of a space like this.

So, there'd be one in the front and one in the back usually. And I believe there's an exit in the back and in the front right now.

MR. LA FIANDRA: Is that why you, you're not proposing more of a landscape buffer between the property line and the building on the west side right now?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay.

MR. WARFIELD: And the east side.

MR. LA FIANDRA: And the east side.

MR. WARFIELD: So, one, one, once they, and then once they leave the building, say the fire was on the east side of the building, you know, they're, the people are going to want to go down the west side of the building to get out. So, they, they, again, once you leave the building, you want to have two ways to go to get away from a hazard of any kind. You know, so, you really need two, two access pathways to get to the public way.

MR. LA FIANDRA: Okay. Let's go back to this.

CHAIR: I guess there's no, there's no gate in the rear fence, huh?

MR. WARFIELD: No. And you would have to go across somebody else's property, you know, to get to a public way in the back and, you know, they have a pathway to get to the public way in the front, so.

CHAIR: I, I was thinking in terms of an emergency, let's say a fire.

MR. WARFIELD: Yeah, right now there's no gate back there now.

CHAIR: Um hm.

MR. WARFIELD: And the other people could put fences on their properties as well.

CHAIR: Okay.

MR. LA FIANDRA: Before we move off of this exhibit, did you, did you consider whether you could make other, other proposed improvements to maintain compliance to the extent possible with the RTA use requirements?

MR. WARFIELD: I mean, I think, we, I think we've done what we can do for this particular site with this plan. I don't know, I, I, I can't think of anything else that we could do to comply and still have the site and the building and the, it be usable for the synagogue.

MR. LA FIANDRA: Okay. Moving number, Petitioner's number five in.

CHAIR: Admitted.

MR. LA FIANDRA: I skipped over an exhibit, and I wanted to make sure I went back to it. Mr. Warfield, do you recognize Petitioner's number four?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what is that?

MR. WARFIELD: That is a print from the Baltimore County My Neighborhood website of the aerial photograph, I think that was the 2020 aerial photograph. And it has a bluish shaded area around the subject site, identifying the property and then the redlines on the plan are the zoning lines.

So, the, the zoning labels are red with kind of like a white background. So, DR, density residential 3.5, is the zoning for the site in the front. And then, in the back of the site, the label is on the house, behind is DR-5.5 for the, like I said, a little sliver that's probably four or five feet wide.

And then, there's some zoning lines in the center of the street on the right and off to the, kind of like an east/west line up there and it's, the zoning is DR-16 over on the east side of the street.

MR. LA FIANDRA: And is this intended to clarify the, or yeah, clarify the, the erroneous zoning notice, notice or notes on the --

MR. WARFIELD: Yes.

MR. LA FIANDRA: -- Petitioner's number two, was it two?

MR. WARFIELD: Three.

MR. LA FIANDRA: Three. Yes, number three.

MR. WARFIELD: Yes, that was the intent of that plan to clarify and show the correct zoning (inaudible) --

MR. LA FIANDRA: (inaudible) okay. So, we've

clarified that, okay. Now, moving, while we're on number, well, I can do this better I think on number five. Do you know anything about the adjacent dwelling, 3101 Northbrook Road?

MR. WARFIELD: That, it is, it is a single-family dwelling and I believe it is used by the rabbi for this synagogue.

MR. LA FIANDRA: Okay.

MR. WARFIELD: As his dwelling.

MR. LA FIANDRA: Okay. For Ahavat Shalom?

MR. WARFIELD: Yes.

MR. LA FIANDRA: So, the, the screening, the buffering that Ahavat Shalom is actually proposing to install along the property line is buffering the lot from the lot or a, a dwelling that's used by its own rabbi?

MR. WARFIELD: Correct. And then, one of the things I forgot to point out, I mean, I have pointed it out a few times and we'll, we'll, I guess we'll get to it once we, you know, at some point here. But there is a drainage utility easement across the back and there's a fence in that drainage utility easement and there are proposed, there's proposed landscaping in that drainage utility easement.

They're, from what I can tell from the records that I have, there are no utilities in that easement except for the overhead lines. So, there's no public sewer, public water, or public storm drain in that, in that drainage utility easement,

or that utility easement.

But the County would have the right to clear those trees and, you know, they would, they would have to replanted and remove that fence if, if they did want to put something in there. You know, they, they would have a right to use that easement area as it would be a county easement.

So, we would, we could provide the screening. We may need, you know, if, I don't anticipate ever, anything happening because the develop, the project, the neighborhood appears to be pretty fully developed, but if something were to ever happen in the future and they needed to run a utility through there, you know, they would have to replant that area.

MR. LA FIANDRA: The exhibit number four, which I have put back on the screen, does, does that, that's a photograph of, does, does that show, can you see overhead lines on that photograph?

MR. WARFIELD: I can, yes, I can see the overhead lines on there. There's a, if you go to the corner of the red zoning line, you can see, those would be the, the cross members on top of the pole and then you can kind of see a lighter line going to the west there, yep.

And then there's other poles in there too that have cross members on them. There's one right under your mouse right there, yep. And then, so there's one right in the back of the property, around the back left, maybe about fifteen feet

from the left, or the western property, property line there's like a little cross member there.

And then there's one kind of in the center of the house at 3007 but you can, that's, that's the overhead lines running down through there.

MR. LA FIANDRA: Okay.

CHAIR: So, Mr., Mr. Warfield, I'm just, the rabbi's house is the one directly west of the subject property?

MR. WARFIELD: Correct, 3101 address, yes.

CHAIR: 3101. Oh, I see, okay. And this is 3009.

MR. WARFIELD: Correct.

CHAIR: That, do you know who owns 3101? Does the rabbi own that or does the congregation own that or is that a rental property? If you know.

MR. WARFIELD: That's a great, that's a great question. I did not check that.

CHAIR: Okay.

MR. WARFIELD: I, it wasn't, it wasn't part of the zoning request. We can --

CHAIR: Well, we'll, we'll find out about it. It's not a problem.

MR. LA FIANDRA: Well, we were going to have the president of the congregation testify (inaudible).

CHAIR: Sure. Yeah, not a big deal.

MR. WARFIELD: I could look it up quickly if you

need.

CHAIR: Don't worry, don't worry.

MR. LA FIANDRA: No, thank you.

MR. WARFIELD: Okay. You can see the trees on here too, in between the two properties, the evergreens (inaudible) go ahead.

MR. LA FIANDRA: Do you have an opinion as to whether the improvements that you have proposed on the conceptual landscape plan, which is Petitioner's Exhibit 5, whether these improvements are planned in such a way that compliance, to the extent possible, with RTA use requirements will be maintained?

MR. WARFIELD: Yes. In my opinion, they, they are planned in such a way that, to the extent possible, those RTA requirements will be maintained.

MR. LA FIANDRA: Okay and what do you base that opinion on?

MR. WARFIELD: I base that opinion upon the available area and the existing building and the, and the, the, the areas and portions of the property that we have available to provide screening and buffering. We have done as much as we can do in those areas. Like I said, there's overhead powerlines in the back, there's already trees down the, down the west side, the east side, the fence is on the property line. And you, an access pathway there so, there are some trees in the front as well.

MR. LA FIANDRA: And to be clear, these are proposed trees in addition to the existing trees?

MR. WARFIELD: Those are proposed, I would call them shrubs/bushes, even though they get big, they're not trees. Basically, we, --

MR. LA FIANDRA: Okay.

MR. WARFIELD: -- we can't put trees under the powerlines. They wouldn't be allowed by BG&E and, you know, Comcast and Verizon, whoever is there. They would just cut them all down. And on the side, like I said, there's already full-grown trees there. So, these are shrubs to kind of fill in underneath and provide a lower-level screen. These are shrubs.

MR. LA FIANDRA: And does your opinion, does your opinion, is it based at all on the nature of the RTA use requirements?

MR. WARFIELD: I'm not sure what you mean.

MR. LA FIANDRA: So, the question was, do, do you have an opinion as to whether the proposed improvements are planned in such a way that compliance, to the extent possible, with RTA use requirements will be maintained? And you answered yes. I asked you, what'd you base it on? And you said that we've done, you've done what you, you can, given the size of the lot and what you can do. And my follow-up question was does, does, does your opinion involve the nature of the RTA use

requirements at all? Within the context of the RTA --

MR. WARFIELD: (inaudible).

MR. LA FIANDRA: -- within, so, are there other things that you can do within the context of the RTA use requirements, to achieve greater compliance with those requirements, given the limitations in the field at, at this site?

MR. WARFIELD: I'm, I don't see how there's other things we could do. I mean, right now there's no lighting proposed, you know. If any lighting were to be proposed, it would have to be less than six, sixteen feet tall, you know. There's, we have, we have a, a requirement for a fifty-foot uncleared, ungraded or un, upgraded landscape buffer, you know, that we're, we're minimizing grading where we can and just installing plants. Yeah, I don't see how there's anything else that could be done, I mean, --

CHAIR: Well, don't you have to have outside lighting at least on the west side, if that's going to be a women's entrance? Doesn't there have to be some lighting there so that they can go from the road around back?

MR. WARFIELD: I would think that they would have some lighting, but there, as, from what I have been told, there's no lighting planned at this point. I mean, the addition has not been designed or constructed yet and right now there's no lighting.

But when they do do that, I would think they would want some path lighting along the pathway, maybe, you know, whatever that lighting would be, it would have to be within, it would have to be in compliance with the, the height requirements in the RTA.

MR. LA FIANDRA: Are there other, what are, what are the lighting requirements within the RTA?

MR. WARFIELD: Let's see what it says here exactly. I think it says, the maximum height of any lighting fixture, RTA buffer, shall be sixteen feet, except for public utility uses, which must be a reasonable light. The fixture shall be designed and placed so as to prevent the spillage of light into adjoining dwelling or lot and the intensity of the fixture shall not exceed .2 candle at the tract boundary, which is actually, should say foot candles but the, it's a measurement of the light levels at the tract boundary.

So, when they would, when the synagogue would proceed with the addition, they would most likely have to get a landscape plan approved and a lighting plan would be submitted with that to Baltimore County. And on that lighting plan, you'd, you'd, you would have, there would have to be a photometric's plan that would show the lighting levels at the property line, on the site and just off the property and those lighting levels could not exceed .2 foot candles at the property line or onto adjacent properties, the spill over of

the light onto adjacent properties.

MR. LA FIANDRA: So, if the lighting were in the area between the existing structure and the proposed addition and the fence, the existing fence, would it be well screened from the tract boundary?

MR. MCCANN: I'm, I'm going to object to that, Mr. Evans.

CHAIR: Yeah, I think we'll sustain that, yep.

MR. MCCANN: Thank you.

CHAIR: A little speculative since we don't have a lighting plan in front of us.

MR. LA FIANDRA: Well, he can certainly testify that there's a, a fence and a proposed stand of trees there.

CHAIR: That's correct.

MR. LA FIANDRA: Can he testify to that?

CHAIR: He has.

MR. LA FIANDRA: Okay. I'll move on.

CHAIR: I mean, whether, whether that's sufficient to, to block light is, depends on the lighting plan.

MR. LA FIANDRA: Mr. Warfield, can lighting be designed for this area to achieve spillage of no greater than .2 foot candles at the tract boundary?

MR. MCCANN: Same objection.

CHAIR: Overruled.

MR. MCCANN: Okay.

MR. WARFIELD: Yes.

MR. LA FIANDRA: Thank you. Now, let's give the Board some photographs of this site. Moving number five in if I haven't already.

CHAIR: Admitted.

MR. LA FIANDRA: Mr. Warfield, do you see number eight?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Do, do you recognize these photos?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And can you just describe them for the Board to give the Board a little context here?

MR. WARFIELD: Sure. The top left photo and the top, both the top, the top right photo, are pictures from, close to the front property line, or close to the street property line towards the front of the house. On the left picture, you can see the gate and the fence, the white bordered area there.

That's the, that's the fence and the gate on the, on the east side of the property. And, and then down below, the, the picture on the left is the parking pad. So, that would be the driveway that comes through the buff, the RTA buffer in the front and the parking pad area.

And then, the picture on the bottom right is, so, that, that picture on the, the bottom left is taken from the house looking out towards the public road. And the one on the

right is taken from the public road right of way or near the public road right of way looking in towards the property.

And you can see the gate and the fence on the righthand side of the building there as well. But that's the, that's the existing house, which is being converted to, proposed to be converted to a synagogue. And there's a sidewalk that goes up to the front entrance, which is in the middle of the house and a sidewalk that goes over to the, the gate on the right side or the west side of the house.

Then you can see some more on the bottom left photo, you can see some more of the evergreen trees, the existing evergreen trees along the front of the property.

MR. LA FIANDRA: Okay. Moving number eight in.

CHAIR: Admitted.

MR. LA FIANDRA: Do you see number nine, Mr. Warfield?

MR. WARFIELD: Yes.

MR. LA FIANDRA: All right and --

MR. WARFIELD: So, number nine is, the top left picture is a picture from the driveway, from the corner of the driveway/parking pad area, near the public right of way line looking at the house that the rabbi lives in.

So, this is look, kind of looking down the, that's the, the gate on the left there, the gate and the fence on the left of the picture and then these are, these are the large

evergreen trees that run down the common property line between the, the synagogue property at 3009 and the rabbi's property to the west, the rab, the house the rabbi lives in.

The next picture on the top right, this is a picture in the backyard of the property, looking at the notch in the house where the addition, future addition would occur. So, there's the deck and the rear exit from the house.

The picture right below that is a picture from the same location as the picture above, but turned about ninety degrees looking to the east, maybe a little bit to the southeast, that shows the fence across the back of the property and it, you can see the overhead power lines in this picture. And the overhead communication lines in the back there.

And it, so it shows, on the right side would be the fence across the back of the property and then, kind of on the left side of the picture is the fence that turns ninety degrees and runs up the eastern side of the property. And this is the, the lawn/rear yard area that's enclosed within the fence.

Scrolling down to the bottom picture, this is a picture from the front corner of the property, the western corner, near the western corner of the property at the public street, public sidewalk, looking at the school, the existing school, which is on the north east corner of the intersection of, what's that road, Northbrook Road and, and that road is, Lisburne, Lisburne Road.

And then the next picture, to the left at the bottom is on the east side of Lisburne Road, looking back at the intersection of Northbrook and Lisburne, the stop sign is on the right and the, the existing house/proposed synagogue is on the left, directly straight ahead. You can see the, the gable roof and the brick walls and the, and the windows, which kind of match the Petitioner's Exhibit 8 closer up photos of the front of the building.

MR. LA FIANDRA: Okay. Okay.

MR. MCCANN: Excuse me, sorry to interrupt, sorry to interrupt, Mr. La Fiandra. Mr. Evans, would it be okay to take a quick bathroom break. I apologize. I was going to wait until he was done and then take it, but I'm not sure if I can make it.

CHAIR: Okay, all right. Sure. We'll take ten minutes.

MR. LA FIANDRA: I, that would, that would be great. I would appreciate that as well. Okay, good. Thank you.

CHAIR: Ten, ten-minute break.

MR. MCCANN: Thank you.

(BREAK)

MR. LA FIANDRA: Are we back?

CHAIR: We're back on the record now, yes.

MR. LA FIANDRA: Okay. I'd like to make sure that Exhibits 8 and 9 are admitted. I had moved them in.

CHAIR: All right. They're admitted.

MR. LA FIANDRA: Okay.

CHAIR: And just, just for scheduling, I would imagine we could go till about 1:00, is that going to work for people and take, let's say, forty-five minutes for lunch and then go until, as close to 4:00 as we can? Is that --

MR. LA FIANDRA: Sounds fine.

MR. MCCANN: That sounds good.

CHAIR: Okay, all right.

MR. LA FIANDRA: Okay. Picking up from there. Mr. Warfield, do you recognize Petitioner's number six?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what is that?

MR. WARFIELD: That is the Deed for the subject property.

MR. LA FIANDRA: Okay and you've seen this before?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Does, and does the Deed, does it describe the property?

MR. WARFIELD: It does. Exhibit A there, yep, legal description.

MR. LA FIANDRA: Does this Deed describe it with, describe the property with regard to a plat?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what, what plat and how does it

describe the, well, let me, how, how does this Deed describe the property with regard to a plat?

MR. WARFIELD: So, the, the top part of the, the description there is all the bearings and distances and the, you know, the lengths and basically describing the property. Then it says, being and comprising all of lot number eleven, block G, section four of Greenspring Manor, and that's the, Greenspring Manor is the plat and its lot eleven on that plat and section, it's in block G.

MR. LA FIANDRA: Okay. Now, we'll move number six in.

CHAIR: Admitted.

MR. LA FIANDRA: And, Mr. Warfield, do you recognize Petitioner's number seven?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what is that?

MR. WARFIELD: That is the subdivision plat, recorded plat, for Greenspring Manor, section four.

MR. LA FIANDRA: And just to complete the circle here, does this show the property?

MR. WARFIELD: It does. Northbrook Road is running east/west across the bottom of the plat there and block G is on the bottom, and it has lots one, two, three, four, five going across from left to right and lot number eleven is right there, so it's just east of the center line intersection of Lisburne

Road and Northbrook Road and on the bottom of the sheet there. Where your, where your curser is.

MR. LA FIANDRA: Okay. Such a coincidence. So, let's identify this by plat book and folio just for the record. Do, do you see that there?

MR. WARFIELD: I do, yes.

MR. LA FIANDRA: (inaudible).

MR. WARFIELD: Yep.

MR. LA FIANDRA: Yeah.

MR. WARFIELD: The recording --

MR. LA FIANDRA: Yes, sir. There you go.

MR. WARFIELD: Is GLB and it says number twenty-one, folio seventy-seven, so, I guess that's book twenty-one, page seventy-seven.

MR. LA FIANDRA: Okay and, that's fine. Then I'll move that, and this is Greenspring Manor, section four, is that correct?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. I'll move that in.

CHAIR: Admitted.

MR. LA FIANDRA: Mr. Warfield, do you, in your voir dire when I was qualifying you as an expert for the Board, you had mentioned that you deal with record plats and subdivision plats in the course of your professional work.

MR. WARFIELD: Yes.

MR. LA FIANDRA: There we go. What would, would it be possible to re-plat this property?

MR. WARFIELD: Yes.

MR. LA FIANDRA: What would that involve?

MR. WARFIELD: That would involve the first step of that process would be to submit a request to the development review committee for a limited exemption to the development process. And we would usually ask for a, a B limited exemption, which would allow you to, the, the development review committee decides on the process you go under.

So, that would, that would allow you to proceed with processing of a development plan, as a limited exemption development plan, which would not have to go, you would, you would, the limited exemption would excuse you or excuse the project from having to do a community input meeting, a concept plan filing and Administrative Law Judge hearing.

And you could process the development plan for review by the agencies and eventually approval. And then once that plan was approved, then you would record a new plat for the subject lot and it would supersede the existing plat so it would be previously known as, you know, plat x, y, z, now whatever the current label would be for the plat. But a new plat would be recorded.

MR. LA FIANDRA: Now plat a, b, c.

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. So, you said we would seek a limited exemption, you said a B exemption. Let's take that one step at a time. What is a B exemption? What is a B exemption?

MR. WARFIELD: A B exemption is a, an exemption under, I'm probably going to butcher this, but 32-171, I can't remember the exact Code reference. But it's under Section B of the limited exemptions and Section, Section A is, would allow you to go directly to building permits.

Section B requires you to do, to process a development plan, requires us to process a development plan for the project for approval, which the County calls phase one of the process, the development process. And like I said, it exempt, you would be exempt from, the project would be exempt from having to submit a concept plan and, and go to, have a community input meeting and have a hearing officer's hearing. 32-4-106, yeah.

MR. LA FIANDRA: Do you, do, do you typically seek B exemptions in the course of your work?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Are, are you familiar with B exemptions, the B exemptions in general?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And is there a B exemption that you think this, that, that you would seek for this, for a project of this type?

MR. WARFIELD: Yes. A, Section B, number eight, a minor development does not exceed a total of three lots.

MR. LA FIANDRA: Okay and in your opinion, do you think that this project would likely be approved for that type of B exemption?

MR. WARFIELD: Yes.

MR. MCCANN: Objection, objection. Do you want me to explain? I can, but --

CHAIR: Yeah, why don't you explain, yeah.

MR. MCCANN: Okay. Number one, we're talking about a hypothetical request before the development review committee for an exemption. One that, to my knowledge, has not been filed. And number two, we're asking this witness to suppose, based on a hypothetical request for DRC exemption what, what the DRC might do with it, or what he, you know, whether he could accomplish it.

So, I think on both fronts it's highly speculative. It's not, and I would question its relevance as, as well, so that the, the approval of the relief that's sought based on the Petition.

CHAIR: All right. So, I, I mean, he's an expert, he can certainly provide whatever insight he has into the likelihood of its approval. But I also wonder about the relevance, Mr. La Fiandra. Can you maybe clarify that a bit?

MR. LA FIANDRA: Sure. If I may, I'm going to just

back out of this. This section of the Code that the, my Motion to Dismiss is predicated on, has to do with the property being located on a plat and that, dated and signed by an existing development, dated and signed by the Director of the Planning Commission in 1955.

And this line of testimony is indicated, being offered to show that we can re-plat the property after a prolonged process, which will cost thousands and thousands of dollars and be subject to a multitude of appeals, which will accomplish virtually nothing, except costing my client many months of time and thousands of dollars.

You know, the property will look exactly the same today as it will in sixty months and, but it will change the status of the property under that section of code from being an existing development to being something else. It will not be an existing development, it will be a new development and for that reason, the, the, if the Board were to find that that section of Code were to apply as an existing development, that it would not apply as a new development if the property were to be re-platted.

And that it should not, if, if, if, if my client were to re-plat the property and, and that, as a matter of form over substance, they should not be required to go through that process.

CHAIR: So, and it would require you, if, if it were

a limited exemption, it would take even longer, I guess.

MR. LA FIANDRA: Absolutely take us longer. It would open up other doors for appeal. As, as, as I know, Mr. Evans, you're aware, and I'm sure the other panel members are aware, the DRC itself is appealable.

CHAIR: Yes.

MR. LA FIANDRA: The development plan approval is appealable, regardless of whether it's a limited exemption or not. And, and so there are a variety of appeals here. And for that reason, we wanted to establish for the record that it is something that is available to us to do. It serves absolutely no purpose except to change the status of the property under that section of Code. And, and that we should not be required to do it. I, I do want to make the point that that's not the only defense that we have to that section of Code.

CHAIR: Um hm.

MR. LA FIANDRA: But it is one and we'd like to establish that for the record, if not for the Board, for then what I suspect will be the inevitable appeal one way or the other.

MR. MCCANN: May I be heard?

CHAIR: Yes, go ahead, Mr. McCann.

MR. MCCANN: And I hope that's why we didn't hear the Motion off the bat. But wouldn't, wouldn't that be nice just to address the substance of that? Wouldn't that be nice if we

could avoid the affect of what essentially is a, what I'll call a reverse grandfathering provision, by simply just filing a new plat? And avoid all, you know, this entire section of the Code through the machinations that Mr. La Fiandra just described.

And then, and then, to argue on the other hand that it's available to them but it, I don't think it is, but it's available to them and we shouldn't be forced to do it because it would be, take a lot of time and, therefore, the Board should just avoid all those appeals and rule on something, as I just said in the first instance, is, is farcical. So, number one.

Number two, I, I just want to restate my objection about the speculative nature of this. I, I, I know you said, Mr. Evans, that an expert could testify certainly as to hypotheticals. But to testify as to likelihood of approval based on, on a, on an application that hasn't been filed, on evidence that hasn't been presented to the DRC, I, I think doesn't re, you know, it's still speculative.

You know, he may say, he may be able to testify that he submitted lots of DRC requests and got lots of them approved. That's, that's a factual matter, he can speak to that. But to speak to the likelihood of a, of a, of such a Petition, the one that Mr. La Fiandra is proposing now, which is hypothetical, we don't know what it says, you know, I think is, is speculation.

So, I, I just wanted to make that distinction about an expert who can testify on hypotheticals, testifying about the, the result of a, of a hypothetical request of the DRC. I think there's a difference. So, I hope that makes sense. If I made that clear enough.

CHAIR: It, it does make sense. So, the objection is overruled. The point of this is to show that it's, that the, that an alternative to the request that's being made by the Petition here, that an alternative is unreasonably cumbersome. And it may or may not be unreasonably cumbersome.

MR. MCCANN: Correct.

CHAIR: But this is simply establishing a factual predicate by which one could argue that it's unreasonably cumbersome and that's really what it --

MR. MCCANN: So, what if it is? So what if it is? Is that relevant in and of itself?

CHAIR: If, if, if it is, if it is, it, it, it can relate to RLUPA, can it not?

MR. MCCANN: Yeah, it just gets me back to the, I guess we're going to have to assume Mr. La Fiandra is correct in making this ruling about the evidence. That this fabricated plat and I'm, I'm, I don't mean that --

CHAIR: You don't mean fabricated in the sense of the --

MR. MCCANN: I don't mean it pejoratively. I just

mean it, this machination that he's proposing would even, would even work from --

CHAIR: Well, that goes, that goes, I think, ultimately that goes to the, to the weight of the inference that we're, we're being asked to draw there. But I don't think it goes to its admissibility as lawyers often say. So, --

MR. MCCANN: Okay.

CHAIR: -- you know, and, you know, there are these very vexing and sticky RLUPA issues that, you know, simply can't be avoided. And if there's an unreasonable burden that's imposed, then, you know, we have to address it. Now, if it's not prove, if, if that burden is not proven, then that's great, you know, --

MR. MCCANN: I (inaudible).

CHAIR: That's one way around it. But, but we can't avoid the fact that it, it's there and we are required to address it.

MR. MCCANN: No, I agree and I'm sorry to keep on, I don't mean to belabor your ruling. I understand your ruling. I just want, whether, but it's not this process that would be burdensome. And I understand --

CHAIR: Well, this, if, if they took this process, it would be burdensome. It would be more burdensome than seeking a special exception or a variance directly. That's, I think that's the point he's trying to make. It would take longer.

MR. MCCANN: Yeah, I just don't think no, I don't think anybody looking at this case could review it based on RLUPA. A, a decision by this Board about whether or not it would or not be burdensome, I mean, this, that process, which hasn't been initiated, is not before this Board and its burdensomeness or violation of RLUPA is not before this Board. So, I'm just, I'll, I'll be quiet, I understand.

CHAIR: Okay, okay. All right. Well, let's, let's continue then. Okay, the objection is overruled for the reasons stated.

MR. MCCANN: Thank you.

MR. LA FIANDRA: So, the question was the likelihood of success, I don't want to misstate the question, but it was seven or eight minutes ago. Mr. Warfield, in your opinion, would that request for limited exemption be likely to be granted?

MR. WARFIELD: Yes.

MR. MCCANN: Mr. Evans, can I, without interrupting further, can I just have a continuing objection?

CHAIR: Absolutely.

MR. MCCANN: Okay, thank you.

MR. LA FIANDRA: Your answer again, Mr. Warfield?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And why do you think that?

MR. WARFIELD: Well, I think based upon my experience

and, and submitting requests to the DRC over the years, this would probably, it, it could potentially qualify for an A exemption, which is even a simpler exemption, because it's such a minor addition to the building.

But in a, you know, in an abundance of caution or, you know, to, to, to almost ensure that it would be granted, we would ask for a B exemption. You know, that, that the agencies would typically, easier, that it, easier, it's easier for them to get behind a B exemption approval than an A exemption approval.

So, we would just ask for the B instead of trying to make our case for an A exemption. And an A exemption would let you go directly to building permit and to the construction documents.

CHAIR: If it were not appealed.

MR. WARFIELD: Correct. You could still process your plans, you know, we can still process plans but we, they, they wouldn't grant any permits if it was appealed, under appeal.

CHAIR: Right, right.

MR. LA FIANDRA: Well, backing up to the goal being to, to record a record plat, does an A exemption get you to that goal?

MR. WARFIELD: It could.

MR. LA FIANDRA: Okay. Then --

MR. WARFIELD: But B is a simpler process to get

there.

MR. LA FIANDRA: Okay. What is a, so focusing, so you, did you identify B-8 as the exemption you would seek?

MR. WARFIELD: Yes.

MR. LA FIANDRA: B-8, what does that say? I have, I have it on the screen, in case you can't --

MR. WARFIELD: It's a minor development that, that does not exceed a total of three lots.

MR. LA FIANDRA: Do you know what a minor development is, do, or would you like me to show you the definition?

MR. WARFIELD: I probably can't recite it word for word but --

MR. LA FIANDRA: (inaudible) let's go to it.

MR. WARFIELD: Yeah.

MR. LA FIANDRA: Then let's go to it, so that we don't misstate it because I don't want there to be any errors there. And we won't belabor the point, but we will go through it quickly so that we just get through this as quickly as possible. Do you see the definition of minor development on the screen?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what is that?

MR. WARFIELD: It's a development without a public works agreement, then there's a semi-colon, a residential development with a public works agreement, which is not, we're

not a residential development and, or a development in which the improvements are determined by the Director of Permits, Approvals and Inspections as minor under this title.

So, the, this project, which would qualify under A-A-1, a development with, without a public works agreement, it would not require a public works agreement. A public works agreement would be required if we had, if you had a project that had public improvements such as road widening, sewer main extensions, water line extensions, storm drain work, which there is some, generally, generally the work would have to exceed $50,000 worth of work before a public works agreement is required.

There's some flexibility in that number, but generally, the work would be $50,000 of work or more in the public right of way, a public works agreement would be required. And in this case (inaudible) --

MR. LA FIANDRA: (inaudible) I did not ask you these questions on your voir dire, so I'll just back up a little bit. Do you deal with public works agreements in the course of your work generally?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. Now, back to the exemption at issue. And of course, does not exceed a total of three lots. We've got one lot here so it would seem --

MR. WARFIELD: Correct.

MR. LA FIANDRA: -- and are there any public works being proposed, or do you, would you anticipate the need for any public works --

MR. WARFIELD: There, there are no public works proposed. The only thing that, that may, the, the only public work that could be required, would be a, may, possibly a water meter. But water meter and sewer house connections are excluded from the $50,000 limit.

So, that wouldn't require a public works agreement either. We would have to do a, a utility agreement to do that if, if for instance, a water, a new water meter were needed. But that's the only thing I can think of.

MR. LA FIANDRA: Okay. So, that's why, that's why you think it likely that this B-8 would be granted?

MR. WARFIELD: Right. The sewer mains are existing, the water mains are existing. Things are existing, so, the roads are existing, the driveway is existing, sidewalks are existing.

MR. LA FIANDRA: Thank you. Is the decision of the DRC appealable to the Board of Appeals?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And have you been involved in DRC appeals to the Board of Appeals?

MR. WARFIELD: Yes.

MR. LA FIANDRA: In your experience, how long do

those appeals go on for?

MR. WARFIELD: I, it could, it could be, it could, I mean, if it goes beyond the Board of Appeals it could be years. But it could be, it could easily take a year to get through the process.

MR. LA FIANDRA: Okay and what's the next thing to happen after the resolution of the DRC action by either the DRC or the Board of Appeals?

MR. WARFIELD: I'm sorry, could you state that again?

MR. LA FIANDRA: Yes.

MR. WARFIELD: You broke up a little bit I think on my end.

MR. LA FIANDRA: Ultimately, there will be a decision by either the DRC or the Board of Appeals about the, the, the request, is that correct?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. What will be the next thing to happen?

MR. WARFIELD: The next thing to happen for a B limited exemption would be we would prepare a development plan and submit the development plan with whatever other documents would be required, landscape plan, the forest stand delineation, you know, things like that. But we would submit copies to the agencies.

When, when, when we go to the DRC and they make their

ruling, they would issue a letter. And in that letter, the agencies at the DRC that want to review the plan, would, would specifically be listed. But in this case, since it would be a new development plan, all the agencies would be, the, the plan would be distributed to all agencies.

So, I forget how many copies it is. I think it's twenty copies or twenty-one copies or something like that, we would submit of the development plan to Permits, Approvals and Inspections, Development Management and then it would be distributed to agencies to review. And eventually back and forth until approval of the plan.

MR. LA FIANDRA: Now, how long does it take you to prepare those plans?

MR. WARFIELD: It would probably take us a couple months to prepare the plan.

MR. LA FIANDRA: And what are those plans intended to show?

MR. WARFIELD: They're intended to show the existing conditions on the site and around the site and the proposed conditions on the site and compliance with the regulations.

MR. LA FIANDRA: And then, what do the agencies check for when you submit them?

MR. WARFIELD: They check for compliance with the regulations. So, for instance, if we had a disturbance of more than five thousand square feet and a certain amount of cubic

yards, Storm water Management and Environmental Protection would, would ask us to submit a concept storm water management package.

If we're under that, they would, they might ask us to submit a request to certify that we're exempt under the storm water regulations. So, different agencies are going to review whatever is under their purview to review and comment on.

MR. LA FIANDRA: Then you get requests back from these twenty or twenty-one agencies?

MR. WARFIELD: Yes. Not --

MR. LA FIANDRA: And you need to --

MR. WARFIELD: Some, some of them get two copies of the plan, so it might not, we're not going to get twenty-one back. Something less than that.

MR. LA FIANDRA: Okay and then, this is a process you, you, you, you, you respond to the comments, is that how that works?

MR. WARFIELD: Correct.

MR. LA FIANDRA: Ultimately, how long does that process take?

MR. WARFIELD: I would estimate nine months.

MR. LA FIANDRA: And what happens at the end of that nine-month process?

MR. WARFIELD: At the end of the nine-month process, when all comments have been addressed, we get a request from

Development Management to submit two copies of a plan, check print of the development plan, so they can take a look at it.

And once they take a look at it and just look through all the approvals, make sure everything is on there, you know, they, they take a cursory look. Then they ask for ten copies of the plan for signature and we send those in, and the plan gets signed and, and, and approved by the County, by Baltimore County.

MR. LA FIANDRA: How long does that approval, that, that approval process occurs at the end of the nine-month process?

MR. WARFIELD: I would say it's included in the nine months. I mean, sometimes it's longer, sometimes it's less. But an estimate would be nine months.

MR. LA FIANDRA: Okay. Once it's signed by Baltimore County, is that decision appealable?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And where does that, where does that appeal go to?

MR. WARFIELD: To the Board of Appeals.

MR. LA FIANDRA: And do you know how long that appeal process could take at the Board of Appeals?

MR. WARFIELD: I would say that could probably take six, nine months. I mean, it depends on the schedule and how many projects are being appealed, how long it takes to get a

hearing.

MR. LA FIANDRA: Okay. So, now you've, the two, you said there was the DRC process, what kind of engineering fees would the DRC process typically involve?

MR. WARFIELD: Probably $5,000, somewhere around that range.

MR. LA FIANDRA: And what type of engineering fees would the limited exemption development plan process typically involve?

MR. WARFIELD: Probably seventy, seventy-five to a hundred thousand, probably.

MR. LA FIANDRA: For a project like this. I, I didn't, I actually didn't finish the question. For a project like this?

MR. WARFIELD: Yes. It could be less, it depends on how many things we need to do but yeah, probably closer to seventy-five, with all the different consultants we would need for landscaping and lighting and everything we need to provide, yeah, probably.

MR. LA FIANDRA: Okay. The, what happens at the end when you're done with either your Baltimore County approval or the approval by the Board of Appeals of the limited exemption development plan?

MR. WARFIELD: After, after the limited exemption development plan, then we would move onto phase two in the

development process, which would be construction documents. So, if there was a final landscape plan, if there was a water meter, if there was a, anything we needed to do for the additions, they wanted to build the addition, you know, a site plan for building permit. They would have a less than twenty thousand square foot grading permit application. And the (inaudible) --

MR. LA FIANDRA: (inaudible) the goal is to record a subdivision plat.

MR. WARFIELD: Yes.

MR. LA FIANDRA: So, what would be, what would happen after the final development plan, or the, the development plan (inaudible) --

MR. WARFIELD: It would normally process all that stuff together, being the goal would be to build the project and record the subdivision plat. But yeah, we would have, we would have to process all that stuff. Security, if there was security that had to be posted, that would have to be posted for the landscaping and the utility agreement.

And then eventually we would, we would process and, and, you know, plans and, and get everything approved and eventually get a record plat recorded or a new subdivision plat recorded for the property.

MR. LA FIANDRA: Okay. How long does a subdivision plat, when would you start the subdivision plat process?

MR. WARFIELD: After the development plan approval.

MR. LA FIANDRA: And how long does that process take?

MR. WARFIELD: I mean, it, like I said, it depends on the project, it depends what's going to be required on that plat, you know. And like I said, it, it, it works together with these other things. So, like I can't just process a plat by itself, if, if I need to provide security for a, for landscaping, I have to provide, you know, I have to get the landscaping plan approved. And so, again, I would say that it probably ends up being a nine-month process again on top of the previous stuff.

MR. LA FIANDRA: Okay and ballpark figure to get, just for the engineering for the subdivision plat, I understand there might be other fees involved with the other plans, like the, you referred to the landscape plan and lighting plan, I just want to focus on the subdivision plan itself, or the subdivision plat itself.

MR. WARFIELD: Probably $7,000.

MR. LA FIANDRA: Okay. Okay. Ultimately, who records the subdivision plat?

MR. WARFIELD: Department of Assessments and Taxation I guess is the, I don't know actually who records it but --

MR. LA FIANDRA: Okay. I asked you a question you didn't know the answer to, sorry about that.

MR. WARFIELD: (inaudible) but yeah, we provide a plat

to Permits, Approvals and Inspections with the recording fees and it gets taken across the hall and they record it.

MR. LA FIANDRA: Okay, thank you.

CHAIR: So, the whole point here, Mr. Warfield, is not that it's, takes a long time and that it, it's expensive. It, the, the point has to be though it takes more time than the process you're doing and it's more expensive than the process you're doing. So, what is, what's the difference, what's the difference in cost? The, the $75,000 is a lot of money but what is this cost, for example?

MR. WARFIELD: The (inaudible) --

CHAIR: If, if this costs $75,000, then it's, then it's the same. If this takes that many years, it's the same. So, what, so the point here is that this, that the, you know, re-platting it is --

MR. WARFIELD: This, this zoning process for my fees, just under $10,000.

CHAIR: But it still requires all this other, I mean, all these other requirements are still in effect. You still have to do all this stuff with permits. You still have to, you know, address all of the features and all of the concerns from all these County agencies, right? In, in order to get permits and in order to pursue it and, is that not correct?

MR. WARFIELD: If they, if the, like for instance, if the, right now, the synagogue is trying to get a change of use

permit, I believe, and they had, they were doing interior alteration permits for the existing building. Theoretically, they could do all those things.

You know, if they didn't want to do the addition, they could do those things and get their, get their synagogue up and running, if they could get the County to approve the change in use and all their interior alterations and they do all that work and get it all inspected.

They could do all that work without, if they wanted to do the addition, then they would, there will be further things that need to be done. And like I said, if it was just a simple addition, it might qualify for an A exemption and go directly to building permit.

CHAIR: Right. And this, you know, and this could be appealed to the Circuit Court and the Court of Special Appeals and could end up in Federal Court, I mean, there are years and years of time implicated here in this process as well, correct?

MR. WARFIELD: Correct.

CHAIR: So, the difference in the amount of time is, is actually fairly, that's a fairly tough delta to, to assess, is it not?

MR. WARFIELD: Yes, it is. It's very difficult to assess.

CHAIR: Right. Okay.

MR. LA FIANDRA: And I have some follow-up questions

based on that question --

CHAIR: Oh, sure, please. And I'm not trying to, I, I would like to hurry this along a little bit but --

MR. LA FIANDRA: Okay, that's fine --

CHAIR: I didn't mean to pre-empt the cross examination but, you know, I, I'm just trying to move it along.

MR. LA FIANDRA: Okay. I, I think I'll just leave that where it is, I, I don't --

CHAIR: Okay, all right.

MR. LA FIANDRA: I, I don't, I, I think I, I made my point there.

CHAIR: I think you have, yes, yeah.

MR. LA FIANDRA: Yeah, Mr. Warfield, are you familiar with the requirements for variances under the Baltimore County zoning regulations?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And have you testified in variance cases before?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. Let me go back to our lay out here. Do you have an opinion of any unique aspects of this particular site?

MR. WARFIELD: Yes, I think it's unique. The conversion of the building from the single-family home to a synagogue and the type of, the use, in that structure is unique

to this site because the site is, it's centrally located to the congregants, who walk to and from, to the synagogue. So, it's a, it's a unique use in this existing structure in my opinion.

MR. LA FIANDRA: Here, let's go to the variance language here. Have you seen this language before, Section 307.1?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Starting from the top, if, if I may ask you to read it.

MR. WARFIELD: Okay. The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations from off street parking regulations and from sign regulations only in cases where special circumstances, circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

MR. LA FIANDRA: Okay. Thank you. I think that's, that's the part that I had wanted you to, to, to read.

MR. WARFIELD: Yeah.

MR. LA FIANDRA: So, we're looking here for special circumstances or conditions that are peculiar to the land or structure that is the subject of the variance request. And

your testimony that you just said, I don't want to misstate it, so why don't you state it again?

MR. WARFIELD: So, I was saying that the, the structure being converted from a single-family house to a, a synagogue creates a special circumstance, or unique condition, where this particular structure is located in such a way that it is centrally located from, for the congregants who use the facility.

And it is also, I'm not, I'm not an architect but I, when I went in there and looked at it, it is, it seems like it's very efficiently laid out. So, the size of this building and the, the one-story nature of it, it looks like, it couldn't be really smaller to provide seating for eighty people in the main synagogue.

So, the structure is the right size for the synagogue, it's centrally located, and it basically works for what they need. Whereas, say if it was like the two-story house to the east, that wouldn't work for, for their use because they couldn't have an eighty-seat sanctuary.

MR. LA FIANDRA: How do those unique factors relate to the variance request for non-residential principal building setbacks of a front yard thirty foot in lieu of fifty foot, otherwise required, and the interior side yard of ten feet and fifteen feet in lieu of the twenty feet required?

MR. WARFIELD: So, the building is existing on the

lot, and it was in compliance with the setbacks for a residential building and by changing the use, the only, the, the only way to be in compliance would be to demolish the building and, you know, make something smaller to fit within those setback areas.

Which I don't know if they could accommodate the eighty seats in the main sanctuary and the lobby area and the bathrooms and all these things. I, I, I would think it couldn't because, like I said, it already looks like it's about the right size right now so.

You know, basically, the existing structure remaining doesn't meet those non-principal setbacks. They didn't create this problem, it exists already, it exists, the existing structure is there.

MR. LA FIANDRA: So, would, in the context of the zoning regulations, would you consider that to be a practical difficulty?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. That's all I have for Mr. Warfield. I don't have any other questions for him.

CHAIR: Okay. Mr. McCann?

MR. LA FIANDRA: And I'd like to just make sure that my exhibits one through nine are in, with the exception of number two, which I have not discussed yet.

CHAIR: Okay. I think they're all, I think they're

all in. Is that right, Ms. Bonardi?

MS. BONARDI: Yes, I have them all.

CHAIR: Okay. Okay, great. All right. Okay, Mr. McCann?

MR. MCCANN: Yes, thank you, Mr. Evans. Good afternoon, now, Mr. Warfield.

MR. WARFIELD: Hello.

MR. MCCANN: I'm going to start sort of with the DR exemption process that you just described. And if I could share, Sunny, or --

CHAIR: Yes, let me --

MR. MCCANN: Thank you.

CHAIR: Okay.

MR. MCCANN: Great. Okay. Do you see that, Mr. Warfield?

MR. WARFIELD: Yes.

MR. MCCANN: Okay, great. I'll zoom it, I'll focus in a little more, but, let me ask. This is the provision 32-4-106 of the County Code that contains the exemptions that you spoke about, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay. You mentioned both the A exemptions, which are, I'll highlight right here, as well as the B exemptions right here, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay and in general, the exemptions, both A and B, are from, are exemptions from processes or procedures, correct?

MR. WARFIELD: Correct.

MR. MCCANN: So, in other words, in fact, A-1 says that very thing. The following proposed development is exempt from compliance with Subtitle 2 of this title, correct?

MR. WARFIELD: Correct.

MR. MCCANN: That's what it says?

MR. WARFIELD: That's what it says, yes.

MR. MCCANN: And Subtitle 2, just for everyone's benefit, if you don't mind, I'll pull up the, the regulations. Hopefully you can see that as well. Subtitle 2 of Title 4 of Article 32, I apologize if I'm going too fast there. Subtitle 2 is the development review and approval process, correct?

MR. WARFIELD: Yes.

MR. MCCANN: So, in other words, to sort of cut to the chase about all of this, if, if you were to apply for a DRC exemption, and we'll get to the exemptions themselves, all that would do would be to dictate what process you need to follow, correct?

MR. WARFIELD: Correct. Yeah, the DRC just decides the process you go under. They don't approve a plan. They just, they just decide, yep, this is the process you need to follow.

MR. MCCANN: Okay and, in fact, one of the things that DRC exemption does not do is it does, if granted, it does not grant any zoning relief, correct?

MR. WARFIELD: Correct.

MR. MCCANN: So, in other words, let's say you, in this hypothetical DRC request, applied for every single one of the A exemptions and just, as you said, out of an abundance of caution, applied for every single one of the B exemptions, and were granted every single one of those. You would still need to comply with the zoning regulations, correct?

MR. WARFIELD: Correct. And if there is a zoning regulation, or a zoning hearing required or, for a project that you'd go to the DRC and ask for a limited exemption, they would table, they would table your request. They, they may, they may conceptually approve my request at the meeting, but they would say okay, you have a zoning hearing required.

You have a variance, or you have a special exception or whatever, whatever you have to, to do at the zoning level. And they'll say, we're going to table this until you get your zoning relief. So, really step one in the process would be to get the zoning relief.

And so, you could, you could get your zoning relief and then go to the DRC and ask. And when you go to the DRC and ask for a limited exemption they'd say, well, don't you need zoning relief? And you'd say, we already have it here. And

then they would grant, you know, either grant or deny your approval.

But assuming they would grant it, they would grant your approval. But if you hadn't already obtained your zoning relief, then they would say okay, you have to get your zoning relief. Once you get that, come back and then we'll have, we'll bring it up as old business and then we can issue your DRC approval. So that would be the typical process.

MR. MCCANN: Yeah and thank you for explaining all that. I appreciate that. Because the RTA regulations that we're here for today and the RTA regulations under which this so-called re-platting would seek to avoid, are the, are, are in the zoning regulations, correct?

MR. WARFIELD: That's correct.

MR. MCCANN: In fact, that's why we're here today. We're having a hearing before this particular Petitioner needs zoning relief.

MR. WARFIELD: Correct.

MR. MCCANN: So, if you went to the DRC today, as I just suggested, and requested every one of the A exemptions and every one of the B exemptions, before this hearing, what would like, most likely happen is the DRC would say whoa, whoa, whoa. You've got some zoning relief that you've got to achieve first and you're, the, the DRC would likely table the request and tell you to proceed with the, the zoning hearing, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay. So, another way of saying it, and I, I'm, not just in terms of the order chronologically of things, but also the exemptions in 32-4-106, if granted, don't prompt or replace or superseded any zoning relief related to use as opposed to process that might be needed, is that a fair statement?

MR. WARFIELD: That's correct. Yeah, they're just deciding on the process that we go through to continue to process plans and, you know, work through a development project.

MR. MCCANN: Right. I'm tempted to spend some time on these exemptions, but I'm going to avoid that temptation. The one that you cited. I know Mr. Evans will appreciate that.

CHAIR: I do appreciate that actually, yes.

MR. MCCANN: As well as the other Board members. I'm sure we can address that in, in our brief.

CHAIR: Yep.

MR. MCCANN: Which we will have the opportunity for, Mr. Evans, by the way?

CHAIR: Absolutely, no question about it, yeah.

MR. MCCANN: All the more reason to leave it aside.

CHAIR: Right.

MR. MCCANN: But I will ask you one question because you mentioned B-8, which is a minor development that is to not

exceed a total of three lots and I've had many, many, many DRC requests of that nature. But why not proceed under B-2? That is amendments to an approved development plan or plat that do not materially alter a proposed development.

MR. WARFIELD: Because I would want it to be a new development, not an, not a modification of an existing development.

MR. MCCANN: Okay. Is that, you, you want it to be, in other words, you want, you want to be able to make the argument that if it is not an existing development under the zoning regulations that we've been talking about?

MR. WARFIELD: Correct.

MR. MCCANN: Okay. Doesn't sound like a fabrication to you? I use that term, I, I don't mean it pejoratively but do, well, I'll move on. Did you avoid mentioning the B-2 because there's a requirement here that the plat not materially alter the proposed development.

MR. WARFIELD: No.

MR. MCCANN: You don't, do you think a synagogue construct, you know, on the lot, existing lot, in a residential subdivision does not, or would you agree with me that it would materially alter, alter that subdivision?

MR. WARFIELD: No, I would not agree with that.

MR. MCCANN: Not agree, okay. And I'll, I'll, again, avoid the temptation to discuss the other exemptions. But we

discussed the appeal process for DRC requests and for the approval of a limited exemption plan. Would you agree with me, Mr. Warfield, that anybody that would file such an appeal, if any approval is granted that is, such as my clients, that the appeals that they would file, they would have the right to file?

I mean, you're obvious, I think that's an assumption you're making when you say an appeal, this, this is what would happen. But you do agree with me, do you not, that my clients, or whomever, have the right as a matter of due process, to file an appeal of a DRC request for instance?

MR. WARFIELD: Yes.

MR. MCCANN: And do you agree with me that my clients or someone else, an interested party, would have the right as a matter of due process, to file an appeal of the Board of Appeals decision on that DRC request?

MR. WARFIELD: I would agree with that, yes.

MR. MCCANN: And so forth, for subsequent appeals, correct?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. And the, and that process, that is, the appeals themselves, as well as everything you described that takes place before and during, in terms of County reviews and approvals, that entire process that you described in direct examination, applies to churches, it applies to synagogues, it

applies to my clients if they were to propose something, it applies to residential uses of any sort, it applies to everybody, right?

MR. WARFIELD: Yes.

MR. MCCANN: So, you're not suggesting in the process that you described during direct examination, that this synagogue or any synagogue or any religious institution, would have to go through a different or more cumbersome process than anyone else? You're not suggesting that, are you?

MR. WARFIELD: I would hope not.

MR. MCCANN: Okay.

MR. WARFIELD: Yeah, I mean, that, I guess it, I guess there could be a situation where you were proposing a, there could be a situation where you were proposing something where the County may think it qualifies for an A exemption or they may, you know, they could, like I said, if it's a small addition or if it was a complete knock down and rebuild, it might be a B exemption.

Or if it was a, a, you know, I mean, there could, there could be some proposal that would require the full development process. So, there's, yeah, there's, it, it's, it's somewhat subjective what the County is going to decide but they're, depending on what is proposed it could be, there could be a different process for different developments, if that makes any sense.

MR. MCCANN: Yeah, depending on the nature of the development.

MR. WARFIELD: Yes, exactly.

MR. MCCANN: Not, not depending on the property owner or the contract purchaser, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay. So, in other, you know, for example, I know you haven't been involved that long in this case, but have you seen anything, any, any conduct by Baltimore County government that would suggest to you that the County or its agencies have been treating this particular synagogue differently than any other religious institution or any other property owner or contract purchaser? Have you seen anything like that at all?

MR. WARFIELD: I have not seen anything.

MR. MCCANN: In fact, I hope you're aware that this synagogue for many, many months, beginning in September 2000, has been operating illegally, are you aware of that?

MR. WARFIELD: I am not really aware of that. When I went out there the, the building was under construction so I didn't, it didn't seem like there would be an operation of a synagogue in the condition it was when I was there.

MR. MCCANN: Okay. Are you aware at least that it was operating as a synagogue, whether that was legal or not? Were you aware of that?

MR. WARFIELD: I bel, I, yes, I am aware it was operating as a synagogue, yes.

MR. MCCANN: Are you aware that it is operating as a synagogue today, whether illegal or not?

MR. WARFIELD: I am not aware of that. I was under the impression they were not operating as a synagogue right now.

MR. MCCANN: Because of the construction?

MR. WARFIELD: Because of the construction and, let me see if I can, without butchering this, I'm trying to remember, I'm pretty sure, this is, again, I'm speculating here, but I'm pretty sure that --

CHAIR: This witness doesn't seem to have any firsthand knowledge of this, I mean, --

MR. MCCANN: Yeah, I'll move on.

CHAIR: I'm not sure he's really the witness to establish this --

MR. MCCANN: No, I wasn't, I didn't, I was, that was my last question on that, I was moving on, so. I was just giving him the opportunity to answer. But it sounds like he was about to engage in some speculation, so I will move on. Okay.

I think you indicated, just a couple more questions about this topic, Mr. Warfield. I think you indicated that, I think you used this term subdivision plat. If, if you were

able to travel down this path of re-platting this single lot in this neighborhood, at the end of the day you would be filing a subdivision plat, correct? Is that what you said?

MR. WARFIELD: Yes. We, we use the terms interchangeably, record plat, subdivision plat, yeah, it's a, it's a record, yes, subdivision plat.

MR. MCCANN: Okay, because a subdivision, you, you're familiar with the definition of subdivision are you not?

MR. WARFIELD: It's the combination, I can't remember the exact meaning --

MR. MCCANN: (inaudible) subdivision as defined, and I'm happy to pull it up and maybe I should rather than --

MR. WARFIELD: Yeah.

MR. MCCANN: -- I'm not trying to trick you. So, this is 32-4-101, do you see that?

MR. WARFIELD: Yes.

MR. MCCANN: This is the definitional section of the County Code, specifically development regulations.

MR. WARFIELD: Development, right.

MR. MCCANN: Okay. So, we'll avoid some of these other things in here. But a subdivision is defined as the division of property into two or more lots, or the combination of lots, tracts, parcels, units of property previously divided for the purpose, whether immediate or future, etcetera, etcetera. So, there's no division of, of the property going on

in this subdivision plat, as you called it. Nor is there any combination of lots, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay.

MR. WARFIELD: And there, there could be a division but there would, I wouldn't see any reason for it here. But, yeah, like I said, we use that term, and we use that term record plat versus subdivision plat kind of interchangeably.

MR. MCCANN: Okay.

MR. WARFIELD: Whether there's a subdivision or not. For instance, sometimes we'll do a lot line adjustment of a previous plat, if the property is under a previous plat, and we record a new plat, it's a record plat. But it's still, like I said, we use those terms interchangeably, whether there's a subdivision or not. But not to mean that we were going to subdivide the property here.

MR. MCCANN: Okay, got it, got it. I know Mr. Evans asked you about this and I don't want to belabor the point, but I think you agreed with him that there, it's difficult to identify or calculate the delta between the costs and time associated with this so called DRC request, re, re-platting request and the current process with which, in, in which we are right now. Do you recall that?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. So, one of the things, and you

were asked about how much this case, this case, had cost the property owner in terms of your time, you said $10,000. But you, you have only been involved relatively recently, correct?

MR. WARFIELD: Correct.

MR. MCCANN: You know Mr. Richardson, who was the gentleman who prepared the plat, which is, I think Dev, Petitioner's Exhibit 3 and for some reason not here today, you don't know how much he charged for all his work to date, do you?

MR. WARFIELD: I do not.

MR. MCCANN: Okay. And then finally, in terms of this argument about burdensomeness of the process, in terms of time and cost, would you agree with me that all of that, frankly, is somewhat irrelevant because this synagogue has to this day still been operating at the property? You follow me?

MR. WARFIELD: No, not really.

MR. MCCANN: Okay. Well, if all, if, if all of this time and burden and expense that we've described is, is relevant apparently to some sort of rabbinical violation, isn't that really not the case, given the fact that this synagogue from day one, which is September 2000, has been operating its synagogue the entire time? Has never, never been burdened in any way in its practice of --

CHAIR: So, let, yeah, that's not a, that's not a permitted question. I mean, you can't say because someone, the

logic doesn't permit the conclusion that's, that an entity is not burdened because it's operating illegally. That, that's not --

MR. MCCANN: No, that's not what I'm saying. I'm just, it doesn't matter whether it's legal or not --

CHAIR: And I'm also not sure this is the witness for this. I mean, he, he's not an RLUPA person and he's --

MR. MCCANN: Well, I think he was, I, I think he was, everything he said was for the purpose of establishing that there, there, there would be or, and has been, some burden on this particular synagogue because of the process, both the current one and the contemplated one. My point is simply how can this synagogue's practice ever be burdened, when it's been operating this entire time? Whether illegally or not, that's not my point. It's been operating.

CHAIR: Okay. Well, I, I think that's a point for us. I, I think that's a point for --

MR. MCCANN: Okay. All right, I'll move on.

CHAIR: Okay.

MR. MCCANN: Mr. Warfield, I think you acknowledged as much, but it, it sounds like you were retained by the Petitioner at some point after the Administrative Law Judge's decision in October 2021, is that correct?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. Do you know, by the way, why Mr.

Richardson isn't talking about the plan and testifying today?

MR. WARFIELD: I do not.

MR. MCCANN: Okay. Tell us what you know about the synagogue, either as, either how it's been used for the last year and a half or how it's proposed to be used in the future. Tell us what you know about that.

MR. WARFIELD: I do not know much about how it's been used over the last year and a half. My limit of the knowledge is that the synagogue is, you know, similar to other synagogues. They have services and congregants walk to the facility. They go to the services and then they go home. I don't know really much more than that.

MR. MCCANN: Okay, fair enough. And by, by that do you mean both in terms of its past use and its proposed use, that is in the future?

MR. WARFIELD: The only, the thing, the thing I know about the proposed use is that they, the synagogue would operate in the same way, I hear a lot of voices.

(UNKNOWN VOICE)

CHAIR: Okay. So, there's, there's someone who's talking. There we go.

MR. MCCANN: Thank you. Thank you, Mr. Evans.

MR. WARFIELD: The, as far as the proposed, the, on the plan, there's a proposed addition in the back and I was informed that is for a women's entrance in the future. But

otherwise, the synagogue would be operating in the same way it was operating. They have a main sanctuary, a, like I said, a lobby and some bathrooms in the back and (inaudible) services. That's the only change I know.

MR. MCCANN: So, I take it you have no knowledge or understanding about what specific services or programs or other events or activities the synagogue would --

MR. WARFIELD: I do not. No, I have not been informed of that.

MR. MCCANN: Okay. You mentioned that you were inside the structure, correct, at 3009?

MR. WARFIELD: Yes.

MR. MCCANN: On one occasion?

MR. WARFIELD: One occasion.

MR. MCCANN: Yeah. But you also said that, and I wrote it down, that you're not sure what all the areas in the, in that building were or what they were for, I guess, is that fair?

MR. WARFIELD: I'm, yeah, I mean, that, yeah, I, I think that, that's fair. I, I would say that I walked through fairly quickly but there were, that, like I said, there was a lobby in the front, there was a --

MR. MCCANN: Yeah.

MR. WARFIELD: -- main sanctuary and there were some bathrooms in the back. If there's other usage of the area, I

don't know what it would be for.

MR. MCCANN: Okay. So, it sounds like you've never been inside when there was a service going on or anything like that?

MR. WARFIELD: That's correct, yeah, not, not --

MR. MCCANN: Ever, ever go, ever go to the property, either inside or outside, during a, a service?

MR. WARFIELD: No, the only time was, like I said, there was, they were, they were doing construction and trying to comply with the change of use, I believe, the contractor said.

MR. MCCANN: Okay.

MR. WARFIELD: So, they were trying to do what was required by the County to comply and that was, that was the only time I've been there, one time.

MR. MCCANN: Okay and then you mentioned the, the women's entrance and the addition. Other than, you, you don't know beyond that what that may be used for as well?

MR. WARFIELD: I do not. I thought it was an entrance and like a lobby area, that, that, you know, if there's some other use, I don't know.

MR. MCCANN: Okay. You were also candid in, in acknowledging that you're not, this is my term, well-versed in the, in the fire code. But you, you, I think you indicated that they like to have two entrances for, for pur, to address

any concerns about emergency exit during a fire. Do you recall that testimony?

MR. WARFIELD: Yes. That's really inside the building. I mean, I'm, I pretty much understand outside the building. We deal, as civil engineers, we deal with the site, and we deal with things outside the building usually. You know, we do get involved with the architects and, you know, they're going to say I need an egress, or I need, you know, a spot here so somebody can come out and we have to provide a path, a path to the public way.

MR. MCCANN: Right.

MR. WARFIELD: But yeah, as far as how they lay things out inside and where they need the, you know, exit points and pathways, I leave that up to the architect.

MR. MCCANN: Okay. I'm going to share a photo real quick and then I'll move on from this topic. So, here I think this is Petitioner's Exhibit 9. On the upper right-hand corner there's a photograph, do you see that?

MR. WARFIELD: Yes.

MR. MCCANN: And I can zoom in, let me zoom in a little bit. So, as I understood it, and I just wanted to confirm this, there are presently, there are three entrances. There's this rear entrance, there's this side entrance over here, do you see that?

MR. WARFIELD: I don't, is there a door there? Oh,

yeah, I think I, it's hard to tell, it's hard to tell. I see a, like a deck there --

MR. MCCANN: Do you recall this, do you recall that side entrance or not? I'm not trying to trick you.

MR. WARFIELD: I do not remember that but --

MR. MCCANN: Okay.

MR. WARFIELD: Is that to the basement? Or is it --

MR. MCCANN: Well, there's, there's a landing there, you can see it.

MR. WARFIELD: Yeah, I don't recall, I'm sorry.

MR. MCCANN: That's okay. And then, of course, there's a front door, right?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. I know I'm jumping around here but I'm just trying to move quickly. I want to pull up, bear with me one second. Let me try that again. Sorry, folks. All right. So, this is Petitioner's Exhibit 3. (inaudible) a little bit but this is the site plan. Do you recognize it as such?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. Again, you did not prepare this site plan, it was prepared by Mr. Richardson.

MR. WARFIELD: Correct.

MR. MCCANN: And you've, you've corrected, I think there was a mistake by Mr. Richardson in terms of his

identification of the zoning boundary. I think you, as you described it and shows us in another exhibit, the zones are actually transposed. The 3.5 is, is north of that zoning division and the 5.5 zone is to the south, is that correct?

MR. WARFIELD: That is correct.

MR. MCCANN: Okay. Did you find any other mistakes in Mr. Richardson's plan, this plan?

MR. WARFIELD: I don't think the DR, the DR-16 was not labeled over to the right and top right there.

MR. MCCANN: Okay and are you familiar with --

MR. WARFIELD: I mean, he had that, they had some redlines that I really wasn't looking for mistakes.

MR. MCCANN: Okay. But again, you didn't, you weren't involved in, for instance, speaking with representatives of the congregation and coming up with this plan or the proposed addition to it?

MR. WARFIELD: That's correct.

MR. MCCANN: Okay. What, by the way, this plan doesn't show the square footage of the building. What is, do you know the square footage of the building itself?

MR. WARFIELD: Yes, I wrote that down earlier. The building is, the existing building is two thousand three hundred and seventy square feet according to the SDAT records. And I, I measured it relatively quickly and I, it's probably close to that.

MR. MCCANN: Okay.

MR. WARFIELD: Because it, if it was squared off at sixty, sixty-five feet deep by fifty feet wide, that would be three thousand two hundred and fifty square feet, which would be an eight hundred and eighty square foot addition. So, it seems reasonable that the twenty, the twenty-three seventy, two thousand three hundred and seventy square feet would be pretty close for the existing building.

MR. MCCANN: Okay.

MR. WARFIELD: And that would be the, that would be, that would be the first floor. That would not include the basement area.

MR. MCCANN: Okay. Yeah, so the, the thirty-two fifty, three thousand two hundred fifty square feet, includes the proposed addition in black outlined here as well as the, as well as the red.

MR. WARFIELD: Yes.

MR. MCCANN: Okay and then, the two spaces that are shown on the property next door, are those spaces, I mean, they're here for a reason, of course. Are those spaces being used, or will they be used in conjunction with the synagogue use on 3009?

MR. WARFIELD: I would say not. If the, the, if I, I never, I didn't see the zoning description that was submitted with the case. But I understand it was the seventy-five feet

by one hundred twenty-five-foot lot at 3009 Northbrook is the only property that's part of the subject request.

MR. MCCANN: Okay. So, that's a, you don't think that the two spaces on 3101 Northbrook are, are to be used in conjunction with this?

MR. WARFIELD: Well, I mean, the rabbi lives there so, I would guess he's going to park there.

MR. MCCANN: Yeah.

MR. WARFIELD: I don't see why, I mean, I guess somebody could park there. It could be an offsite parking space.

MR. MCCANN: Maybe that's why it's in red?

MR. WARFIELD: I'm not sure.

MR. MCCANN: Okay. But you mentioned the rabbi living there. And that rabbi is the, is the rabbi for this congregation, of course, right?

MR. WARFIELD: That's what I was told, yes.

MR. MCCANN: Yeah. Have you ever been in that building?

MR. WARFIELD: I have not.

MR. MCCANN: Okay and are you familiar with the, I'm sure you are, but the, would that building, because the rabbi is using it, would that building, do you think, qualifies as a parsonage? Would that be a good way of describing its use?

MR. WARFIELD: I mean, if, if it was part of the

synagogue property and part of the request, then it could be a parsonage. But otherwise, I think it's just a single-family house on adjacent property.

MR. MCCANN: Sounds like you don't know how it's being used, or will be used other than the rabbi living there?

MR. WARFIELD: That's correct.

MR. MCCANN: Okay. Okay, bear with me one second. Okay. I'm going to back up a little bit, Mr. Warfield, and ask you some questions just about your background real quick. I know I'm going out of order here a bit, but. As, as described by you and your counsel, I think your firm and you work almost exclusively for developers, is that accurate? Or property owners?

MR. WARFIELD: Developers, property owners, yeah, people who want to build buildings. I mean, we have done some jobs, minimal things for like Baltimore County or have not, most, mostly people who want to build something, yeah.

MR. MCCANN: Yeah. So, have you, have you ever personally, not someone else in your firm or, worked on a matter involving application of the RTA regulations to a church, synagogue or other religious institution?

MR. WARFIELD: Yes.

MR. MCCANN: When and how, how often have you done that?

MR. WARFIELD: I just worked on one for, not too long

ago, for the Suburban Orthodox Synagogue, which is right down the street --

MR. MCCANN: Okay.

MR. WARFIELD: -- from here, pretty close to here. And as part of that project, we were working with Baltimore Hebrew as well, because they were, those two properties are adjacent to one another, there was a lot line adjustment.

There was, not necessarily a synagogue, but a religious school recently. We worked on the Torah Institute project, which is a little bit north and, I think it's northwest of here, for sure. West of this site. Worked on multiple jobs for Beth Tfiloh congregation in the past.

MR. MCCANN: Involving the RTA regs?

MR. WARFIELD: Yeah, development plan at the Old Court site and out at the, the, it's not owned by Beth Tfiloh anymore, but Glyndon, they had a Glyndon campus.

MR. MCCANN: Yeah, yeah.

MR. WARFIELD: I don't know. There are some other ones, I just can't think of them offhand, but I'm sure there's others.

MR. MCCANN: Those are RTA cases, correct?

MR. WARFIELD: Yeah, they had RTA's. They were, they were on DR, DR zone property and they were, yeah, so.

MR. MCCANN: Okay. Any of those cases --

MR. WARFIELD: And they weren't necessarily a

specifically an RTA case, you know, like it was a development plan, an expansion, but they had residential transition areas on them. And some of them were variances, some of them were in compliance with the residential transition area.

MR. MCCANN: Got it. Okay. Okay, let's talk about the G-6 exemption, which you spoke about. When you spoke, you spoke to, would you agree with me, you just spoke to the first of the two standards in that provision? I can pull it up if you want me to.

MR. WARFIELD: That'd be great.

MR. MCCANN: Okay. Okay. Ignore my highlighting. So, you recognize this as 1-B-01.1-B, the residential transition area regulations?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. So, let's go to G-6. Do you see that?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. So, when I say two standards, I, I'm referring to the latter being said plan can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, do you see that?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. You did not, your, you did not, and you do not offer an opinion in this case regarding that

standard, is that correct?

MR. WARFIELD: I, I, yes, I believe that there's a separate witness that's going to offer an opinion about that.

MR. MCCANN: Okay. But in terms of the first one, that is, you, your testimony that the plan complies to the extent possible with the RTA use requirements, or those requirements will be maintained, and if I can sort of paraphrase, I don't, tell me if I'm wrong about this, Mr. Warfield.

But I think your, your opinion on that was is that the plan is, the improvements are planned in that fashion because there's a, you know, limited amount of area and we're dealing with an existing building, and you've done as much as you can do. Is that fair?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. Well, I guess two questions. Number one, how do you know that if you know, as you acknowledged, little to nothing about how this synagogue has used and will use the property, you having come in late to this project?

MR. WARFIELD: I'm, I don't understand the question.

MR. MCCANN: I'm just wondering how it is that you can say that when, when you, when you, as you, as you've acknowledged, don't have really any knowledge about how this synagogue has been used or will be used in the future, in terms

of its programming and services and activities, and other activities.

MR. WARFIELD: I mean, I'm saying that based upon the, the area that's available to provide compliance with the RTA based upon the existing building and the property size and the location of the property, that, that you know, that, that there's just not fifty feet of area. If, if the synagogue were to knock down the entire building, they couldn't comply with the RTA requirements here.

MR. MCCANN: Well, I understand that, but that answer would be the same regardless of which synagogue was proposed here, correct?

MR. WARFIELD: Yes.

MR. MCCANN: And I think you've, you've acknowledged in your direct examination of, in your direct examination, that when you look at that standard to the extent possible, I paraphrased it, but you looked at not just the, the physical attributes of the proposed improvements, but also the use of the property. Isn't that correct?

MR. WARFIELD: I mean, yes, yes and no. I mean, in, in this particular case, the physical attributes are the driving force. You know, I guess theoretically if you said that the synagogue could not use the rear yard at all, you could provide more landscaping in the back of their property.

But I suspect, like I said, I don't know all about

the use and what the different events are and things like that. But to, to have no rear yard like, and just have the minimum you would need for fire access, you know, I guess that, that could be a use question.

So, if that's what you're kind of getting at, I guess that could be a use related difference where, you know, if the synagogue wanted to restrict the use, they put a fence up for an, for an area that they wanted to use in the back. If that fence could move over five feet, then they could provide more landscaping.

MR. MCCANN: Well, let, let's talk about the addition as, as an example. Would you agree with me that since you know nothing or very little about the past and future proposed use of the synagogue, you really can't speak to whether or not that addition in particular has been in its dimensions and use complied with to the extent possible. Is that, that's fair, right?

MR. WARFIELD: Well, I think that the way they've proposed the addition, they are not making the side or rear yards smaller than they already are. So, if there's a fif, there's a fifteen-foot side yard, they're expanding in an area that goes out to that fifteen-foot side yard.

So, they're maintaining that, they're not taking it down to ten feet, so they're, they're maintaining that yard. And the same thing with the thirty-foot rear yard. So, the,

the area they've chosen for an addition to meet whatever their needs may be is not encroaching into those yard areas more than the building already does.

MR. MCCANN: No, I understand that. That, and that deals with the setback aspect of the RTA regulations. I'm not speaking to that. I know you want to refer to that. But I'm asking about the use, this synagogue's use of this addition, is it fair to say that given your limited knowledge, you aren't able to say whether that addition, in particular, has been planned to comply to the extent possible? You don't know what it's going to be used for or how or why?

MR. WARFIELD: I do not know the, I do not know how the, the, the use would comply with the RTA regulations. But it would comply, in my opinion, with the setbacks and the, to the extent possible, the, for, you know, the, the setbacks and the, the actual use --

MR. MCCANN: Okay.

MR. WARFIELD: -- of the addition is synagogue, to, to me, it's synagogue, existing synagogue and the proposed synagogue, whether it's a coatroom or a, a, a reception hallway or whatever. I'm, it, that doesn't make too much of an opinion in my, doesn't make too much, doesn't make really a difference in my opinion of whether we've complied with the, the RTA use requirements.

MR. MCCANN: Well, well, why not? What if it wasn't

necessary? Would that make a difference?

MR. WARFIELD: If it wasn't necessary would it change the, what I was proposing for compliance with RTA?

MR. MCCANN: Yeah.

MR. WARFIELD: No, I don't think so.

MR. MCCANN: (inaudible) --

MR. WARFIELD: If they, if they decided it wasn't necessary and they used that area for a porch and a balcony, they'd still be using it for a synagogue use, it just wouldn't be a building.

MR. MCCANN: Well, the, to be fair, the, the proposed addition is much bigger than the deck that's there.

MR. WARFIELD: It is.

MR. MCCANN: Okay.

MR. WARFIELD: Looks like it's twice as big as the deck.

MR. MCCANN: Yeah.

MR. WARFIELD: But they can still use the lawn and the patio, you know, if they had a patio or what, I, I, I don't know what the uses are.

MR. MCCANN: Okay.

MR. WARFIELD: But I'm assuming they're synagogue uses, whatever they may be now or in the future.

MR. MCCANN: Okay. So, all right. Okay and then in terms of variances, I just want to be clear about your

testimony in this regard as it relates to the Petition that was filed, as described by Mr. La Fiandra and Mr. Evans at the beginning of the case.

It sounds like your testimony on the issue of variances, I think is where you left off, relates to the setbacks. That is, the front, side and rear yard setbacks, correct?

MR. WARFIELD: I believe that's what we, I testified about, yes.

MR. MCCANN: Okay and, and as, as I understood your testimony, variances are needed because this is now or would be, well, it is a non-residential use and when you change a residential use to a non-residential use, you've got to comply with different set, setbacks?

MR. WARFIELD: That's correct.

MR. MCCANN: And those are, those are amongst, those are the setbacks you're seeking your variance from?

MR. WARFIELD: Yes.

MR. MCCANN: Okay and you, for that variance, you've pointed us to Section 307 and the standard in that section for a variance, correct?

MR. WARFIELD: Correct.

MR. MCCANN: Okay. We'll get back to that in a second. But I just wanted to, as I understood the Petition, the Petition was seeking that variance as an alternative and

that the variance that was primarily sought, was under, let me just pull this provision up. Actually it's right here. I can pull the, do you need the, do you need to look at the Petition first, Mr. Warfield? Would that be helpful to you or --

MR. WARFIELD: I'm not sure what the question is yet.

MR. MCCANN: Okay. I'm asking you about the variance relief sought, the Petition filed by the property owner in this case, the Petition for Special Hearing and the Petition for Variances. Are you familiar with the, other than the variance that we just spoke about under 307, are you familiar with any other variances that are being sought in the Petition, under any other section?

MR. WARFIELD: Yeah, I guess I, I'd have to see that, that, what was filed. I know there were multiple in the alternatives, --

MR. MCCANN: Yeah, it's --

MR. WARFIELD: -- of things, it was a little overwhelming looking at (inaudible).

MR. MCCANN: (inaudible).

MR. WARFIELD: -- we're asking for X, and in the alternative Y.

MR. MCCANN: Bear with me one second, I'm almost done here. I, I think I have it relatively handy. I may not. Or at least for you to see it. I don't think there's any dispute that this is in the Petition. Let, let me just show you the

section that's cited. Okay.

This is in, for the Board's reference and for the record, this is the Petition for Special Hearing, it's request number three under the Petition for Special Hearing. This provision here is cited so, just give everybody their bearings. This is under B, variance of RTA, see that?

MR. WARFIELD: Yes.

MR. MCCANN: Okay. That's the section that's cited in the Petition. Are, are you, have you or do you intend to express any opinions whether or not the provisions of that section of the RTA regulations have been complied with or will be complied with?

MR. LA FIANDRA: Pardon me, Michael. Can we verify that by looking at the Petition itself?

MR. MCCANN: Sure, if you want, if you want to pull it up. That'd be great. I just don't have it handy.

MR. LA FIANDRA: Yeah, 1-B-01, so this section of the Petition is 1-B-01.2.

MR. MCCANN: Point one.

MR. LA FIANDRA: No, I'm looking at the Petition.

MR. MCCANN: Well, not the one, I'm looking at number three. I have the Second Amended Petition, I hope it (inaudible) --

MR. LA FIANDRA: So, okay. So, the Second, so, Mr. Evans read from the Amended Petition, not the Second Amended

Petition. And the Second Amended Petition went to the CMDP--

MR. MCCANN: (inaudible) about that. Can you pull it up, Mr. La Fiandra? Would you mind?

MR. LA FIANDRA: I don't have, I don't have it handy to pull up.

MR. MCCANN: Okay. Well, I'll read it to you. It says, in the alternative to special hearing request one and two, a determination pursuant to BCZR 1-B-01.1-B-1-C-1. So, 1-B-01, this is 1-B-01, .B-1-C-1. That's what it says. And this is the, the most recent iteration of the Petition. So, I guess if, if you're not seeking this relief, then so be it. I'll, I'll leave this question alone. But I, I at least want to ask this witness if he has any --

MR. LA FIANDRA: Oh, is this a special hearing relief number three?

MR. MCCANN: Yeah, that's what I said.

MR. LA FIANDRA: Oh, I'm sorry. I thought you said variance, pardon me. Go ahead, I'm sorry.

MR. MCCANN: Okay.

MR. LA FIANDRA: Yeah.

MR. MCCANN: All right. Sorry, Mr. Warfield. So, again, the question is, I'm directing you to C-1 here, have you expressed, or do you intend to express any opinions as to whether or not this variance provision, as opposed to the one we spoke about earlier, is complied with?

MR. WARFIELD: I don't think I can.

MR. MCCANN: Okay.

MR. WARFIELD: It says it, it has to be upon the recommendation of Public Works or Planning and Environmental Protection. I have not seen anything, any recommendations from any agencies that would, yeah, so I, I have not given an opinion upon this, I guess.

MR. MCCANN: Okay and then on, on the 307, if I could just get back to that, and then I promise we'll wrap it up. If I understand your testimony on this variance standard in Section 307, the uniqueness that you contend exists is the fact that this property is centrally located to its congregants, you said that, correct?

MR. WARFIELD: And the structure is, is, you know, conversion of the, conversion of the structure from residential to synagogue use and that the structure is existing on the site also.

MR. MCCANN: Okay.

MR. WARFIELD: In combination with all that, basically makes it unique.

MR. MCCANN: Okay. So, two things, essentially, though. The location of the lot in relationship to its congregants and then, the fact that there's a, a single-family dwelling that's already being there.

MR. WARFIELD: Right, and it's being converted to a

synagogue, right.

MR. MCCANN: Well, I guess a couple questions in that regard. I mean, this, you would agree with me that this lot is rectangular in shape, roughly?

MR. WARFIELD: Yes.

MR. MCCANN: Would you agree with me that many, if not all, of the lots in Greenspring, I'm sorry, yeah, Greenspring Manor, are of similar shape?

MR. WARFIELD: I would say many are.

MR. MCCANN: Okay. That, that, would it be fair to say the vast majority? I mean, we can pull up the plat. The vast majority are of rectangular shape, is that fair?

MR. WARFIELD: I don't know. There's a, there's a lot of radiuses on the roads.

MR. MCCANN: Okay.

MR. WARFIELD: I would say the vast majority probably are not, I mean, they're generally rectangular, but they're not, they have radiuses, they're not straight lines.

MR. MCCANN: What do you mean by radiuses?

MR. WARFIELD: Like the roads have radiuses. So, there's a curve on, on the road so they're not rectangular, they're trapezoidal or, and then they have a rad, like for instance, Hatton, Hatton Road is not parallel to Northbrook Road. And Smith Avenue has a bend in it and a radius. So, a lot of these lots are not rectangular, they have different

lengths, sides and they have radiuses for the front property lines and rear property lines.

MR. MCCANN: When you say radius, I think what you mean by that is angle, sort of the angle of --

MR. WARFIELD: No, a radius. It's a curve, a curve.

MR. MCCANN: Okay.

MR. WARFIELD: Not, not a, yeah, it's a, --

MR. MCCANN: Okay, well, --

MR. WARFIELD: If you zoom in there, you could see. It's like they have an off (inaudible) equals, you know, whatever it is, twelve thousand feet or something, whatever, you know, whatever the radiuses are.

MR. MCCANN: But all, all the lots, regardless, they're, they're uniform, aren't they? They're, they're of similar size and shape, right?

MR. WARFIELD: I would say they're similar size, yes.

MR. MCCANN: And nothing unusual about this lot in terms of its topography? It's a, it's a level lot, correct?

MR. WARFIELD: It's not unusual, no.

MR. MCCANN: It's, is it a level lot?

MR. WARFIELD: I mean, it's not level but it's, it's not steep sloped. But it's not level. It slopes from one end to the other.

MR. MCCANN: Okay.

MR. WARFIELD: It slopes from the front to the back.

MR. MCCANN: Okay. But so do all the other ones if they're, if there is any slope, and we can disagree about that, but they're, all the other and if there are, is there any slope, these other lots have the same or similar slope, correct?

MR. WARFIELD: I did not look at the other lots, all the other lots over there, so, I, I mean, I would, I would guess they're all relatively, I mean, driving through the neighborhood, they're, the, I don't remember any steep slopes.

MR. MCCANN: Okay. Do you, is there, is there a stream or any natural features other than some trees on this lot?

MR. WARFIELD: No stream.

MR. MCCANN: Okay (inaudible) --

MR. WARFIELD: Trees, house, yep, lawns, driveway, sidewalk.

MR. MCCANN: Pretty standard lot in, in comparison to the other lots in, in Greenspring Manor, correct?

MR. WARFIELD: Similar, yes.

MR. MCCANN: Well, even, even the building you said is on, onsite, that you said is existing, all the other lots in this subdivision also have single family homes on them, correct?

MR. WARFIELD: I don't know if I could say that a hundred percent, but I would guess it's --

MR. MCCANN: Okay.

MR. WARFIELD: -- that's the case, I mean, the, the, the one lot that's not a single-family house is a school lot, which was part of the subdivision and obviously the, the, it's right there on the right-hand side there. And I'm guessing there's another section of the plat or another, you know, off to the right that was (inaudible) --

MR. MCCANN: Are you suggesting, are you suggesting this County owned property is part of this subdivision?

MR. WARFIELD: I believe it is, yeah. It's part of the, part of the subdivision.

MR. MCCANN: Well, it's, it's shown on the plat, but it's not, isn't owned by the develop, the developer or --

MR. WARFIELD: How, how can you tell that?

MR. MCCANN: Okay. Well, all right. And, do, do, there are no, in this entire subdivision, and there's actually four plats for the Board's benefit. I'm focusing on the one that's just in section four. This one right here. There are, there are no other synagogues in all of Greenspring Manor, correct?

MR. WARFIELD: I don't know that.

MR. MCCANN: You don't know, okay. Okay. Okay, there are a couple things, other things you didn't talk about, I just want to make sure, Mr. Warfield, that you won't be, aren't expressing any opinions on them, perhaps somebody else

may. But you didn't, you didn't address the modified parking plan, I don't believe.

MR. WARFIELD: I did not.

MR. MCCANN: Or the location of off-street parking?

MR. WARFIELD: I did not.

MR. MCCANN: Okay.

CHAIR: Mr., Mr. McCann, if I could interrupt one second.

MR. MCCANN: Sure.

CHAIR: Just in terms of scheduling, where, where do we stand in terms of your cross?

MR. MCCANN: I'm, I'm wrapping up this very moment.

CHAIR: Oh, okay, all right.

MR. MCCANN: Yep.

CHAIR: Okay.

MR. MCCANN: Yeah.

CHAIR: I'm not trying to rush you.

MR. MCCANN: No, that's okay.

CHAIR: Okay.

MR. MCCANN: That is all I have, Mr. Evans, thank you. (inaudible) is I can submit a clean version of this, the plat. But these are all four plats and I, I did want to have those marked as a, as an appellant's exhibit. So, that would be appellant's exhibit number one.

CHAIR: Okay. Well, we'll mark it at this point.

MR. MCCANN: Okay.

CHAIR: Mr. La Fiandra, do you have re-direct?

MR. LA FIANDRA: I do. I, I do need to take a bathroom break and I suspect this is a good time to break for lunch, if that's okay.

CHAIR: All right. It's 1:14, what if we come back at 1:50, does that work for everyone? Does that give everyone enough time, thirty-five, thirty-six minutes?

MR. MCCANN: Sure.

CHAIR: Does that work? Is that okay with you?

MR. LA FIANDRA: That's fine.

CHAIR: Yeah.

MR. LA FIANDRA: That's fine.

CHAIR: Okay. We will come back at 1:50.

MR. LA FIANDRA: One-fifty, thank you.

CHAIR: Yeah, thanks.

(PAUSE)

CHAIR: I'm going to, okay, we are now back on the record and we're going to do the re-direct of Mr. Warfield.

MR. MCCANN: Mr. Evans, I'm sorry to interrupt. I, I wanted to make one correction and my clients pointed this out to me during the break, so I apologize for bringing it up.

CHAIR: That's okay.

MR. MCCANN: I just didn't read the text quick enough. At some point in time, somebody asked me if I

represent Andrew and Sarah Seigel and I may have indicated no, I don't recall that at all. But I'm told I did. And so, I just wanted to correct for the record that I do, in fact, represent Andrew and Sarah Seigel, who are listed --

CHAIR: Okay, all right.

MR. MCCANN: -- on the notice of appeal, as well as our Motion, etcetera. So, I definitely represent them.

CHAIR: Well, my, my notes indicate that you did say that you (inaudible).

MR. LA FIANDRA: (inaudible) that you did represent them. I did not hear that you did not represent them.

MR. MCCANN: Okay.

CHAIR: Yeah, my notes indicate you said you did represent them, so.

MR. MCCANN: Okay, good.

CHAIR: Okay, all right.

MR. MCCANN: Thank you.

MR. LA FIANDRA: Okay. Mr. Warfield, are you there? I see you there, great.

MR. WARFIELD: Yes. Unmuted, I believe. Yes.

MR. LA FIANDRA: There was a, there were, there was a question by Mr. Evans and then a question or two by Mr. McCann about the difficulty in quantifying the delta, so to speak, in the amount of time and, and the amount of money, the cost involved in the, in the processes involved in re-platting the

property. Is it fair to say that if you embarked upon a process to re-plat the property, that was in addition to this zoning process, it would be, it would cost you additional time and additional, it would cost the client additional time and additional money?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay and the additional time, would that be the, the, the months that you had discussed earlier in your testimony, the, the months for the DRC and the appeals for that, and the months for the development plan and the appeals of that?

MR. WARFIELD: Okay. So, yes, let me just make that clear. So, when you're saying will it cost additional time, let's say it wasn't appealed. It would definitely be additional time and I think Mr. Evans and Mr. McCann may have been struggling with what if it is appealed, is it additional time?

MR. MCCANN: What is it? Can I ask what it is? I'm sorry, I'm not sure it's clear from Mr. La Fiandra's question what it is. What are we talking about being appealed, I'm sorry to interrupt but I didn't want to go too far afield.

MR. WARFIELD: So, I don't know if you're asking me or Dino.

MR. MCCANN: I was asking --

MR. LA FIANDRA: Oh, you can answer Mr. McCann's

question, that's fine. Answer what, clarify your answer.

MR. WARFIELD: Okay. So, what I was saying was that if the project is not appealed say, and we go, we go through this proceeding and there's no more appeals and we have to go through the re-platting process, it will add time to the process.

If, if there are continued appeals to higher level Courts and things are taking time, that development process can occur at, during the same time. So, there could be a case where it wouldn't add additional time to the process because the appeals process is going to take longer than the development process, you know what I mean? Does that make sense?

MR. LA FIANDRA: No, I'm sorry, you lost me there.

MR. WARFIELD: So, it would definitely add additional, adding the development process and doing the development plan and processing a plat, would add time and money to the project. The only case where it may not add additional time and money is if the appeals for the project, say this, the case we're here for today, are, is appealed to the Circuit Court and continued on for appeals. We could theoretically have all of that, all of the development stuff done, not approved, but waiting to be approved based upon the outcome of the appeal, so it can happen at the same time --

MR. LA FIANDRA: (inaudible) I didn't mean to speak

over you, but if I understand your answer, that you're saying we could be through the development process and waiting for those development approvals for, waiting for the development approvals, for the outcome of the appeal of this zoning case?

MR. WARFIELD: Yes.

MR. LA FIANDRA: But, isn't it true that those, that development case would still cost additional money?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And that would be at least additional money in the form of costs for the engineering of the type that you already discussed?

MR. MCCANN: Objection. Mr. Evans, again, sorry to interrupt. I just wanted to make sure my objection is continuing in nature since we're --

CHAIR: Okay, all right. It's continuing. Yeah, it's continuing.

MR. MCCANN: Thank you.

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay. I'll move on past that, could, I think we made that point. Sharing, there we go. Mr. McCann showed you the definition of subdivision and pointed out that it's the division of two or more lots, combination of parcels. Do you see the definition of plat on the screen?

MR. WARFIELD: Not yet. There it is, yep. Plat means the graphic representation of a development prepared in

accordance with the approved development plan for the purpose of recording in the Land Records of the County.

MR. LA FIANDRA: And have, have you been involved in preparing plats for single lots?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And what would be a reason you would do a single, a single lot plat?

MR. WARFIELD: There could be a vesting reason, that you would want to vest your plan with a plat. You could have easements that you want to dedicate or right of way widenings or something, there, and it be, might be easier to show them on a plat versus a (inaudible) plats for the individual easements. There could be other reasons but there are a few reasons.

MR. LA FIANDRA: So, you've been involved in single, single lot plats? Okay.

MR. WARFIELD: Yes.

MR. LA FIANDRA: Mr. McCann asked you questions about other religious uses that you've been involved in that have involved the application of RTA's, the RTA regulations.

MR. WARFIELD: Yes.

MR. LA FIANDRA: The, you were involved in one for Suburban Orthodox, which is about three blocks to the west, if I'm not mistaken, is that right?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Did that involve a G-6 exemption as

well?

MR. WARFIELD: Yes.

MR. LA FIANDRA: And you testified as an expert in that case as well, did you not?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Okay and that was within the past year or so, is that correct?

MR. WARFIELD: I can't remember the exact date, but yeah, it was somewhere around a year ago, yeah. Yes, maybe a little bit longer.

MR. LA FIANDRA: And that was approved, am I, am I right?

MR. WARFIELD: That was approved.

MR. LA FIANDRA: And they just recently had a groundbreaking in that case, did they not, did they not?

MR. WARFIELD: They did.

MR. LA FIANDRA: Okay. Mr. McCann asked you, I was writing somewhat quickly, I'll have to find the exemption, here we go. How do you know that you have complied to the extent possible with the RTA use requirements if you don't know how the synagogue is going to use the property? Do you recall him asking you those questions?

MR. WARFIELD: Yes.

MR. LA FIANDRA: Now, how do you, how do you know, how do you know that you have complied to the extent possible?

Would you like me to show you the plan again? I, I took it down, but I could put it back up. Does, would that help you to answer the question?

MR. MCCANN: Objection. He answered that question already.

CHAIR: Well, I guess we can explore it on re-direct.

MR. LA FIANDRA: I'd like him to explore it, I'd like him to further clarify his answer.

MR. MCCANN: Okay.

MR. LA FIANDRA: I'm, I'm wrapping up my re-direct.

MR. WARFIELD: Sure.

MR. LA FIANDRA: This is the end of it.

MR. WARFIELD: You can bring the plan up.

MR. LA FIANDRA: Okay. It'll just take me one moment. There you go.

MR. WARFIELD: Okay. So, how do we, how do I know we complied? I mean, the, the, the property is being used as a synagogue. There is an existing building on the property that's being used for worship. There's a notch out of the back of the building that's either going to be a proposed addition or it will remain as a deck and lot area.

The building is fixed, the property lines are fixed. The use is a synagogue and we only have so much area that we can comply with the RTA use requirements. So, we have, in my opinion, we have complied, to the extent possible we can, with

those requirements by showing the proposed fence and the proposed landscaping to try to provide the buffers and the setbacks are what they are.

We can't provide a seventy-five-foot setback. So, I, I think that's the same thing I said in, and that's, that's my answer.

MR. LA FIANDRA: Now, what about the fact that you don't know about the different programs that are happening inside the building?

MR. WARFIELD: I mean, to me, to be in accordance with the RTA use, use requirements, I'm not sure how that applies, I mean, it's a synagogue use. It doesn't matter to me whether it's an entry or a coatroom or a, or a principal place of worship or bathroom. It's all synagogue use.

MR. LA FIANDRA: And what about the fact that there's this vacant space behind the building over here, does that make a difference to you?

MR. WARFIELD: Where it says existing fence?

MR. LA FIANDRA: Yeah.

MR. WARFIELD: Yeah, I mean, they, they fenced in, the area is fenced in and I'm presuming, presuming the whole property is synagogue use. But the uses within the fenced area, whatever use they were proposing in that area, they could propose. It's not proposed as a building, but there could be some synagogue use that they want to do in that area. So,

we've used the available areas for landscaping and screening and the other areas I'm presuming are for use by the synagogue.

MR. LA FIANDRA: Okay, okay. Okay.

CHAIR: So, basically, what you're saying is what's inside the, inside the walls of the structure is not relevant to your assessment of the RTA's, is that --

MR. WARFIELD: Yes.

CHAIR: -- is that what you're saying?

MR. WARFIELD: Yeah, depending, yeah, it, they, they, it could be configured in any configuration inside the building.

CHAIR: Right.

MR. WARFIELD: It could have a, they could have a patio outside the building, it doesn't matter. You know, the--

CHAIR: The footprint is staying the same.

MR. WARFIELD: Right.

CHAIR: Essentially.

MR. WARFIELD: Except for the addition, --

CHAIR: Except for the addition.

MR. WARFIELD: Right.

CHAIR: Right.

MR. WARFIELD: So, it's basically, how can we comply with the RTA regulations in the space and in the areas we have, that we can comply within. How can we comply to the extent possible, and I think we have, in my opinion.

CHAIR: Okay, okay.

MR. LA FIANDRA: Okay, thank you. Thank you, Mr. Warfield. There may be other questions.

MR. MCCANN: So, Mr. Warfield, so the extent of the use doesn't matter at all. You don't care if there's two people, two seats inside the sanctuary or a hundred and fifty, that doesn't matter, according to you, when you're evaluating the standard in G-6?

MR. WARFIELD: Yeah, I do not see anything in the RTA regulations that, that discusses the number of people in the synagogue, no. There's no, it's a, it's a, it's, it, the synagogue is an allowed use. So, yeah, I don't see anything in there that would, that would change my opinion based upon the number of people or if they're having a class or if they're having a, a service.

MR. MCCANN: Well, I was just using the number of people as an example. My point is, to you, the extent of the use, or the scope of the use, either in terms of the amount of people, the amount of days, the amount of services, that doesn't matter according to you, when, when considering the standards in G-6?

MR. WARFIELD: No, it's a syn, it's just a synagogue use.

MR. MCCANN: Okay, all right. And then, one last question, you mentioned Suburban and --

CHAIR: I think when you said no, you meant yes, I think was --

MR. WARFIELD: It doesn't, it doesn't matter to me.

CHAIR: Right, you were agreeing with Mr. McCann's statement, okay.

MR. WARFIELD: Right, yeah.

MR. MCCANN: Okay. You mentioned the Suburban case and then I, I know earlier you had mentioned a couple other RTA cases. Isn't it true that the Suburban case, as well as, I forget the other one or two that you mentioned, none of those involved a conversion of a single-family home to a synagogue in the middle of a subdivision of, of, of small lot residential uses?

MR. WARFIELD: They did, no, they did not --

MR. MCCANN: Suburban is a big synagogue on a main road, is it not?

MR. WARFIELD: It's a, it's a, it's a bigger synagogue than this synagogue. I can't remember the number of seats exactly but --

MR. MCCANN: A lot bigger, a lot bigger, isn't it?

MR. WARFIELD: I think it's close to four hundred, three hundred and ninety or something seats and this is eighty, so, in the main sanctuary. And they, they, they, they bought five houses in the neighborhood and demolished the houses, but they didn't convert any of those houses to a synagogue use.

MR. MCCANN: But it wasn't in the middle of a residential neighborhood like this is?

MR. WARFIELD: I mean, I would, it, it backs up to Baltimore Hebrew, but I would say it's in a residential neighborhood, yes.

MR. MCCANN: Okay. Well, --

MR. WARFIELD: There's residences to the east, to the south and to the north.

MR. MCCANN: Well, Pikesville in general is residential, I understand that. But, all right, no other questions. Thank you, Mr. Warfield, appreciate it.

MR. WARFIELD: Thank you.

CHAIR: Okay. Mr. Warfield, I think you're excused. Unless any, do any of the Board members have any questions for Mr. Warfield?

MS. BONARDI: I do not, Mr. Chairman.

MR. PENNINGTON: I don't have any for him.

CHAIR: Okay. So, Mr. Warfield, thank you very much. As, as usual, we appreciate your testimony and your patience and you're now free to leave.

MR. WARFIELD: Thank you.

CHAIR: Okay.

MR. LA FIANDRA: Okay. My next witness is Yaakov Attar. And I believe he's in the participants, the attendees' cue.

CHAIR: Okay.

MR. LA FIANDRA: And I'll stop sharing my screen here.

CHAIR: Right, right. I think, wait a minute. I'm having a little trouble here. Wait a minute, okay. Yaakov Attar?

MR. LA FIANDRA: Yes, sir.

CHAIR: Okay. I don't seem to be able to make him a panelist. I can unmute him. And he's now unmuted. But I don't seem to be able to --

MR. LA FIANDRA: Oh, maybe if you take back the sharing token from me you'll be able to do that.

CHAIR: All right. All right. Nope. Are you there?

MR. ATTAR: Yes, I'm here.

CHAIR: Oh, gosh. It, it doesn't, it, it's not letting me make him a panelist. I don't know why that is.

MR. LA FIANDRA: Well, I would like the Board to be able to see him.

CHAIR: Pardon?

MR. LA FIANDRA: I would prefer, if it's possible, I would like the Board to be able to see him.

CHAIR: For sure.

MR. ATTAR: I could try leaving and then rejoining the meeting, see if that helps.

CHAIR: It's not, it's not, I can try calling Ms.

Cannington and see if she can help here. So, let me pause the record.

(PAUSE)

CHAIR: Okay. We are back on the record and Mr. Attar is now here and he needs to be sworn.

MR. PENNINGTON: Mr. Attar, can you hear me okay?

MR. ATTAR: Yes, I can.

MR. PENNINGTON: Okay. Mr. Attar, do you swear and affirm under the penalties of perjury, that the testimony you're about to give is the truth to the best of your knowledge and belief?

MR. ATTAR: Yes, I do.

MR. PENNINGTON: Thank you.

MR. LA FIANDRA: Mr. Attar, what is the Ahavat Shalom congregation?

CHAIR: Can, can you spell your name, Mr. Attar, please for the record?

MR. ATTAR: Sure. First name is Y-A-A-K-O-V, last name is A-T-T-A-R.

CHAIR: Okay, okay. Go ahead.

MR. LA FIANDRA: What is the Ahavat Shalom congregation?

MR. ATTAR: Ahavat Shalom is a young Sephardic community here in Baltimore. Many of our members had immigrated from Iran, whether by themselves as teenagers, or

with their families at a young age to come to America to kind of be, pursue the ability to practice their religion. Most of them went straight to Ner Israel Rabbinical College. That's a university here in Pikesville. And that is, and they studied there under our current rabbi, (inaudible).

As they got older and got married and moved on into, into the community, they realized the need for a shul that could accommodate them and what, what they were looking for and that was when Ahavat Shalom was started.

MR. LA FIANDRA: And when was that? When was that?

MR. ATTAR: Beginning of 2013.

MR. LA FIANDRA: And what's your position currently with Ahavat Shalom?

MR. ATTAR: I am the current president.

MR. LA FIANDRA: Okay. How many members does Ahavat Shalom have?

MR. ATTAR: So, our membership lists consists of about eighty to ninety member families. About sixty to sixty-five of them are, are core members who live in Baltimore. Those are the ones that would attend our services.

We do have some of those families, out of the remaining families, that have, that might live in Baltimore, that might have joined our membership kind of as support. And just what, the, the nature of our community and our synagogue, we have a lot of young couples that they, when they get

married, they live here for a couple years, but their families don't necessarily live in Baltimore.

They might live in Los Angeles, in New York. And after they get married and maybe stay here for a couple years, they tend to move back to where their families live. And though, but they still stay on our membership kind of to show us support, both financially and just support in general for our cause.

MR. LA FIANDRA: Okay. So, I want to make sure I understand the numbers correctly. Your total membership, I think, I don't want to put words in your mouth, I think you just said eighty to ninety families, is that correct?

MR. ATTAR: Correct.

MR. LA FIANDRA: And of that number, you said a number, which is the core membership. What was the number?

MR. ATTAR: Around sixty to sixty-five is the current number.

MR. LA FIANDRA: And, and what is the core membership? What, what does that mean?

MR. ATTAR: Those are families that currently live in Baltimore and will attend services by us.

MR. LA FIANDRA: Okay and then of, of the eighty to ninety families that are not the core membership, I want you to be clear for the panel, who are they?

MR. ATTAR: Out of the remainder?

MR. LA FIANDRA: Out of the remainder. So, that, who, who are the remainder?

MR. ATTAR: So, a few of them are families that live in Baltimore that don't really daven by us. But they do know who we are, they might know the rabbi, or they might know other people in our congregation, and they have joined our membership to support us.

But the rest of them are, are families that they used to live in Baltimore, young couples, and they have moved away back to where their families live, mainly Los Angeles and New York. But they still stay on our membership just to give us the financial support.

MR. LA FIANDRA: Okay. You used the word daven. What does that mean?

MR. ATTAR: To pray.

MR. LA FIANDRA: Okay. Who is Saman Radparvar?

MR. ATTAR: So, Dr. Radparvar is one of our founding members. He is one of the four people who originally started up the shul back in 2013.

MR. LA FIANDRA: And what is his relationship to the property we're discussing today?

MR. ATTAR: So, back in 2017 when the property went on, went on sale, he had purchased the property as a potential location for the shul to use.

MR. LA FIANDRA: And how did the congregation of

Ahavat Shalom become involved with the, with the property?

MR. ATTAR: So, once he suggested that as a, an option, once we looked at other places that might be, that might be available, we came to the conclusion at the end that this was the best viable option for where our, our shul should be.

MR. LA FIANDRA: And how did you come to that conclusion?

MR. ATTAR: The main reason was just because, as Orthodox Jews, we cannot drive on Shabbos, on the Sabbath, and on major holidays, the biggest thing for us was to find a house that was kind of centrally located because people have to walk, whether it's the men, the women with strollers, whoever might be coming to shul would have to be in a position to be able to walk.

And when we kind of mapped out where our members, our, our core members live, this was kind of central, centrally located where everybody lived. So, at that point, we made the decision that this would be the best suitable option for our shul in the future.

MR. LA FIANDRA: So, you said you were, you, you were looking to find a house, where you specifically looking to find a house?

MR. ATTAR: No, we were just, we would look at any, any option that would become available, but this ended up being

the best option, mainly because of where it was located in terms of our membership.

MR. LA FIANDRA: Now, I know that the panel members have been involved in synagogue cases before, but for the record, can you explain why it's important to, why, why within Orthodox Judaism, you can't walk on Sabbath, on Shabbos?

MR. ATTAR: Yes, so that is one of the main laws. On, on Shabbos, on major holidays, we don't use electricity, we don't drive, we don't use a cell phone, we can't even carry a cell phone, turn on lights, cook food on the Sabbath itself. So, that is why we had to find somewhere where people could easily walk to.

MR. LA FIANDRA: And how far, how far is it usually? I mean, how far is, what's a walkable distance for you?

MR. ATTAR: I would say between fifteen to twenty minutes max.

MR. LA FIANDRA: Okay. And have you found that this property is well suited for your use as a synagogue?

MR. ATTAR: Yes, as I mentioned, it is centrally located. And I believe it was mentioned before about how, just the structure of the house. Most houses in this area are split level homes. This house happened to be a single level, which I believe, as Mr. Warfield said, when you walk in there, it's just, it's the most suitable to be able to host a sanctuary out of all the houses that might be in the area.

MR. LA FIANDRA: Okay. Now, you mentioned that you are a Sephardic congregation. What does that mean?

MR. ATTAR: So, Sephardic Jews mostly come from the Middle East and some countries in Latin America, as opposed to Ashkenazic Jews, which mostly immigrated here from Europe. Whether it be pre-World War II or post-World War II.

We have, between Sephardic and Ashkenazic, we have kind of different customs, our prayers are different, our, the way we pronounce words are different, our culture is different. So, there's a lot of different things that come with being a Sephardic Jew as opposed to an Ashkenazic Jew.

MR. LA FIANDRA: And why is that significant in this particular case?

MR. ATTAR: Well, part of the reason why we left and our parents left the comforts of Iran where they lived, was to be able to come to a country where they could practice their religion and kind of continue that heritage. You know, our kids are here, they go to Ashkenazic schools because there are no Sephardic ones.

But our shul is where we kind of, we are able to give over that heritage now to our kids and to future generations. So, it's very important for us to be able to continue that and have a place that we can give that over.

MR. LA FIANDRA: Okay. Mr. Evans, may I have the sharing token?

CHAIR: Sure. Okay.

MR. LA FIANDRA: Yes, thank, yes, I have it, thank you. Do you see, Mr. Attar, what I've shared with you on the screen? This is Petitioner's Exhibit 12. It actually has another exhibit label on it. It says Exhibit 5, but it's actually Petitioner's Exhibit 12. It was previously used as an exhibit in, for the ALJ. But this is Petitioner's Exhibit 12. Do you see it?

MR. ATTAR: Yes, I do.

MR. LA FIANDRA: Did you prepare this exhibit?

MR. ATTAR: Yes, I did.

MR. LA FIANDRA: Now, and what does this show?

MR. ATTAR: So, that center burgundy dot, that is on the map where is 3009 Northbrook. The surrounding yellow dots, those are the different shuls that are within a fifteen minute walk.

MR. LA FIANDRA: And what can you say about these shuls within a fifteen minute walk?

MR. ATTAR: All of these shuls are Ashkenazic shuls, except for our property. Some of them are shuls that were built as big structures but some of them are houses that were converted into shuls as well.

MR. LA FIANDRA: And so, for Sephardic Jews that are, in this general area, to go to a Sephardic shul, your shul would be the only, I don't want to, where would they, where

would they be able to go?

MR. ATTAR: So, this is the only one in the area. There are more. There are four currently between Baltimore County and Baltimore City, there are currently four Sephardic shuls. We are the only one that's currently in the County, the rest are in the City.

But between Baltimore County and Baltimore City, there are about forty-five Ashkenazic shuls. So, we are, in terms of our, our members, we are centrally located and put them in the best position to be able to walk to a Sephardic shul.

MR. LA FIANDRA: And what does the, the fact that there are four Sephardic shuls and forty-five or so Ashkenazic shuls, what, to you, what does that mean about the potential for growth of the Sephardic shuls?

MR. ATTAR: To me, that just, that just shows how small the Sephardic community really is. There was actually a fifth Sephardic shul, but they ended up closing a few years ago, I think just because on a consistent basis they were not able to get a minyan, which is a quorum of men. You need ten men over the age of bar mitzvah to hold services.

And they, unfortunately, you know, they, they stopped holding services because they just weren't able to get to that point. So, within the Sephardic community, it is, it's, the growth is not really that big, just because our population is

not that big, as opposed to the Ashkenazic community, which is much bigger.

CHAIR: So, does the four, you said there are four Sephardic shuls. Does that include yours?

MR. ATTAR: Including ours.

CHAIR: Okay and the other three are the ones that are in the City?

MR. ATTAR: Correct.

CHAIR: Okay. And how close, how close are you, is this shul to the City, City/County line?

MR. ATTAR: I believe the City/County line is on Marnet, which is the, I think it's, it splits some of the houses behind, maybe a block or two behind the shul.

CHAIR: Okay.

MR. LA FIANDRA: So, Mr. Attar, to orient Mr. Evans, we are, your shul is on Northbrook and that's this very faint white line where my cursor is, is that right?

MR. ATTAR: That's correct.

MR. LA FIANDRA: And is Marnet the next line to the south?

MR. ATTAR: Yes, it is.

MR. LA FIANDRA: Okay and is Marnet in the City?

MR. ATTAR: Marnet, I think, no, I think Marnet itself is in the County.

MR. LA FIANDRA: Okay. The, the next line down

further, might that one be in the City?

MR. ATTAR: I believe so.

MR. LA FIANDRA: Okay. So, it's, it's a stone's throw, it's very close.

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay. Let's move onto, this is number five, you've seen these photos before.

MR. ATTAR: Yes.

MR. LA FIANDRA: And can you describe while we're looking at these photos, which Mr. Warfield already testified about, but would you take a moment to describe the inside of the, the structure to the panel?

MR. ATTAR: Sure, so as you walk in the main door, it, there's a small hallway there, that's where we have our coatroom, we have some bookshelves with the prayer books. To your left is a door for the men's entrance and the main sanctuary.

And if you go further down the hallway to the right you would hit the lady's doorway to go into the ladies' section of the sanctuary. Inside the sanctuary, right behind it, is that small current addition, where we keep some bookshelves in there, we do a little bit of storage in there and you have a couple of bathrooms at the end of that as well.

MR. LA FIANDRA: Is there, is there a kitchen in there?

MR. ATTAR: No.

MR. LA FIANDRA: And I think you said a coatroom. Is there any, is there like a social hall or anything in there?

MR. ATTAR: No.

MR. LA FIANDRA: Is there any other storage rooms besides the ones that you've mentioned?

MR. ATTAR: We use some of the, there's, there's a couple small closets in the basement we have used for storage, but that's about it.

MR. LA FIANDRA: Okay. Any other rooms that you haven't mentioned?

MR. ATTAR: There is the basement. The basement has, there's a couple bathrooms down there. There's a small room where we took the fridge from upstairs downstairs and there was an existing sink. And then there's also the HVAC room down there.

MR. LA FIANDRA: Okay. There's been some discussion about the addition, which is going to go in this area where my cursor is with regard to Petitioner's Exhibit 9. Can you describe what you plan to do in the addition?

MR. ATTAR: So, the main reason that we came up with the addition was if you look now, and I think it was alluded to earlier, there's some, a few steps that go up and there's an entrance on the side. That is currently our ladies' entrance.

A few rickety stairs, you walk in there and you're

walking straight into the sanctuary. No coatroom there, no place to put a stroller, if it's, if the weather is not, not suitable. So, we wanted to be able to give the women a proper, the proper facilities to be able to come in.

A small lobby, somewhere where they might be able to park their strollers if they want to come with their kids, a coatroom, maybe another bathroom they can use there as well. That is the reason why we wanted to make that addition.

MR. LA FIANDRA: Why is the, why is a women's entrance important to Orthodox Judaism?

MR. ATTAR: A, a big part of the lifestyle of an Orthodox Jew is, and especially for the women, it comes to modesty. But it's the same for men. The way we dress, the way we interact, men with women. That is why a lot of shuls have separate entrances. But that is a big, a big lifestyle, part of the lifestyle being an Orthodox Jew.

And it's, it's a modesty thing. We try, you know, keep it as modest as possible. That's why, that's why women dress the way they do, they wear skirts, they wear shirts that cover their elbows. So, it is, the, the modest, the big, modest part of the religion is a big, big aspect of being a religious Orthodox Jew.

MR. LA FIANDRA: And how does a women's entrance further that tenet of, of Orthodox Judaism?

MR. ATTAR: So, if, if they were to come always

through the front door, then you have the men there, let's say, let's say the men walk in two at the same time, it just, it's a small space. And it just, everybody crowded there, it's, it doesn't really go with the nature of, of modesty that Orthodox Judaism is, is really about. So, that's why, again, that's why all the, most shuls that can, that's why they have a separate entrance for the women to be able to use.

MR. LA FIANDRA: Now, when you build this addition and you build the separate entrance, do you intend to expand the, the sanctuary into the addition?

MR. ATTAR: No.

MR. LA FIANDRA: What other things do you plan to put in the addition?

MR. ATTAR: I believe that's it. I said the bathrooms. There was some discussion about maybe a small room, maybe some toys for the kids to go. But that's about it. Mostly thing would be to have the lobby, coatroom area, just a proper entrance way for the ladies to be able to use.

CHAIR: So, when you're talking about modesty, I take it that what you mean is that, you, you try to avoid the men and the women actually, even by accident, touching each other or jostling each other or being in close proximity in that sense, is that, is that a fair characterization?

MR. ATTAR: That's a hundred percent correct.

CHAIR: Okay.

MR. LA FIANDRA: All right. Just to pick up on that question. Unrelated men and women, is that right?

CHAIR: Right.

MR. ATTAR: Sorry.

CHAIR: Not, not fathers and brothers and, and husbands, but non-family member.

MR. ATTAR: That's correct.

MR. LA FIANDRA: Okay.

CHAIR: Interaction, right. Okay.

MR. ATTAR: That is correct.

MR. LA FIANDRA: Okay. Can you described some of the other photos that you see on this picture, on this photo array, Exhibit 9?

MR. ATTAR: So, the top one, as Mr. Warfield said, that is looking from the end of the driveway towards the rabbi's house. And then the one to the right that shows the backyard and the proposed area for the addition. Right underneath that is the fence that goes all the way around the property.

Underneath that is a picture of Wellwood Elementary. I believe during a little league game. And bottom left is a picture from the field on Wellwood looking at the shul and the house being used by the rabbi.

MR. LA FIANDRA: Now, while we're talking about the rabbi's house, tell us about the rabbi's house. When is the

rabbi there?

MR. ATTAR: So, the rabbi lives at Ner Israel Rabbinical College. They have facilities there for the faculty to live. But when we have services on, for Shabbos, he comes in Friday afternoon and spends Shabbos there with his family and he goes back after Shabbos is over Saturday night.

MR. LA FIANDRA: And so, he's only there for Friday night and then, and then he leaves after services on Saturday evening?

MR. ATTAR: Correct. Unless there might be a holiday, which he would happen to be there as well, but --

MR. LA FIANDRA: Is the house vacant other times? Is the house vacant at other times?

MR. ATTAR: Yes.

MR. LA FIANDRA: Who owns that house?

MR. ATTAR: So, that house was purchased by Dr. Normand. He was also one of the founding members. And when that house became available, he took it upon himself to purchase that for the shul and for the rabbi, for the rabbi to be able to use.

MR. LA FIANDRA: Okay.

CHAIR: But you're saying it's only used one day a week. Well, it's used whenever there, it's used on Shabbos and it's used on, whenever there's a holiday that, for which driving is unavailable.

MR. ATTAR: Correct, correct. Right, he stays there with his wife and kids.

CHAIR: And, and so, so there's no other use of that home by the congregation?

MR. ATTAR: No, no, we do not use that home.

MR. LA FIANDRA: Now, starting on, here, I'm going to stop sharing for a few moments. There we go. So, starting on Monday morning, I'd like you to take me through the weekly schedule of the synagogue.

MR. ATTAR: So, we do not have morning services. We currently do not have the demand to have morning services. In the evenings, the rabbi --

MR. LA FIANDRA: Wait, pardon me. If I, I, I'd actually like you to start on Sunday morning, I think it's a better time to start. If we could start on Sunday morning. If you could take me through the weekly schedule.

MR. ATTAR: Sure. So, during the mornings, we do not have services, as we do not have demand for that. In the evenings three days a week the rabbi does give class. Sun, there's currently Sunday night, Wednesday night and Thursday night.

One of those nights might switch to a different night depending on, on scheduling. If the rabbi might be available, might not be available. But for three nights we have class and, and that goes until Sha, until Friday. Friday afternoon

before Shabbos starts --

MR. LA FIANDRA: Okay. If, just sticking with those classes Sunday, Wednesday, Thursday.

MR. ATTAR: Correct.

MR. LA FIANDRA: They may change, how many people come to those classes?

MR. ATTAR: I would say between eight and twelve on a normal week.

MR. LA FIANDRA: Okay and what time are those classes?

MR. ATTAR: We have a class starting at 8:00.

MR. LA FIANDRA: How long do the, how long do the classes last?

MR. ATTAR: Generally, about an hour. After that, you have a few minutes if anybody wants to ask the rabbi any questions or things like that, people might stay.

MR. LA FIANDRA: And how are those folks arriving at the, at the location, at the shul?

MR. ATTAR: Most of them drive to the shul.

MR. LA FIANDRA: Okay. The, that's fine. Now, then you were moving onto the next thing that happens.

MR. ATTAR: Correct. Just want to say, the, the, the other couple nights we do have about four to six people that have asked if they could study at the shul. So, they go there and they study the (inaudible) or anything else that they, that

they want to study that night. But they're, they generally go there for about an hour as well.

MR. LA FIANDRA: So, the other couple of nights, that seems like it would be Monday and Tuesday.

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay and that's individual studying, praying, things like that?

MR. ATTAR: Studying, individual studying.

MR. LA FIANDRA: Okay. How are they arriving at the shul?

MR. ATTAR: I believe, again, most drive to the shul.

MR. LA FIANDRA: Okay and do you, it, it, it's unsupervised. Do you happen to know how long they're there or when they leave?

MR. ATTAR: Generally, for about an hour. I, I would say they come between 8:00 and 8:30, generally stay for about an hour.

MR. LA FIANDRA: Okay. By the way, is any of this happening currently?

MR. ATTAR: Not currently.

MR. LA FIANDRA: Okay. What's the next thing to happen?

MR. ATTAR: So, the next thing would be, I believe we're now at Friday afternoon. At that point, we have our Fri, our Shabbos, our Friday afternoon service, which is the

beginning of Shabbos. That, during the wintertime, that generally starts around sundown. At that, we have about sixty to sixty-five people that come to that service.

MR. LA FIANDRA: Okay, at sundown. And how long is that?

MR. ATTAR: About, about an hour to an hour and fifteen minutes.

MR. LA FIANDRA: And how are those folks arriving at the synagogue?

MR. ATTAR: Most of those people are walking.

MR. LA FIANDRA: Okay.

MR. ATTAR: There are some that drive, but most walk.

MR. LA FIANDRA: Okay. Now, when does the prohibition on driving start?

MR. ATTAR: Right at sundown.

MR. LA FIANDRA: Okay. So, anybody who drives, that's it for them, they're not driving home after that.

MR. ATTAR: No.

MR. LA FIANDRA: Okay. What happens after that service?

MR. ATTAR: At that point, everybody goes home and then people then return the next morning for morning service.

MR. LA FIANDRA: And sticking with the Friday night service for a moment, sixty to sixty-five people, are they all congregants?

MR. ATTAR: Not all of them. We do have a few of the Ashkenazic neighbors that do join us. Friday night service, it is, it is more similar to the Ashkenazic customs and Ashkenazic prayers. So, we, out of convenience, we do have some of the people in the neighborhood join us for service.

MR. LA FIANDRA: So, some, some neighborhood folks just stop in for Friday night service as a matter of convenience?

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay and now you were saying about Saturday morning.

MR. ATTAR: Yes, so --

MR. LA FIANDRA: Tell me about that.

MR. ATTAR: -- Saturday, so Saturday morning is our main service. That is when, normally, with all shuls, you, the people that attend are your own core members. That generally starts around 9:00 and lasts between two and two and a half hours.

MR. LA FIANDRA: And how many folks are coming for that service?

MR. ATTAR: Around sixty-five.

MR. LA FIANDRA: And how are they arriving at the shul?

MR. ATTAR: They are all walking. At that point, it is already the Shabbos, so they have to walk.

MR. LA FIANDRA: Okay. Two and a half hours passes, the service is over, what happens next?

MR. ATTAR: So, at that point, some people go home. But we also have what's called kiddish, as many shuls do, which is after services in the morning, you serve refreshments where some people can stay. They can have some refreshments, schmooze a little bit. Sometimes the wives might come to meet their husbands for that and then they'll walk home together. But that generally lasts for about a half hour and then everybody goes home.

MR. LA FIANDRA: And, okay. So, Saturday afternoon, after kiddish, who is there?

MR. ATTAR: Saturday afternoon after kiddish, nobody, until the afternoon service starts.

MR. LA FIANDRA: Okay. Saturday afternoon, there's an afternoon service?

MR. ATTAR: Yes.

MR. LA FIANDRA: Tell me about that.

MR. ATTAR: So, during the winter, that's, that's usually between 3:30 and 4:00, depending on, on which week it is of the year because it's based on, on, between sun, what time sundown would be, that's how you determine when different services are. So, during the winter that's between 3:30 and 4:00. We have about fifty to fifty-five people that join us for that service.

MR. LA FIANDRA: And how long is that service?
MR. ATTAR: About a half hour.
MR. LA FIANDRA: You said fifty to fifty-five people?
MR. ATTAR: Correct.
MR. LA FIANDRA: And are they con, mostly congregants, well, are they mostly congregants? Do you get neighborhood folks for that?
MR. ATTAR: Mostly. You get, you get, you get, you'll might get a couple, but mostly congregants.
MR. LA FIANDRA: Okay and did you say how long that lasts?
MR. ATTAR: About a half hour.
MR. LA FIANDRA: Okay. And what happens after that?
MR. ATTAR: After that, the rabbi usually gives a class for about forty-five minutes to an hour. Generally, you might have peop, you might have, you know, some, some people go home after the service but you might have about fifteen to twenty people stay for the class.
MR. LA FIANDRA: Okay and that's, and that's about an hour long class?
MR. ATTAR: Correct.
MR. LA FIANDRA: Okay and then what happens?
MR. ATTAR: And then we, and then at that point, we do serve some refreshments, it's called shaleshudes. Whoever wants can stay, we usually have some dips out, some bread if

anybody wants to, to wash, as is generally required on Shabbos. And then aft, you know, once that is over, then we have our evening prayer, which concludes Shabbos.

MR. LA FIANDRA: That evening prayer, that's a service?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. How many people do you get for that?

MR. ATTAR: So, that one we get around, I would say around sixty-five as well. That one in terms of people from the neighborhood, that's, that's probably the one we get the most people from the neighborhood come just because it is about twenty minutes. It's a very short service and it's, it's similar to how the Ashkenazic would be.

MR. LA FIANDRA: Okay. What time does that usually conclude in the winter?

MR. ATTAR: It usually concludes, I would say, an hour after sunset, I think that's when it concludes.

MR. LA FIANDRA: Is there anything that happens at the synagogue after the, after conclusion of that service, the Saturday after, after sunset service?

MR. ATTAR: So, during the winter, most, if not all, shuls have a father and son program called alasubanian. That's when fathers can come with their young kids or young daughters, and it goes for about an hour where they could study or if they

want to review what the kids learned in school.

That is really when kids come to shul. They don't really come for services, especially the younger ones that are not able to sit through it. But really they come and get some raffle tickets, the rabbi tells a story. And then at that point we offer pizza for whoever wants and then they go home.

MR. LA FIANDRA: Now, folks can drive again after sunset, can't they?

MR. ATTAR: Yes.

MR. LA FIANDRA: Do, do they drive?

MR. ATTAR: Yes. In this case, because they have, they're coming with their young kids, they do drive.

MR. LA FIANDRA: Okay and how many people do you get for that?

MR. ATTAR: Hard to say. My, my son is only three and a half, so I've only gone a few times. I don't go every week. And we usually go for the last fifteen minutes of it, just because he can't sit for the whole time.

MR. LA FIANDRA: Uh huh.

MR. ATTAR: But the number that I've seen when going in there, it's probably around fifty to fifty-five, I would say.

MR. LA FIANDRA: Okay. Now, let me ask you this. You've described mostly a single level, let's, like a single level structure with a basement. Where, where, where are all

these gatherings taking place within, within the building itself?

MR. ATTAR: So, the services all happen in the sanctuary upstairs. Kiddish and refreshments are served downstairs in the basement. But all the activities are all in the main sanctuary.

MR. LA FIANDRA: Okay.

CHAIR: Do you have plans to convert the basement into a social hall?

MR. ATTAR: No plans to convert to a social hall. It, it's a low ceiling basement, not really that much space to make into a social hall.

CHAIR: Um hm. And, and you do the kiddish and the re, and generally the refreshments are in the basement, and that's it? Did I, is that correct?

MR. ATTAR: Correct.

CHAIR: Yeah. Okay.

MR. ATTAR: That's correct.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Evans, can I just have one moment?

CHAIR: For sure, take your time.

MR. LA FIANDRA: Mr. Attar, do you recognize what I put on the screen, Petitioner's Exhibit 13?

MR. ATTAR: Yes.

MR. LA FIANDRA: What is this?

MR. ATTAR: So, this is a map of the area. If you look in, at the center where that green book is, that is 3009 Northbrook. The burgundy dots are where our members live, in that area. The blue dots are people who had signed the Petition for us or people, people who are non-members in the area that (inaudible) by us once in a while.

MR. LA FIANDRA: Okay and just to orient the Board, this, where my cursor is, this is North, is this Northbrook?

MR. ATTAR: Correct.

MR. LA FIANDRA: And do you know this one over here where my pointer is?

MR. ATTAR: That is Lisburne.

MR. LA FIANDRA: This heavier white line over here?

MR. ATTAR: Smith Avenue.

MR. LA FIANDRA: Okay, that's fine. And so, did you prepare this, this exhibit?

MR. ATTAR: Yes, me and one of the board members.

MR. LA FIANDRA: And what was your, what did you intend to show by preparing this exhibit?

MR. ATTAR: This was meant to show about how centrally located this location really is. As you can see, you know, people are spread out but our boundary is mostly seven miles, there's not anything really past seven miles to the west. To the north past Smith Avenue, there are some families

that live there, but not many. And there are some that live to the east. But in order to be walkable for all or majority of our members, this was the location that we found most suitable.

MR. LA FIANDRA: And then, exhibit number fourteen, do you see that?

MR. ATTAR: Yes.

MR. LA FIANDRA: Did you prepare this one as well?

MR. ATTAR: Yes.

MR. LA FIANDRA: And is this just a close up view of that, with the street names showing?

MR. ATTAR: Correct.

MR. LA FIANDRA: Okay. What arrangements have you made for, for parking, for parking? What arrangements have you made for parking?

MR. ATTAR: So, we have contacted Wellwood Elementary School. Originally back in the beginning of 2021. We got approval to use their parking lot for parking over the weekends. We asked, we also do ask our members not to drive if possible.

MR. LA FIANDRA: So, let’s back up and just point out, do you see, oh, I have to stop sharing. Give me just one moment here. Here we go. Do you see Exhibit 15?

MR. ATTAR: Yes.

MR. LA FIANDRA: Now, where my pointer is, do, does, is that where the house, the, the shul is located?

MR. ATTAR: It's a little hard to see on my phone. Can you --

MR. LA FIANDRA: I'm sure it is. Let me just zoom in a little bit. Any better?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay.

MR. ATTAR: Yes, much better.

MR. LA FIANDRA: And this is probably much easier for you to see. This big, to the north east of where the, where the shul is, do, do you know what this is?

MR. ATTAR: That's Wellwood Elementary.

MR. LA FIANDRA: Okay. So, you were saying you reached out to Wellwood in the beginning of 2021 was it?

MR. ATTAR: Correct. We, we reached out earlier but all their systems were down. They had a big ransomware attack and took, took them a few months to build, rebuild their whole system. But it, it took a while but we were able to put in an application and get it approved.

MR. LA FIANDRA: Tell me, tell the Board exactly what you asked of Wellwood Elementary.

MR. ATTAR: So, we originally asked them to use the parking lot. And we said can we reserve, you know, we need twenty, we need twenty parking spaces, can we get twenty parking spaces? They said, there's no real way of just giving out parking lots.

We would actually have to rent a part of the school to get access to the parking lot. At that point, it was just me and someone from the (inaudible) brainstorming. We came up with the idea for us to actually rent the, the hard court, the basketball court that's outside.

MR. LA FIANDRA: Is that this, I don't know if you can see it on your phone, but the hard court, is that where my cur, my pointer is right now?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay.

MR. ATTAR: So, the idea was to rent that, mostly because there's no cost to rent anything outside, so I was able to save the shul a little bit of money. But we rented that and with that approval came access to their entire parking lot.

MR. LA FIANDRA: So, what did you do?

MR. ATTAR: At that point, we put in the application and I believe last July, they were able to approve the parking, for us to be able to use that parking lot.

MR. LA FIANDRA: So, these are probably difficult for you to see. Do you see Petitioner's sixteen on your screen?

MR. ATTAR: Yes.

MR. LA FIANDRA: I, I can barely see it, so I imagine you can't even see it. But let me, let me zoom in a little bit. Do you see what these are?

MR. ATTAR: Yes.

MR. LA FIANDRA: What are these?

MR. ATTAR: So, this just shows on their portal different weeks. We put in an application for a year, that was their recommendation. This just shows week by week the times and the dates for when we're applying to get the parking.

MR. LA FIANDRA: And so, last summer, what did you do in terms of the times and the dates?

MR. ATTAR: So, we got, we, we put in an application for, for 5:00 p.m. Friday afternoon until 10:00 p.m. Saturday night.

MR. LA FIANDRA: For the hard court?

MR. ATTAR: Correct.

MR. LA FIANDRA: And how did the school re, react to that? What did they do?

MR. ATTAR: They approved it. It had to go through several people to get approved and every, they all approved it, gave us the parking (inaudible).

MR. LA FIANDRA: And they knew what you were doing. They, they were, this was their suggestion, was it not?

MR. ATTAR: Correct. We had told them exactly what it was for, they just couldn't, there was no mechanism to just give parking spots. So, we had to rent the part of the property to have access to the parking lot.

MR. LA FIANDRA: And so, this might be easier for you to see. Do you see Petitioner's Exhibit 17?

MR. ATTAR: Yes.

MR. LA FIANDRA: What is this?

MR. ATTAR: So, this was the approval e-mail we got last summer saying that the event, which, the event that refers to the application, was approved for the parking.

MR. LA FIANDRA: For each of the weeks that you applied for?

MR. ATTAR: Correct. But this is only for the weekend. Recently, I believe it was the end of January, we got an application approved for weeknights as well.

MR. LA FIANDRA: So, let's take that separately. What, so last summer you had approved for the entire one year period, which ends this coming summer, 2022, is that correct?

MR. ATTAR: Correct, that's correct.

MR. LA FIANDRA: And, and for, for what day? For what day of the week?

MR. ATTAR: That's for Friday afternoon at 5:00 until Saturday night at 10:00 p.m.

MR. LA FIANDRA: For, for every Friday starting at 5:00 and ending on Saturday at 10:00 p.m. for the one year between July of 2021 and ending July of 2022?

MR. ATTAR: That's correct.

MR. LA FIANDRA: Okay. Now, you were, now, you were saying something else happened. You, you went back and you asked for more. What, tell, tell the Board about that.

MR. ATTAR: So, once we moved the rabbi's classes to the shul, at that point then we went ahead and had, applied for the parking. It, it, it, with the holidays and some of the, COVID, people being down, took, took a couple months but at the end of January, we got that approval as well.

MR. LA FIANDRA: Tell, tell the Board exactly what was approved.

MR. ATTAR: Approval to, that was the same thing we got the hard court to give us access to their parking lot every night between 7:00 p.m. and 10:00 p.m.

CHAIR: So, that would be Sunday to Friday, or Sunday until Friday?

MR. ATTAR: It's Sunday night through Thursday night.

CHAIR: Sunday night through Thursday night, right.

MR. ATTAR: And then, and then Friday night we have it current.

CHAIR: Okay.

MR. LA FIANDRA: So, I want to make sure the Board understands exactly what times you have approved. It's Sunday through Thursday. Tell the Board exactly what times you have approved.

MR. ATTAR: Sunday through Thursday evenings, 7:00 p.m. to 10:00 p.m., Friday night 5:00 p.m. through Saturday night 10:00 p.m.

MR. LA FIANDRA: Okay and are there any remaining

steps that are necessary?

MR. ATTAR: No, those are all approved. We are currently in the process of renewing it again for 2022 to 2023. That's, for the most part, everything has been processed. We're just waiting for them to get to that application and approve it.

MR. LA FIANDRA: Okay. Now, so, that, those spaces are available to you --

MR. ATTAR: Yes.

MR. LA FIANDRA: -- during those periods of time?

MR. ATTAR: Yes.

CHAIR: And that's the entire elementary school parking lot?

MR. ATTAR: Correct. Once you reserve something, you have access to the whole lot at that point.

CHAIR: So, there's, so there's, I take it then, there's plenty of parking to cover an additional fifty cars, something like that?

MR. ATTAR: I believe that lot has seventy-two parking spots.

CHAIR: Okay.

MR. LA FIANDRA: Do you know how far that parking lot is?

MR. ATTAR: I believe we, I believe I had said it was around seven hundred feet maybe.

MR. LA FIANDRA: Seven hundred feet or so.

MR. ATTAR: I believe so.

MR. LA FIANDRA: Okay. Let's see if, do you see that exhibit on your screen?

MR. ATTAR: Yes.

MR. LA FIANDRA: Hard to tell exactly, but the scale is on the exhibit, do you see it?

MR. ATTAR: Are you able to expand that a little bit?

MR. LA FIANDRA: I can. I don't know if you're going to be able to make (inaudible), but let me do my best. Do you see it down there?

MR. ATTAR: Yes.

MR. LA FIANDRA: And, Mr. Attar, these, to, to the left of the building over here, are these parking spaces?

MR. ATTAR: Yes.

MR. LA FIANDRA: Okay. Does this path lead from the building and the parking lot to the corner across the street from the shul?

MR. ATTAR: Yes.

MR. LA FIANDRA: Now, during the winter, does, does this make for a long walk? Does this make for a long walk for people to walk?

MR. ATTAR: I don't know if I would call it long, but it, it's, it's seven hundred feet, yes.

MR. LA FIANDRA: Okay, okay. Okay. Now, you were

saying, I cut you off, I think, what other, what, what other steps have you taken to alleviate the parking concerns on Northbrook, on Northbrook?

MR. ATTAR: We, we constantly, one thing that our members know is, and we constantly remind them, we do not want any cars to be parked on Northbrook itself. If we, and if we ever see, we ask whoever's car is there to move. So, that's, we, that's one thing for us was to always make sure not to park. There's no, you know, there's enough parking to not have to park in front of anybody's house and that's what we stress to our members.

MR. LA FIANDRA: Okay. Were you present in, for Mr. Warfield's testimony about what it would take to re-plat the property?

MR. ATTAR: Yes.

MR. LA FIANDRA: And you heard him testify about the Development Review Committee and the limited exemption development plan?

MR. ATTAR: Yes.

MR. LA FIANDRA: Had you previously heard him talk about those matters?

MR. ATTAR: Yes.

MR. LA FIANDRA: If, if, if the shul had to incur the time and expense of, say, a three-year delay of using the property for a shul, and an additional $75,000 to re-plat the

property, what would that do to, to the shul?

MR. MCCANN: Same objection, Mr. Evans.

CHAIR: Noted.

MR. MCCANN: May I have a continuing objection going down (inaudible) --

CHAIR: Yes, yes. You have a continuing, yes, absolutely.

MR. MCCANN: Thank you, thank you.

MR. LA FIANDRA: As president of --

MR. LA FIANDRA: (inaudible) question.

MR. ATTAR: As president of the shul, you know, I'll put it this way. It's, it's hard enough and stressful enough, and the people that are on the board, my wife, they'll all tell you, to find even one week here or one week there to be able to rent is, is, is not easy.

We came to this property because where we were, our lease was up and we had no, you know, we had to move on and this is where we came to as the best option. But if we had to go through that process another three years, I think that at that point we would just shut the doors and cease to exist honestly. I don't think we would be able to find somewhere for three years to be able to operate. Just, it wouldn't work. There's just nowhere to do it.

MR. LA FIANDRA: So, where are you, where are you worshiping now?

MR. ATTAR: So, right now, we, there's a little bit of work happening inside 3009 Northbrook. So, we have reached out to a couple of synagogues and going back and forth from one to another for the past few weeks until we get that work done. But it's, it's been a struggle. It, moving everything back and forth is, is not easy. But we, we did it because we have to. But, you know, that's, for a few weeks, we're able to do it. But shuls need their own space. And there's not always going to be someone available to rent to us.

MR. LA FIANDRA: How long have you been out of 3009?

MR. ATTAR: I believe it was towards the end of January.

MR. LA FIANDRA: Towards the end of January, okay. And so, you have not had any services there since that time?

MR. ATTAR: No.

MR. LA FIANDRA: The, have you done any community outreach to garner support for your proposal?

MR. ATTAR: We did. There were a couple board members that had gone around. I believe they knocked on every door in the area and to, to garnish signatures. They were able to get a lot of signatures, as you saw from the exhibit that we had showed with the blue dots.

There were some people who just wanted to stay neutral and a couple people who didn't open their doors. But for the most part, they were able to get a lot of signatures as

is evidenced. All the people on Northbrook that signed.

MR. LA FIANDRA: Do you recognize this Petitioner's eighteen?

MR. ATTAR: Yes.

MR. LA FIANDRA: And what is this?

MR. ATTAR: This was a Petition that we had, that we had our member sign, as well as the one that the two board members took around the community to get signatures for.

MR. LA FIANDRA: Okay. I, I think, do, do you happen to recall how many signatures you got?

MR. ATTAR: I think there was, I think it was six per page, close to twenty pages.

MR. LA FIANDRA: Okay.

MR. ATTAR: Probably between a hundred ten, a hundred twenty.

MR. LA FIANDRA: Okay.

CHAIR: Does the Petition indicate who's a member and who's simply a neighbor?

MR. ATTAR: That Petition does not. But all our members did sign, like the one where we had the burgundy and blue dots, all our members did sign there. But the blue ones are people that signed the Petition but who are not members.

CHAIR: I see, okay.

MR. LA FIANDRA: So, is that, Mr. Attar, is that the difference here, Petitioner's Exhibit 13?

MR. ATTAR: Correct. The burgundy ones, the burgundy are, are members, where they lived. And, I believe most, if not all of them did sign the Petition. But the blue are people who are not our members who did sign the Petition.

MR. LA FIANDRA: Okay. I am either done or nearing being done with Mr. Attar.

CHAIR: I think we wanted to hear about the, the, the summer schedule, right?

MR. LA FIANDRA: Oh, the, the, the summer schedule of the weekly schedule, Mr. Evans?

CHAIR: Right. I mean, he talked, you talked about the winter schedule.

MR. LA FIANDRA: I'm happy to have him do that. That's fine.

CHAIR: I mean, I, you don't have to go into as much detail, but is it just the same except it's two hours later or something, I mean, --

MR. LA FIANDRA: Mr. Attar, you want to take, you want, we have, we have a few minutes before the end of the day. You want, want to go through that?

MR. ATTAR: Sure.

MR. LA FIANDRA: Let me stop sharing here so that we can see you. There you go.

MR. ATTAR: Sure. So, during the winter, we start close to sunset, it's about usually eight, between, around

eighteen minutes, I would say, before sunset, that's when we usually start. During the summer, sunset could get very late, sometimes it's around 8:30, 8:35. But our normal schedule is we start around 7:00 during the summer, Friday evenings.

The, Saturday mornings will be the same. Instead of the father and son program that we have during the winter because that's only about, I think, shuls only have them for about twelve or thirteen weeks out of the year.

CHAIR: Um hm.

MR. ATTAR: Just because the timing doesn't allow it. During the summer, around 5:00, we have a kids' singing program where about fifteen to twenty kids come and, with a couple members of the shul and they, they learn some of the Sephardic tunes and, and songs that, that are, that are used during the prayers. And it's just a way of getting them acclimated. So, when they hear those tunes at synagogue during the prayers, they could, they would be at that point, be able to sing along and just kind of reconnect to their heritage. At that point, at 6:00, because during the summer the Shabbos day is so long, the afternoon service that's on Saturday, instead of just having one, what we do is we split it up into two. Have one that's around 6:00 and we have one that's a little bit later around 8:00. Just because some people might, you know, if they're spending time with their families, they might want to go a little bit later, some people might just want to get out

of the house because the day is so long, so they might come at 6:00. So, during the winter, while we might just have one, everybody coming to one, during the summer it gets split into two different ones. And some people come to one of them and some people go to a different one. And during the summer, as I mentioned, there is no father and son Saturday night at that point because during the summer, Shabbos could end around 9:30 p.m.

CHAIR: Okay.

MR. LA FIANDRA: Mr. Attar, is there anything else you wanted to mention to the Board?

MR. ATTAR: I think that's it. That's it.

MR. LA FIANDRA: Yeah, I think I'm, I'm through with my questions for Mr. Attar. I would propose to break now instead of starting his cross exam. Unless the Board has, of course, any questions.

CHAIR: Mr. McCann, what's your view? Would you prefer time to prepare for cross?

MR. MCCANN: Well, yeah, I think it would save some time if we did. But, and I wouldn't, it's not ideal to break it up. I'm just a little concerned, frankly, Mr. Evans, about, and I know Mr. La Fiandra knows this, so I don't need to remind him.

But the, Mr. Attar's obligation and Mr. La Fiandra's to not communicate in the interim. I know it's only a couple

days. But I'm a little concerned about that and perhaps other people talking or educating Mr. Attar between now and Monday when cross examination starts. So, there's nothing to do about that other than ask if you could tell him what the rules are. And then, coming from you rather than me.

And then, number two, so I am okay with waiting till Monday. I guess that makes more practical sense. And then, I do have a couple objections to the exhibits that I don't think were moved in yet.

MS. BONARDI: They were not moved.

CHAIR: Right. They, they haven't been moved in yet.

MR. LA FIANDRA: (inaudible) to move them in.

MR. MCCANN: Okay.

CHAIR: Okay. So, Mr. Attar, you are, essentially, still a witness on the witness stand. And that means that you should not be having conversations with anyone about your testimony. And, because you're basically on the witness stand. Do, do you understand that?

MR. ATTAR: I understand.

CHAIR: Okay. You, you know, and sometimes it can be a little bit difficult to sort of calibrate what's a conversation about your testimony and, and what's not. So, it's, it's certainly safer for you to just sort of impose upon yourself a blanket rule that for the next three days you don't talk about your testimony with anyone, that would include your,

you know, your spouse and your kids.

I mean, you can certainly say things like yes, it was grueling or it was tough or, you know, whatever. But, you know, in terms of the substance of your testimony, that's, it's actually important that you not speak with any one because it could be viewed as coaching. And, you know, you're allowed to be coached before you testify, but you're not allowed to be coached during your testimony, okay?

MR. ATTAR: I understand.

CHAIR: All right. Does that cover it, Mr. McCann?

MR. MCCANN: Yeah, thank you very much for that. I appreciate it.

CHAIR: Okay, all right.

MR. MCCANN: Just want to be clear.

CHAIR: Okay, good. And, you know, Mr. Attar, you, you, just so you're, it's clear, I've seen it in the past where someone's testimony is, is interrupted like this and the first questions that they're asked when they resume their testimony is who they talked to about their testimony. So, you, you know, you have to be, you know, you have to understand that it could be a subject of inquiry and so, don't, don't, I, not that you would do anything untoward, but you should recognize that it's, it's, it's fair game to ask questions like that, okay?

MR. ATTAR: Okay, understood.

CHAIR: Okay, all right. Okay. With that, you are, I guess, excused, well, do, do any of the Board members have questions for Mr. Attar? No?

MR. PENNINGTON: I do not.

MR. LA FIANDRA: Before you excuse him, I'm going to move the exhibits in, so if we need him (inaudible) --

CHAIR: Well, maybe he, he should, maybe he should hold on until the exhibits are in because something might come up that relates to the exhibits, right?

MR. LA FIANDRA: Yes.

CHAIR: It's the sponsorship of the exhibits, is that --

MR. LA FIANDRA: Yes.

CHAIR: Okay. So, you're, so you're moving the, all of the exhibits you mentioned, you're moving in?

MR. LA FIANDRA: Yes, eight, eight and nine are already in. I've got twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen, moving in.

CHAIR: Okay. So, Mr. McCann, what are, what are your objections? Which ones do you object to? And you're muted, Mr. McCann.

MR. MCCANN: Sorry. Yeah, Exhibit 12 is the one with the shul (inaudible) I understand the purpose of that testimony but I just want to make clear that, as I, I know I've objected on, in similar circumstances in other cases, including cases

just like this, where there was testimony about other, other shuls, suggesting that other shuls have been approved by the County, either the ALJ or the Board or through some other means.

And I don't, I don't think that, in and of itself, is relevant. The fact that, you know, the old story. Just because you went through the red light last week, you know, that, that sort of, I don't think it's relevant that anything else has been approved, particularly since some of those are in the City.

CHAIR: Okay. So, objections, your objection to number twelve is, as to relevance --

MR. MCCANN: Right, yeah. Yeah, I'm not being clear, but yes.

CHAIR: Okay. So, that objection is overruled. But your, that doesn't diminish your point that, you know, the, the probative value of the exhibit is certainly up for grabs. And, you know, can be fairly debated.

MR. MCCANN: Okay.

CHAIR: But the exhibit, exhibit is sufficient to be admitted, okay?

MR. MCCANN: Yep. And then, similarly, with respect to eighteen. The, the problem I have with eighteen, which is the Petition, which I know we talk about Petitions a lot.

CHAIR: Petitions, Petitions are a source of constant

conversation.

MR. MCCANN: They are. And, and again, I know the ruling very well may be that this goes to the weight of, of the Petition but the, the introductory paragraph of this Petition to which everybody signed on, really has nothing to do with the standards in this case. It, essentially, is saying I support this congregation. And that's it.

But that's, it's not a popularity contest. Whenever I've had Petitions admitted or sought to have them admitted, I always direct the Petitions to the, to the issues in the case, and you'll see that our Petition in this case is directed to the standards. So, that's all. I understand you'll give it the weight you will, probably, but I wanted to object for the record on that basis.

CHAIR: Right and, and you're, you're correct. I mean, we, the, Petitions are a, you know, a vexing problem always. And it, and sometimes, you know, those preliminary paragraphs are drafted at a time when the case looks like it's going in one direction. And then by the time the hearing is it's in another direction.

And I've, I've seen counsel object after counsel has changed their plans, they then object to the Petition that relates to their original plans and that's aggravating actually. Now, I'm not suggesting you're doing that, but it makes, what, what it, it just illustrates the difficulty in

having introductory paragraphs that are perfectly congruent with what's, what's going on.

So, so the ruling is to admit the Petition. It, I don't want to be too trite by saying things like it is what it is. But it is what it is and your concerns are well taken. But again, you know, I think it goes to the weight, the ultimate weight that the Board gives to the Petition, okay?

MR. MCCANN: Okay.

CHAIR: Have I addressed your objections?

MR. MCCANN: You have, thank you. No objections otherwise.

CHAIR: Okay, good. Okay. Well, then, twelve and eighteen are admitted, and the other exhibits are admitted as well. And it's now 3:44 and I guess we should probably adjourn until 9:00 a.m. Monday morning, is that correct? Mr. Pennington, you, you look like you have something to say. You're muted.

MR. PENNINGTON: I was muted. Just, I just wanted to, some quick housekeeping. I just wanted to make sure. Mr. La Fiandra, no Exhibit 2, 10 or 11, correct, on your exhibit list?

MR. LA FIANDRA: Hold on, I'm going to look at my exhibit list.

MR. PENNINGTON: And nineteen.

MR. LA FIANDRA: Ten, eleven, two and nineteen, that

is correct.

MR. PENNINGTON: Okay, perfect. We're good, thank you.

CHAIR: Those are not in?

MR. LA FIANDRA: Thank you very much.

MR. PENNINGTON: Correct.

CHAIR: Okay.

MR. LA FIANDRA: And we'll pick up with the cross of Mr. Attar.

CHAIR: On Monday morning at 9:00 a.m., right?

MR. LA FIANDRA: Yes, 9:00 a.m.

CHAIR: Nine a.m., and we will try and press ahead, and I would encourage all counsel to make sure your witnesses are here so that we can finish in our three days. Okay?

MR. LA FIANDRA: Yes, and may I be in touch with Mr. Attar to work on his technology issue? I have a laptop I'd like to lend him.

CHAIR: Yes, yes, yes.

MR. LA FIANDRA: Okay.

CHAIR: Yes, yes, yes. Yes, you can do that.

MR. LA FIANDRA: Okay, okay.

CHAIR: Okay? Anyone have, are, are we done then? Can we adjourn?

MR. MCCANN: Sounds good, thank you.

MR. LA FIANDRA: I'm happy to adjourn. Okay, thank

you very much.

CHAIR: Okay. Thank, thank you. And I wanted to say in this one minute extra that we have, all of the Board members truly appreciate the conduct of both counsel. Both of you are polite and your questions and your comments are, you know, well directed and to the point. There's no snarkiness, there's no undue animosity. And I know, you know, there, there probably will be some testiness, it always happens, and it's expected. But it really is a pleasure actually to have both of you present your cases, so.

MR. LA FIANDRA: Thank you.

MR. MCCANN: Thank you, Mr. Evans.

CHAIR: Yeah, okay. Thank you, both.

MR. MCCANN: Have a nice weekend everybody.

MR. LA FIANDRA: Thank you very much. Have a nice weekend, take care. Thank you.

MR. PENNINGTON: Thank you.

(OFF THE RECORD)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of Saman Radparvar, Legal Owner, case number 20-299-SPHA, heard before the Board of Appeals of Baltimore County, March 10, 2022, were recorded by means of audiotape.

I further certify that, to the best of my knowledge and belief, page numbers 1 through 202 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 26th day of January 2023.

Christine R. Leary

Christine R. Leary

Transcriber

**Baltimore County Board of Appeals**

**Case No.: 20-299-SPHA**

**Petitioner/Appellant Exhibits**

1. Warfield CV A
2. Kellman CV A
3. Site Plan A
4. Zoning Map A
5. Conceptual Landscape Plan A
6. Title Deed 39754/228 A
7. Plat 21/77 - Green Spring Manor Section 4 A
8. Photo Array 1 A
9. Photo Array 2 A
10. Surrounding Residential Properties A
11. Planning Commission / Board Approved Subdivisions A
12. Shuls within 15 minute Walk A
13. Map of Members and Supporters A
14. Map (Close Up) of Members and Supporters
15. Aerial Photo of 3009 Northbrook A
16. Parking Reservations - Wellwood School A
17. Approved Parking Notification - Wellwood School A
18. Petition A
19. 19A and 19B. Photo A
21. Permit Approval- A

Petitioner's Exhibit 1


# Stephen A. Warfield, P.E.

954 Ridgebrook Road, Suite 120
Sparks, MD 21152
(410) 683-7004


## Professional Registration

Registered Professional Engineer - Civil Engineering 1995 - Maryland P.E. # 21162

## Education

B.S. Civil Engineering - 1990 - University of Maryland, College Park
Master of Environmental Engineering - 1994- Johns Hopkins University

## Professional Experience

| | |
|---|---|
| 12/94-Present | Matis Warfield, Inc.; 954 Ridgebrook Road, Suite 120, Sparks, MD 21152: Currently employed as a principal at Matis Warfield, Inc. Responsible for civil engineering services for the development community. Responsibilities include; planning, design, permitting feasibility studies, concept plans, development plans, zoning plans, expert witness testimony, floodplain studies, open channels, stormwater management facilities, storm drain systems, erosion and sediment control plans, highways, pumping stations, utilities, specification development, cost estimating, grading, alternatives analysis, critical area analysis, project management, marketing, administration, client relations, etc. for site development projects. |
| 5/91-12/94 | Gannett Fleming, Inc.; Suite 200; East Quadrangle; The Village of Cross Keys; Baltimore, Maryland 21210: Supervisors: Fred Wagner-Project Manager, and Dave Ross-Office Manager<br>Employed as a project engineer by Gannett Fleming, Inc., Baltimore Maryland. Responsible for design and specification development for water treatment plant process design, wastewater treatment plant process and site design, pumping station design, open channel design, stormwater management design, erosion and sediment control design, drainage studies, alternatives analysis, and highway designs. |
| 6/90-5/91 | George William Stephens, & Associates, Inc.; 658 Kenilworth Drive; Towson, Maryland 21204: Supervisor: Tapobrata Chakrabarti, Partner<br>Employed as a design engineer by George William Stephens Jr. & Associates, Inc., Towson, Maryland. Performed floodplain studies, designed stormwater management facilities, and designed open channel flow systems for residential, commercial, and industrial development projects. Responsibilities also included development of computer programs to aid stormwater management design. |

## Professional Affiliations

Baltimore County Engineers Association
Home Builders Association of Maryland
Maryland Society of Professional Engineers

Petitioner's
Exhibit 2

# MITCHELL J. KELLMAN

VICE PRESIDENT | DIRECTOR OF ZONING SERVICES

**Education**

Towson University, BA, Geography and Environmental Planning, Urban Planning

Towson University, Masters, Geography and Environmental Planning, Urban Planning

**Professional Summary**

Mr. Kellman has over 30 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 15 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel, which formulates design recommendations to the Planning staff and Administrative Law Judges, and the Landmarks Preservation Commission.

**Partial List of Projects**

Delight Quarry, Baltimore County, MD

Hunt Valley Towne Centre, Baltimore County, MD

Charlestown Retirement Community, Baltimore County, MD

Goucher College, Baltimore County, MD

Greenspring Quarry, Baltimore County, MD

Loveton Business Center, Baltimore County, MD

Oakcrest Village Retirement Community, Baltimore County, MD

Sheppard and Enoch Pratt Hospital, Baltimore County, MD

Sparks Corporate Center, Baltimore County, MD

Towson Town Center, Baltimore County, MD

**Memberships and Associations**

Baltimore County Landmarks Commission, 2014, 2015, 2016, 2017, 2018, 2019, Vice Chair 2020, Chair 2021

Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019

Greater Towson Committee, Planning & Development Sub-Committee, 2012, 2013, 2014, 2015, 2016, 2017, 2018

Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014, 2015

Greater Towson Committee Board of Directors - Secretary, 2014, 2015, 2016, 2017, 2018, 2019

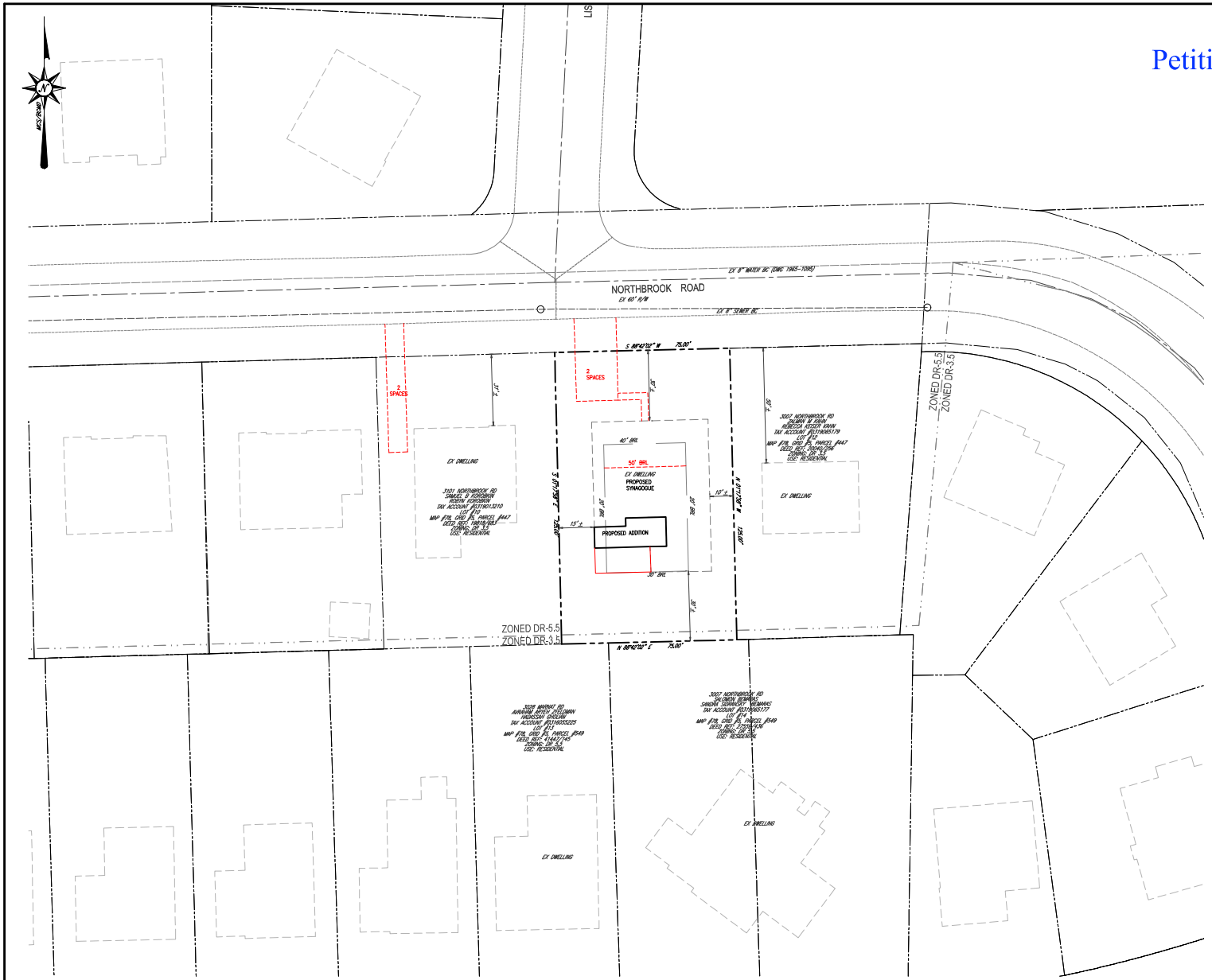
Leadership Baltimore County, 2013

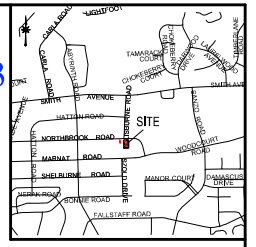
Leadership Baltimore County, Class Interviewer, Member, 2015

**Professional Experience**

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present
Baltimore County Zoning Review Office, Towson, MD: 1985-2000

Petitioner's Exhibit 3




LOCATION MAP

SCALE: 1" = 1000'

## GENERAL NOTES:

1. 1. OWNER: SAMAN RADPARVAR
   6521 GARDENWICK ROAD
   BALTIMORE MD 21209
2. SITE AREA:
   NET: 9,375 SF OR 0.22 Ac.±0
   GROSS: 11,625 SF OR 0.27 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: SYNAGOGUE
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 39754/228
6. TAX ACCOUNT: 0319065178
7. PLAT REF: SECTION 4 GREEN SPRING MANOR 21/77, LOT #11 BLOCK G
8. ZONING: DR 3.5
   (PER 1"=200' ZONING MAP 078C1)
9. TAX MAP: 78
   GRID: 5
   PARCEL: 447
10. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100380F DATED SEPTEMBER 26, 2008.
11. PREVIOUS ZONING CASES: NONE ON FILE.
12. PREVIOUS PERMITS: B132409 CONSTRUCT SINGLE FAMILY DWELLING.
13. SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
14. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
15. SETBACKS FOR DR 3.5 NON RESIDENTIAL

| | REQUIRED | PROVIDED |
|---|---|---|
| FRONT* | 50'40' | 30'± |
| SIDE | 20' | 10'± |
| REAR | 30' | 30'± |

* AVG 50+31/2 = 40'

16. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2401003B5F, DATED SEPTEMBER 26, 2008.
17. BASIC SERVICE MAPS
    THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS AS SHOWN ON THE BASIC SERVICES MAPS PASSED BY THE BALTIMORE COUNTY COUNCIL ON MAY 4, 2020 IN BILL 30-20.
18. PARKING
    REQUIRED: 1 PARKING SPACE PER 4 SEATS IN THE MAIN SANCTUARY
    SEATING CAPACITY/4 SPACES: 80/4= 20 SPACES REQUIRED
    PROVIDED: 2 SPACES RELIEF REQUESTED
19. BUILDING HEIGHT: THE HEIGHT OF THE BUILDING WILL NOT EXCEED THE REQUIREMENTS OF BCZR § 300.2.
20. ALL SIGNS TO CONFORM TO BCZR SECTION 450, OR VARIANCES WILL BE REQUESTED

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021

STATE OF MARYLAND — RICHARDSON — 16597 — REGISTERED PROFESSIONAL ENGINEER
4/21/21


*Richardson Engineering, LLC*

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
rick@richardsonengineering.net


PLAN TO ACCOMPANY ZONING PETITION
FOR

# AHAVAT SHALOM

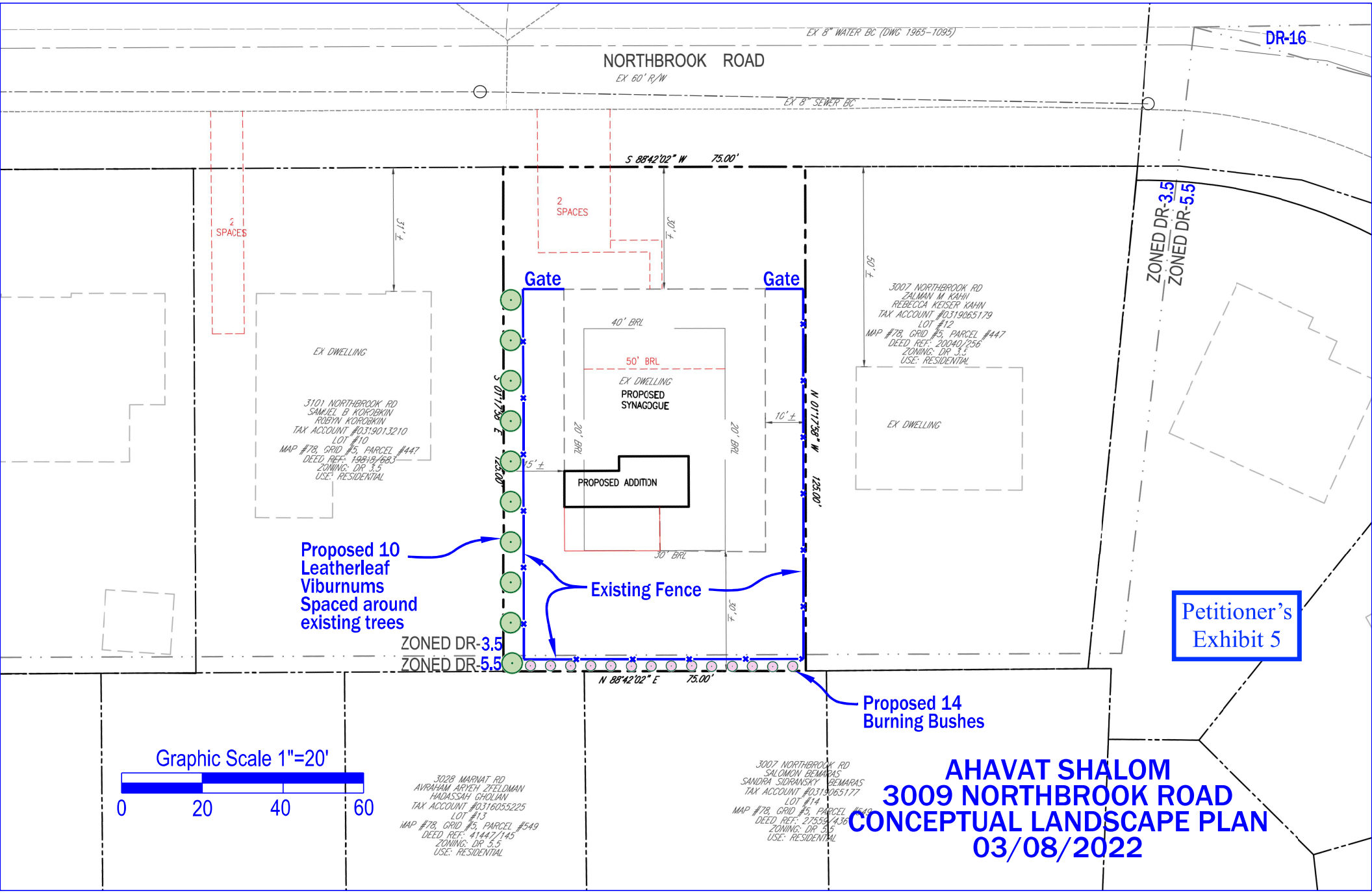
## 3009 NORTHBROOK ROAD

BALTIMORE COUNTY MARYLAND
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

REVISIONS
REV 6/28/21

| DRAWN BY: | CHECKED BY: | SCALE: |
|---|---|---|
| LNR | PCR | 1" = 20' |
| DATE: | JOB NO.: | SHEET NO.: |
| 04-21-21 | 20151 | 1 OF 1 |

# Baltimore County - My Neighborhood


NORTHBROOK ROAD
EX 60' R/W
EX 8" WATER BC (DWG 1965-1095)
EX 8" SEWER BC
DR-16
S 88°42'02" W 75.00'
Gate
Gate
2 SPACES
2 SPACES
EX DWELLING
3101 NORTHBROOK RD
SAMUEL B KOROBKIN
ROBYN KOROBKIN
TAX ACCOUNT #0319013210
LOT #10
MAP #78, GRID #5, PARCEL #447
DEED REF: 19818/683
ZONING: DR 3.5
USE: RESIDENTIAL
40' BRL
50' BRL
EX DWELLING
PROPOSED SYNAGOGUE
PROPOSED ADDITION
30' BRL
20' BRL
20' BRL
15' ±
10' ±
S 01°17'58" E
125.00'
N 01°17'58" W
125.00'
3007 NORTHBROOK RD
ZALMAN M KAHN
REBECCA KEISER KAHN
TAX ACCOUNT #0319065179
LOT #12
MAP #78, GRID #5, PARCEL #447
DEED REF: 20040/256
ZONING: DR 3.5
USE: RESIDENTIAL
EX DWELLING
ZONED DR-3.5
ZONED DR-5.5
ZONED DR-3.5
ZONED DR-5.5
Proposed 10 Leatherleaf Viburnums Spaced around existing trees
Existing Fence
N 88°42'02" E 75.00'
Proposed 14 Burning Bushes
Petitioner's Exhibit 5
Graphic Scale 1"=20'
0 20 40 60
3028 MARNAT RD
AVRAHAM ARYEH ZEELDMAN
HADASSAH GHOLIAN
TAX ACCOUNT #0316055225
LOT #13
MAP #78, GRID #5, PARCEL #549
DEED REF: 4144/145
ZONING: DR 5.5
USE: RESIDENTIAL
3007 NORTHBROOK RD
SALOMON BEMARAS
SANDRA SIDRANSKY BEMARAS
TAX ACCOUNT #0319065177
LOT #14
MAP #78, GRID #5, PARCEL #449
DEED REF: 27559/436
ZONING: DR 5.5
USE: RESIDENTIAL
AHAVAT SHALOM
3009 NORTHBROOK ROAD
CONCEPTUAL LANDSCAPE PLAN
03/08/2022

Petitioner's
Exhibit 6

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0228, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

Tax I.D. No.: 03-0319065178
Title Insurer: Old Republic National Title Insurance Company

AFTER RECORDING RETURN TO:
Commerce Title Company, Inc.
1777 Reisterstown Road
Suite 200 West
Baltimore, MD 21208
File No.: 761076

PAID RECEIPT

| DATE | TIME |
|---|---|
| 12/18/2017 | 08:34:19 |
| TAX ID: 0319065178 | |
| CO. TR TAX | $7,275.00 |
| RECORDATION TAX | $2,425.00 |
| JS | Baltimore County, Maryland |

Baltimore County Cir Crt

| | |
|---|---|
| IMP FD SURE | $40.00 |
| RECORDING FEE | $20.00 |
| TR TAX STATE | $2,425.00 |
| TOTAL | $2,485.00 |
| JLE SLF | |
| Dec 18, 2017 | 08:55 am |

# DEED

THIS DEED, made this December 05, 2017, by and between Mark Harel Dredze and Megan Chava Evans, parties of the first part, and Saman Radparvar, party of the second part.

WITNESSETH, that in consideration of the sum of Four Hundred Eighty Five Thousand Dollars and No Cents ($485,000.00); and other goods and valuable consideration, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the party of the second part as sole owner, in fee simple all that property situate in Baltimore County, State of Maryland, known as 3009 Northbrook Road, and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD said described lot of ground and premises to the said party of the second part as sole owner, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that they will warrant specially the property hereby conveyed, and that they will execute such further assurances of the same as may be requisite or necessary.

WITNESS, the hand and seal of said Grantor(s).

WITNESS:

GRANTOR(S):

Mark H Dredze (Seal)
Mark Harel Dredze

Megan Chava Evans (Seal)
Megan Chava Evans

(Seal)

(Seal)

State of Maryland, City/County of Montgomery, to wit;

I hereby certify that on this 4 day of December, 2017, before me, the subscriber, personally appeared Mark Harel Dredze and Megan Chava Evans, known to me or satisfactorily proven to be the person(s) whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he/she/they executed the same for the purposes therein contained.

WITNESS MY HAND AND NOTARIAL SEAL.

LOUNA CHOUTE HILL
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES APRIL 25, 2018

Notary Public

My Commission Expires: 04/25/2018

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY, THE UNDERSIGNED ATTORNEY.

Eli J. Newman, Esquire



BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0229, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0230, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

## EXHIBIT "A"
## LEGAL DESCRIPTION

Beginning for the same on the south side of Northbrook Road as laid out 60 feet wide at the distance of 765.00 feet measured easterly from the intersection of the south side of Northbrook Road and the east side of Labyrinth Road as laid out 50 feet wide said beginning being at the dividing line between Lots Nos. 10 and 11, Block "G", as shown on Plat of Section 4 Green Spring Manor, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 21, folio 77, and running thence and binding on the south side of Northbrook Road, and referring the courses of this description to the True Meridian as adopted by the Baltimore County Survey Control System, north 88 degrees 42 minutes 02 seconds east 75.00 feet to the dividing line between Lots Nos. 11 and 12, " Block G" , as shown on said Plat thence with said dividing line south 1 degree 17 minutes 58 seconds east 125.00 feet to the end thereof, thence south 88 degrees 42 minutes 02 seconds west 75.00 feet to the dividing line between Lots Nos. 10 and 11 herein referred to, and thence with said dividing line north 1 degree 17 minutes 58 seconds west 125 feet to the place of beginning.
Subject to a 10 foot drainage easement along the third line of the lot herein described.
Being and Compromising all of Lot No. 11, Block "G", Section 4 Green Spring Manor. The improvements thereon being known as NO. 3009 Northbrook Road.

BEING THE SAME property which by deed dated January 19, 2012 and recorded among the Land Records of Baltimore County, Maryland in Liber 31634, Folio 378 was granted and conveyed by Arie S. Nabozny and Ida Nabozny, by Arie S. Nabozny, her attorney in fact, unto Mark Harel Dredze and Megan Chava Evans.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0231, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

MARYLAND FORM **WH-AR**

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2017

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor

Mark Harel Dredze and Megan Chava Evans

**2. Reasons for Exemption**

**Resident Status**

☒ I, Transferor, am a resident of the State of Maryland.

☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal Residence**

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

**Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.**

**3a. Individual Transferors**

Witness

Mark Harel Dredze

Name

Signature

Witness

Megan Chava Evans

Name

Signature

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

Title

File No.: 761076
MD Affidavit of Principal Residence BP
17-49

# State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

*Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.*

**(Type or Print in Black Ink Only-All Copies Must Be Legible)**

**1 Type(s) of Instruments** (☐ Check Box if addendum Intake Form is Attached.)

| | | | |
|---|---|---|---|
| ☑ Deed | ☐ Mortgage | ☐ Other _____ | ☐ Other _____ |
| ☑ Deed of Trust | ☐ Lease | ☐ _____ | ☐ _____ |

**2 Conveyance Type** Checkbox

| | | | |
|---|---|---|---|
| ☑ Improved Sale Arms-Length | ☐ Unimproved Sale Arms-Length | ☐ Multiple Accounts Arms-Length | ☐ Not an Arms-Length Sale |

**3 Tax Exemptions** (if applicable) Cite or Explain Authority

| | |
|---|---|
| **Recordation** | |
| **State Transfer** | |
| **County Transfer** | |

**4 Consideration and Tax Calculations**

| Consideration Amount | | Finance Office Use Only Transfer and Recordation Tax Consideration | |
|---|---|---|---|
| Purchase Price/Consideration | $485,000.00 | Transfer Tax Consideration | $ |
| Any New Mortgage | $388,000.00 | X ( )% = | $ |
| Balance of Existing Mortgage | $ | Less Exemption Amount - | $ |
| Other: | $ | Total Transfer Tax = | $ |
| | | Recordation Tax Consideration | $ |
| Other: | $ | X ( )% per $500 = | $ |
| Full Cash Value: | $ | TOTAL DUE | $ |

**5 Fees**

| Amount of Fees | Doc. 1 | Doc. 2 |
|---|---|---|
| Recording Charge | $20.00 | $75.00 |
| Surcharge | $40.00 | $40.00 |
| State Recordation Tax | $2,425.00 | $ |
| State Transfer Tax | $2,425.00 | $ |
| County Transfer Tax | $7,275.00 | $ |
| Other | $ | $ |
| Other | $ | $ |

Agent:

Tax Bill: Real Property

C.B. Credit PAID

Ag. Tax/Other

**6 Description of Property**

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

| District | Property Tax ID No. (1) | Grantor Liber/Folio | Map | Parcel No. | Var. LOG |
|---|---|---|---|---|---|
| | 03-0319065178 | | | | ☐ (5) |

| Subdivision Name | Lot (3a) | Block(3b) | Sect/AR (3c) | Plat Ref. | SqFt/Acreage (4) |
|---|---|---|---|---|---|
| | | | | | |

Location/Address of Property Being Conveyed (2): 3009 Northbrook Road, Baltimore, MD 21209

Other Property Identifiers (if applicable): | Water Meter Account No.:

Residential ☑ or Non-Residential ☐ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

**7 Transferred From**

| Doc. 1 - Grantor(s) Name(s) | Doc. 2 - Grantor(s) Names (s) |
|---|---|
| Mark Harel Dredze and Megan Chava Evans | Saman Radparvar |
| **Doc. 1 - Owner(s) of Record, if Different from Grantor(s)** | **Doc. 2 - Owner(s) of Record, if Different from Grantor(s)** |
| | |

**8 Transferred To**

| Doc. 1 - Grantee(s) Name(s) | Doc. 2 - Grantee(s) Name(s) |
|---|---|
| Saman Radparvar | Academy Mortgage Corporation ISAOA |

New Owner's (Grantee) Mailing Address: 6521 Gardenwick Rd, Baltimore, MD 21209

**9 Other Names to Be Indexed**

| Doc. 1 - Additional Names to be Indexed (Optional) | Doc. 2 - Additional Names to be Indexed (Optional) |
|---|---|
| | |

**10 Contact/Mail Information**

Instrument Submitted By or Contact Person

Name: Menucha Prince

Firm: Commerce Title Company, Inc.

Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, MD 21208

Phone: (410) 653-4004

☐ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

**11** IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

**Assessment Information**

☐ Yes ☑ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☑ No Does transfer include personal property? If yes, identify: _____

☐ Yes ☑ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

**Assessment Use Only - Do Not Write Below This Line**

Terminal Verification . Agricultural Verification . Whole . Part . Tran. Process Verification

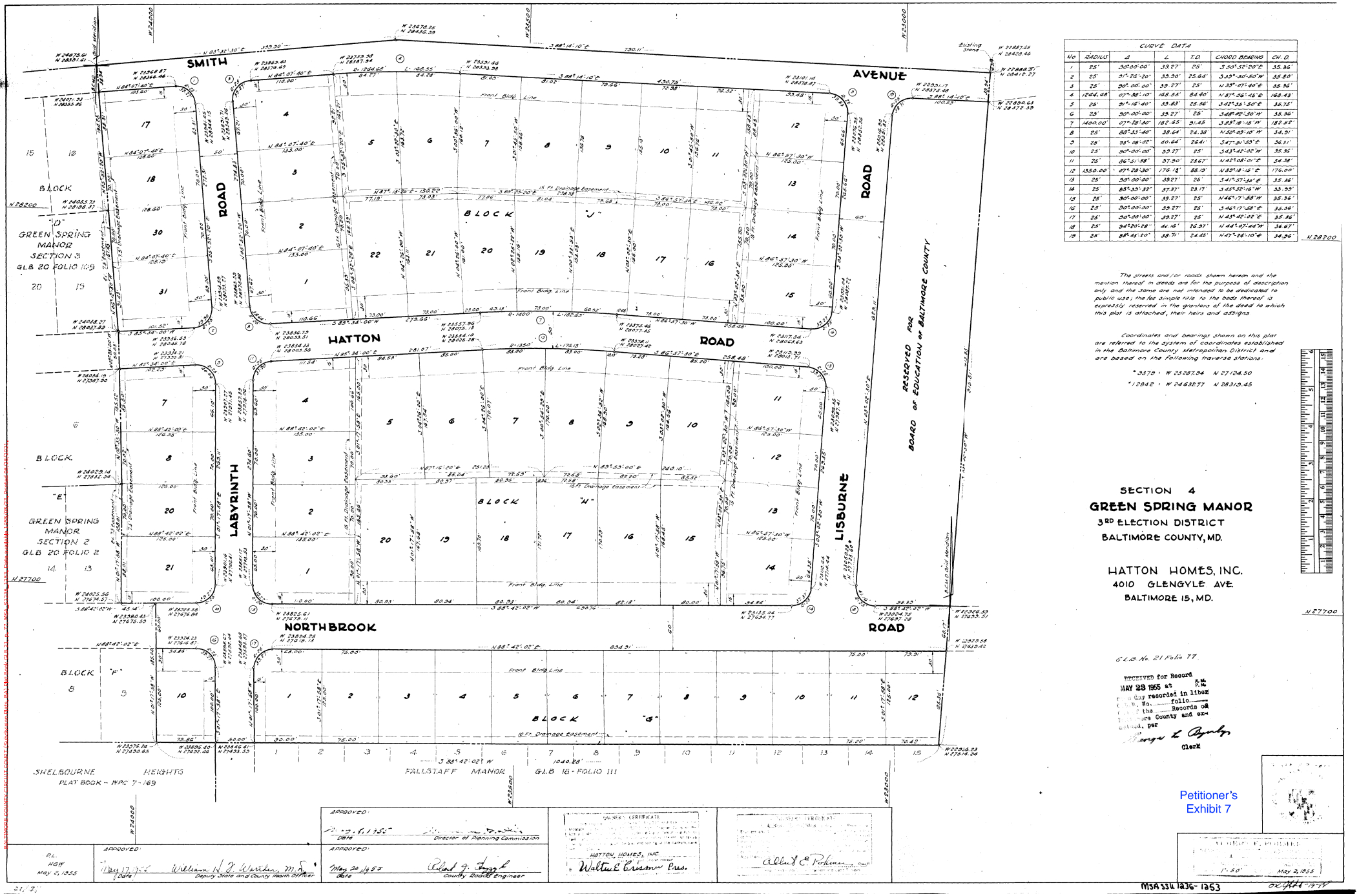
Transfer Number Date Received: Deed Reference: Assigned Property No.:

| | | | | | | |
|---|---|---|---|---|---|---|
| Year | 20 | 20 | Geo. | Map | Sub | Block |
| Land | | | Zoning | Grid | Plat | Lot |
| Buildings | | | Use | Parcel | Section | Occ. Cd. |
| Total | | | Town Cd. | Ex. St. | Ex. Cd. | |

REMARKS:

AOC-CC-300 (5/2007) **Submit 4 copies**

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0232, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.




| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| No | RADIUS | Δ | L | T.D. | CHORD BEARING | CH. D. |
| 1 | 25' | 90°00'00" | 39.27' | 25' | S 50°52'20" E | 35.36' |
| 2 | 25' | 91°24'20" | 39.90' | 25.64' | S 39°50'50" W | 35.80' |
| 3 | 25' | 90°00'00" | 39.27' | 25' | N 39°07'40" E | 35.36' |
| 4 | 1264.68' | 07°38'10" | 168.55' | 84.40' | N 87°56'45" E | 168.43' |
| 5 | 25' | 91°16'40" | 39.83' | 25.56' | S 42°35'50" E | 35.75' |
| 6 | 25' | 90°00'00" | 39.27' | 25' | S 46°52'30" W | 35.36' |
| 7 | 1400.00' | 07°28'30" | 182.65' | 91.45' | S 89°18'15" W | 182.52' |
| 8 | 25' | 88°33'40" | 38.64' | 24.38' | N 50°05'05" W | 34.91' |
| 9 | 25' | 93°08'02" | 40.64' | 26.01' | S 47°51'05" E | 36.31' |
| 10 | 25' | 90°00'00" | 39.27' | 25' | S 43°52'02" W | 35.36' |
| 11 | 25' | 86°51'58" | 37.90' | 23.67' | N 42°08'01" E | 34.38' |
| 12 | 1350.00' | 07°28'30" | 176.13' | 88.15' | N 89°18'15" E | 176.00' |
| 13 | 25' | 90°00'00" | 39.27' | 25' | S 41°57'30" E | 35.36' |
| 14 | 25' | 88°55'32" | 37.37' | 23.17' | S 45°52'16" W | 33.73' |
| 15 | 25' | 90°00'00" | 39.27' | 25' | N 46°17'58" W | 35.36' |
| 16 | 25' | 90°00'00" | 39.27' | 25' | S 46°17'58" E | 35.36' |
| 17 | 25' | 90°00'00" | 39.27' | 25' | N 43°42'02" E | 35.36' |
| 18 | 25' | 94°20'28" | 41.16' | 26.97' | N 44°07'44" W | 36.67' |
| 19 | 25' | 88°43'20" | 38.71' | 24.46' | N 47°24'10" E | 34.96' |

The streets and/or roads shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

"3379 : N 27124.50 W 23287.34

"1284 2 : N 28313.45 W 24632.77

SECTION 4
GREEN SPRING MANOR
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD.

HATTON HOMES, INC.
4010 GLENGYLE AVE.
BALTIMORE 15, MD.

G.L.B. No. 21 Folio 77.

RECEIVED for Record
MAY 23 1955 at
day recorded in Liber
folio
Records of
County and ex-
per
Clerk

APPROVED:
May 17, 1955 — Director of Planning Commission

APPROVED:
May 17 1955 — William N. J. Warthen, M.D. — Deputy State and County Health Officer

APPROVED:
May 20 1955 — Richard J. Fogle — County Roads Engineer

OWNER'S CERTIFICATE
HATTON HOMES, INC.
Walter E. Erisman Pres.

SURVEYOR'S CERTIFICATE
Albert C. Pohmer

PL. HGW May 2, 1955

1" = 50' — May 2, 1955

Petitioner's Exhibit 7

MSA S34 1236-1353

Petitioner’s Exhibit 8

Petitioner’
s Exhibit 9

**Baltimore County Board of Appeals**

**Case No.: 20-299-SPHA**

**Protestant/Appellee Exhibits**

1. Plats- Green Spring Manor A
2. MyNeighborhood Map A
3. SDAT sheets (3009 and 3101 Northbrook) A

   A. SDAT sheets (all of Section 4- Green Spring Manor) A

~~4. Prior deeds (3009 Northbrook) W~~

5. Articles of Incorporation A
6. Temporary Use Permit A

~~7. Photos of 3009 Northbrook W~~

8. Photos (rentals) A- Ohr Hachaim
9. Facebook image A
10. Facebook image A

~~11. Facebook image W~~

~~12. Baltimore Jewish Life post W~~

13. ~~Instagram image~~ W
14. A. Video A
    B. Transcript A
15. Correction Notice A
16. Citation A
17. Petition A
18. ZAC comments A
19. Photo parking A

20. Photo parking A

21. Photo parking A

22. Photo – Wellwood A

~~23. Photo Construction W~~

23 A- Photo Ramp-A

~~24. Ltr fr. Rabbi to Dr. Segal W~~

~~25. List of religious events W~~

26. A. aerial 2015 Admit all
    B. aerial 2002
    C. aerial 1994
    D. aerial 1993
    E. aerial 1989
    F. aerial 1981
    G. Legend

27. A. Email from Judge Mayhew-A
    B. Email attachments (3 letters)-A

~~28. Movie Wellwood W~~

28A. Photo Wellwood-A

29. Building permit A

30. 30-Donny Akri website A

31. Non-Sephardic 7 Mile and Shawburn Website A

32. Hamirach Website A

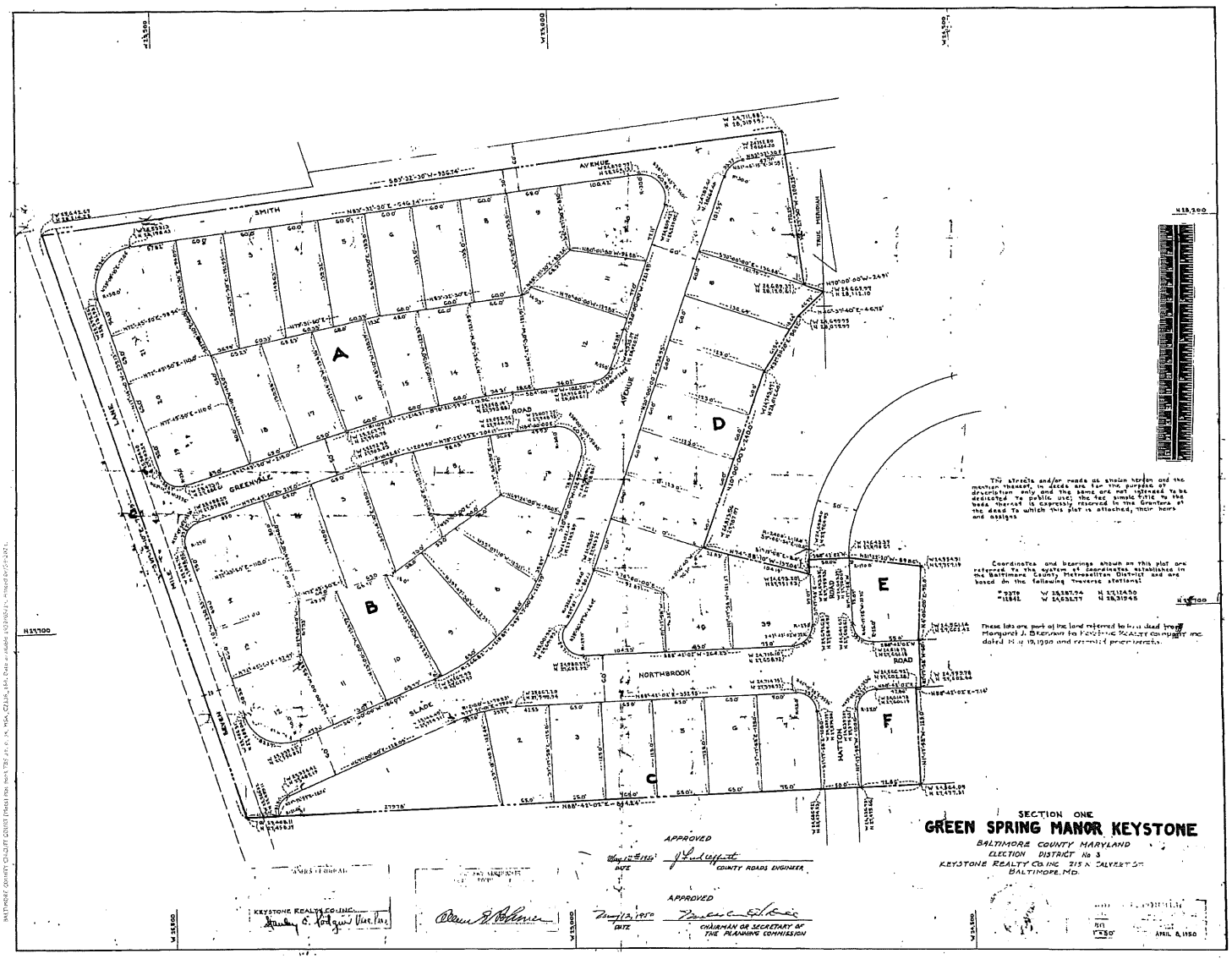
32A. Hamizrach Map- A

33. Map of Pet. Signers A

34. Spreadsheet A

35. Photo of Lisborne and Northbrook A

36. Photo Lisborne and Northbrook A




The streets and/or roads as shown hereon and the mention thereof, in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved to the Grantors of the deed to which this plat is attached, their heirs and assigns

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

| | | |
|---|---|---|
| #2378 | E 28387.24 | N 17,124.50 |
| #1842 | E 2458.17 | N 28,319.45 |

These lots are part of the land referred to in a deed from Margaret J. Beckman to Keystone Realty Company Inc. dated March 19, 1950 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 1950 folio 1

APPROVED
May 12th 1950
DATE
COUNTY ROADS ENGINEER

APPROVED
May 13, 1950
DATE
CHAIRMAN OR SECRETARY OF THE PLANNING COMMISSION

KEYSTONE REALTY CO. INC.
Stanley C. Rodgers Vice Pres.

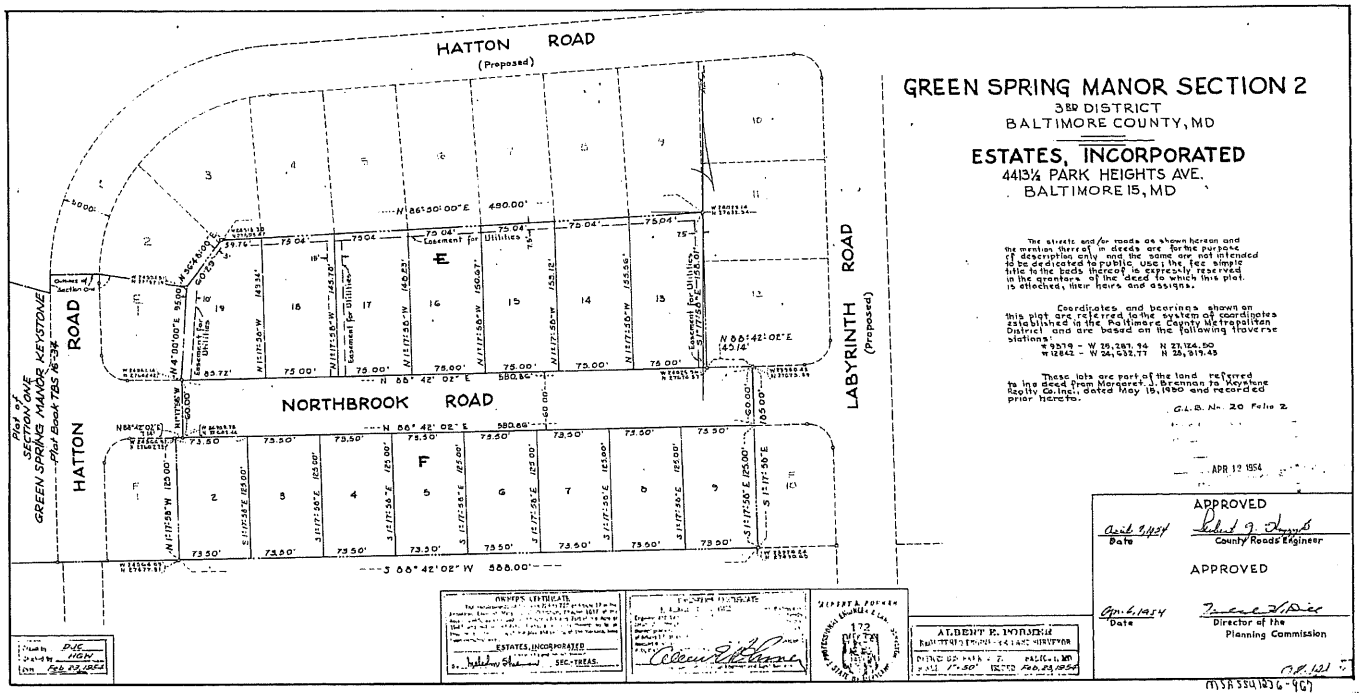
SECTION ONE

# GREEN SPRING MANOR KEYSTONE

BALTIMORE COUNTY MARYLAND
ELECTION DISTRICT No 3
KEYSTONE REALTY CO INC 215 N CALVERT ST
BALTIMORE, MD.

1" = 50'
APRIL 8, 1950

BALTIMORE COUNTY, COLLATT COURT Plats for Part 'B' Jr. in Plat Cabs. 1-5, Plat 2 Folio 5/29/50 Printed 5/29/50




# GREEN SPRING MANOR SECTION 2

3RD DISTRICT
BALTIMORE COUNTY, MD

## ESTATES, INCORPORATED

4413½ PARK HEIGHTS AVE.
BALTIMORE 15, MD

The streets and/or roads as shown hereon and the median thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
#9379 - W 35,287.94 N 27,124.50
#12842 - W 34,432.77 N 28,819.45

These lots are part of the land referred to in a deed from Margaret J. Brennan to Keystone Realty Co. Inc., dated May 19, 1950 and recorded prior hereto.

G.L.B. No. 20 Folio 2.

APR 12 1954

APPROVED

Apr. 9, 1954
Date

County Roads Engineer

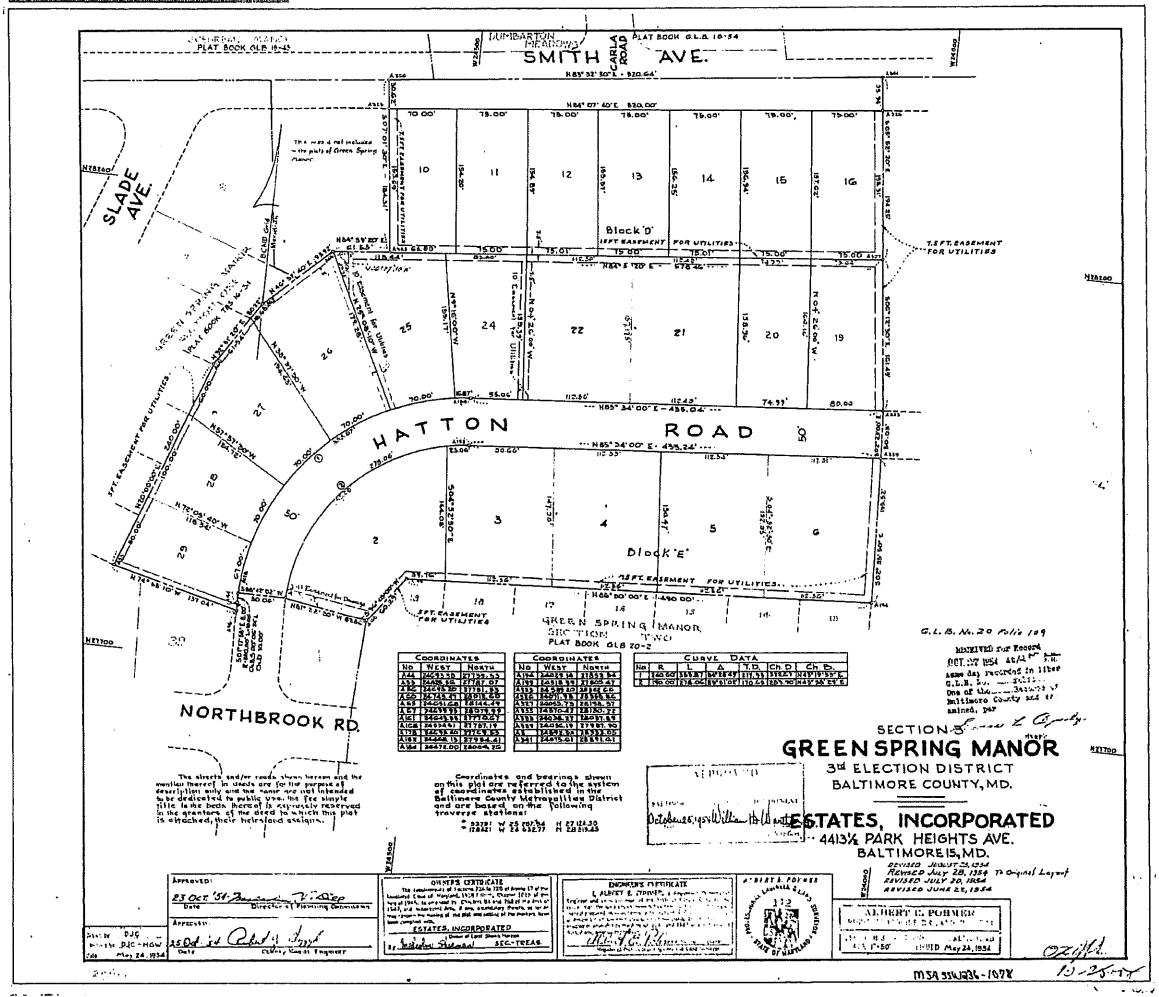
APPROVED

Apr. 6, 1954
Date

Director of the Planning Commission

P.P. 121

MSA S54 1036 - 967




| Coordinates | | | Coordinates | | |
|---|---|---|---|---|---|
| No | West | North | No | West | North |
| A26 | 24453.38 | 21139.53 | A34 | 24615.18 | 21533.54 |
| A32 | 24596.15 | 21161.07 | A33 | 24598.13 | 21760.47 |
| A31 | 24648.20 | 21181.83 | A32 | 24.589 401 | 21981.65 |
| A30 | 24.765.93 | 21215.05 | A31 | 24671.14 | 22.153.55 |
| A29 | 24.624.69 | 21414.49 | A30 | 24602.13 | 22150.57 |
| A28 | 24.594.93 | 21.514.93 | A29 | 24.570.47 | 22150.93 |
| A27 | 24.648.93 | 21.716.07 | A28 | 24.536.33 | 22.149.93 |
| A26 | 24.934.91 | 21.718.19 | A27 | 24.602.14 | 22.181.90 |
| A25 | 24.934.80 | 21.916.93 | A1 | 24.592.80 | 22.332.05 |
| A24 | 24.928.13 | 21.934.41 | A2 | 24.615.61 | 22.331.61 |
| A23 | 24.947.00 | 21.964.20 | | | |

| Curve Data | | | | | | |
|---|---|---|---|---|---|---|
| No | R | L | Δ | T.D. | Ch D | Ch. B. |
| 1 | 150.00 | 235.62 | 90°00'00" | 150.00 | N 40°04' 30" E | |
| 2 | 150.00 | 78.54 | 30°00'00" | 40.21 | S 80°04' 30" E | |

G.L.B. No. 20 Folio 109

RECEIVED for Record
OCT. 27 1954 at 4:42 P.M.
same day recorded in Liber
G.L.B. No. [illegible]
One of the Land Records of
Baltimore County and is
mined, per

SECTION 3 Green Spring Manor

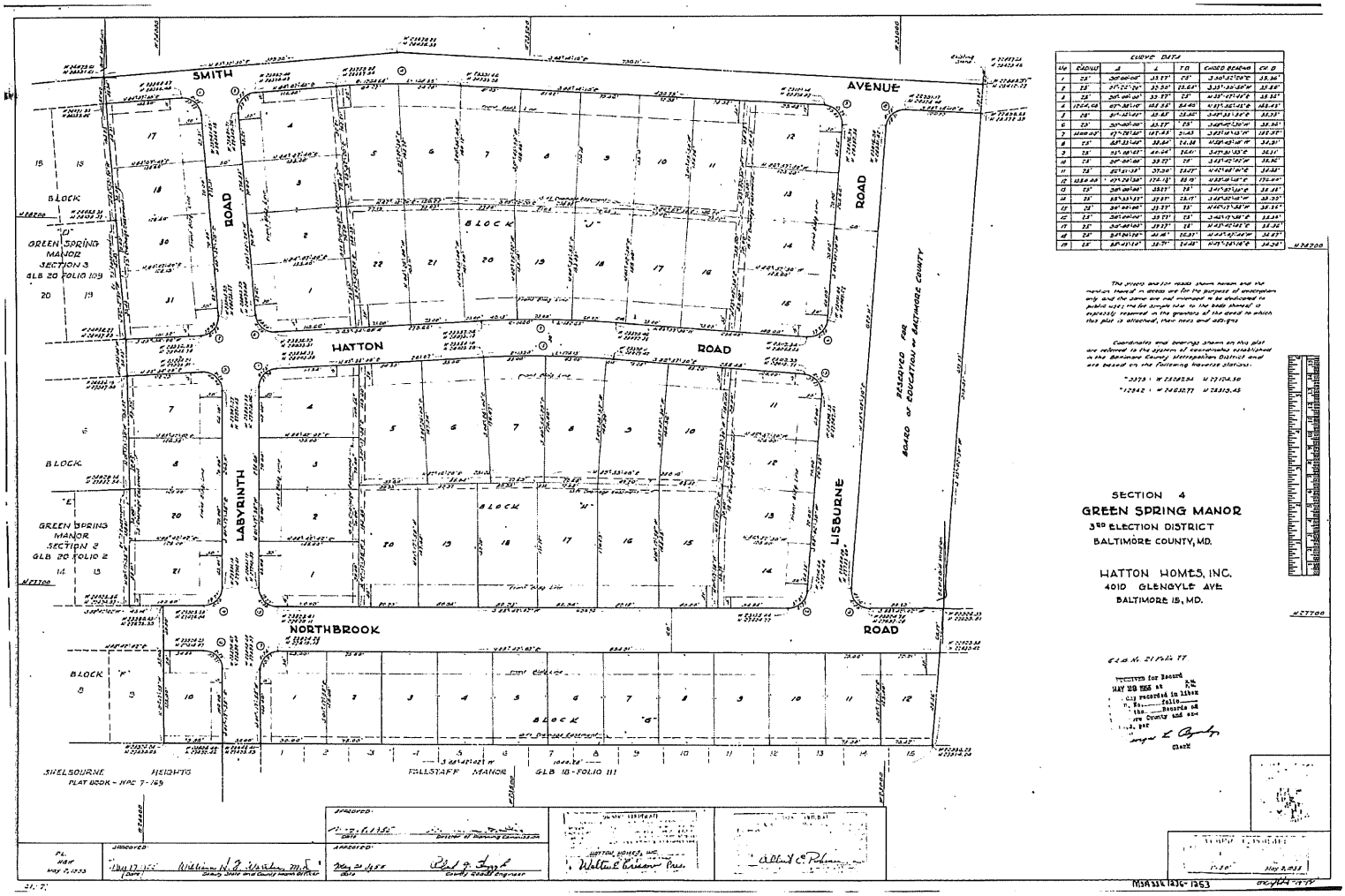
REVISED JULY 28, 1954 To Original Layout
REVISED JULY 30, 1954
REVISED JUNE 22, 1954

The streets and/or roads shown hereon and the use thereof by others are for the purpose of description only and the owner are not intended to be dedicated to public use, the fee simple title to the beds thereof is expressly reserved to the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
"A" 33281 W 23 697.94 N 27 172.30
"A1" 24681 W 23 612.77 N 22 819.25

M.S.A. 334.1936-1078

15-25-54


SMITH AVENUE
HATTON ROAD
NORTHBROOK ROAD
LABYRINTH ROAD
LISBURNE ROAD
RESERVED FOR BOARD OF EDUCATION OF BALTIMORE COUNTY
BLOCK "D"
BLOCK "E"
BLOCK "F"
BLOCK "G"
BLOCK "V"
BLOCK "W"
GREEN SPRING MANOR SECTION 3 GLB 20 FOLIO 109
GREEN SPRING MANOR SECTION 2 GLB 20 FOLIO 2
SHELSBOURNE HEIGHTS PLAT BOOK - WPC 7 - 169
FALLSTAFF MANOR GLB 18 - FOLIO 111
CURVE DATA
The streets and/or roads shown hereon and the names thereof, if any, are for the purpose of orientation only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.
Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:
"3373 N 72262.84 W 73104.56
"12942 N 74618.71 W 73313.45
SECTION 4
GREEN SPRING MANOR
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD.
HATTON HOMES, INC.
4010 GLENGYLE AVE
BALTIMORE 15, MD.
GLB N. 21 FOL. 77
Received for Record
MAY 29 1958 at
Recorded in Liber
Folio
Records of
Baltimore County and
Clerk
APPROVED
Director of Planning & Zoning
APPROVED
County Board of Education
HATTON HOMES, INC.
Walter E. Hatton Pres.
A. Bland & Co. Photo
May 27, 1958
May 29, 1958
1" = 50'
May 2, 1958

# Baltimore County - My Neighborhood

Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA |

Real Property Data Search ( w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District - 03 Account Number -** 0319065178

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | RADPARVAR SAMAN | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6521 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /39754/ 00228 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3009 NORTHBROOK RD<br>BALTIMORE 21209-2405 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 11 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1993 | 2,370 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | SIDING/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value<br>As of<br>01/01/2020 | Phase-in Assessments<br>As of<br>07/01/2020 | <br>As of<br>07/01/2021 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 300,800 | 306,100 | | |
| **Total:** | 384,700 | 390,000 | 386,467 | 388,233 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** DREDZE MARK HAREL | **Date:** 12/18/2017 | **Price:** $485,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /39754/ 00228 | **Deed2:** |
| **Seller:** NABOZNY ARIE S | **Date:** 01/23/2012 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /31634/ 00378 | **Deed2:** |
| **Seller:** LINWAY DEVELOPME NT INC | **Date:** 06/24/1992 | **Price:** $80,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09245/ 00105 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** District - 03 Account Number - 0319013210

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NOURMAND PAYAM | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6510 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /44095/ 00016 |

## Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3101 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3101 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 10 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,691 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

## Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2020 | As of 07/01/2021 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 268,600 | 250,900 | | |
| **Total:** | 352,500 | 334,800 | 334,800 | 334,800 |
| **Preferential Land:** | 0 | 0 | | |

## Transfer Information

| | | |
|---|---|---|
| **Seller:** KOROBKIN SAMUEL B | **Date:** 02/11/2021 | **Price:** $575,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /44095/ 00016 | **Deed2:** |
| **Seller:** BERGER RONALD D | **Date:** 03/31/2004 | **Price:** $353,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /19818/ 00683 | **Deed2:** |
| **Seller:** SCHUSTER MARVIN M | **Date:** 06/18/1990 | **Price:** $165,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08510/ 00845 | **Deed2:** |

## Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

## Homestead Application Information

**Homestead Application Status:** No Application

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0302049460

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ELBAUM AVRON MARC<br>ELBAUM GAYLA F KEEHN | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3005 NORTHBROOK RD<br>BALTIMORE MD 21209-2405 | **Deed Reference:** | /19658/ 00704 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3005 NORTHBROOK RD<br>BALTIMORE 21209-2405 | **Legal Description:** | 3005 NORTHBROOK RD<br>PICKWICK |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0011 | 0619 | 3050065.04 | 0000 | 5 | N | 1 | 2020 | **Plat Ref:** | 0031/ 0044 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1968 | 2,031 SF | | 9,240 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | 1/2 BRICK FRAME/ BRICK | 4 | 3 full | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 93,000 | 121,000 | | |
| **Improvements** | 230,700 | 265,300 | | |
| **Total:** | 323,700 | 386,300 | 365,433 | 386,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BLOOM HARRY | **Date:** 02/26/2004 | **Price:** $303,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /19658/ 00704 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319013210

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NOURMAND PAYAM | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6510 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /44095/ 00016 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3101 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3101 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 10 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,691 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 268,600 | 250,900 | | |
| **Total:** | 352,500 | 334,800 | 334,800 | 334,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KOROBKIN SAMUEL B | **Date:** 02/11/2021 | **Price:** $575,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /44095/ 00016 | **Deed2:** |
| **Seller:** BERGER RONALD D | **Date:** 03/31/2004 | **Price:** $353,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /19818/ 00683 | **Deed2:** |
| **Seller:** SCHUSTER MARVIN M | **Date:** 06/18/1990 | **Price:** $165,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08510/ 00845 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319033326

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | MILLER PHILIP B<br>MILLER RUTH G | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3103 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /24211/ 00042 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3103 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3103 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 9 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,637 SF | 492 SF | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 273,900 | 255,300 | | |
| **Total:** | 357,800 | 339,200 | 339,200 | 339,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** HAKAKIAN SAEED | **Date:** 07/26/2006 | **Price:** $422,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /24211/ 00042 | **Deed2:** |
| **Seller:** STEIN BARRY DAVID | **Date:** 02/25/1993 | **Price:** $150,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09624/ 00272 | **Deed2:** |
| **Seller:** KUTCHER MARK JAY | **Date:** 08/30/1988 | **Price:** $170,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07957/ 00238 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 05/07/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0312002970

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | COOPERSTEIN RONDA | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 3105 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /14668/ 00159 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3105 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3105 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 8 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 210,800 | 197,100 | | |
| **Total:** | 294,700 | 281,000 | 281,000 | 281,000 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** FINE STEVEN | **Date:** 08/30/2000 | **Price:** $159,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /14668/ 00159 | **Deed2:** |
| **Seller:** LESSMAN JAMES D | **Date:** 05/22/1997 | **Price:** $145,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /12190/ 00198 | **Deed2:** |
| **Seller:** WAXMAN CARL M | **Date:** 04/21/1988 | **Price:** $137,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07842/ 00802 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 06/12/2014

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0313042390

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | EFRON NOAM<br>EFRON IULIA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3107 NORTHBROOK RD<br>BALTIMORE MD 21208- | **Deed Reference:** | /32304/ 00180 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3107 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3107 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 7 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 226,500 | 212,100 | | |
| **Total:** | 310,400 | 296,000 | 296,000 | 296,000 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ECKMAN ARI | **Date:** 07/12/2012 | **Price:** $275,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /32304/ 00180 | **Deed2:** |
| **Seller:** ZERWITZ FREDDY A | **Date:** 06/22/2007 | **Price:** $385,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /25835/ 00672 | **Deed2:** |
| **Seller:** POLOVOY ALBERT B | **Date:** 11/06/2002 | **Price:** $164,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /17045/ 00279 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 12/31/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w1)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0320002060

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KAPLOWITZ GARY J<br>KAPLOWITZ MICHAELA T | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3109 NORTHBROOK RD<br>BALTIMORE MD 21208 | **Deed Reference:** | /10644/ 00431 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3109 NORTHBROOK RD<br>BALTIMORE 21208 | **Legal Description:** | 3109 NORTHBROOK RD SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 6 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 244,500 | 229,400 | | |
| **Total:** | 328,400 | 313,300 | 313,300 | 313,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** TABAKOF ALLEN | **Date:** 07/12/1994 | **Price:** $147,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /10644/ 00431 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 10/08/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319028310

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | FELLNER JANICE<br>FELLNER BERNARD S | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3111 NORTHBROOK RD<br>BALTIMORE MD 21208- | **Deed Reference:** | /33166/ 00069 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3111 NORTHBROOK RD<br>BALTIMORE 21208- | **Legal Description:** | 3111 NORTHBROOK RD SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 5 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,703 SF | 851 SF | 9,372 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | BRICK/ | 4 | 2 full/ 1 half | 1 Carport | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 210,400 | 223,100 | | |
| **Total:** | 294,300 | 307,000 | 302,767 | 307,000 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KORNBLIT HERBERT R | **Date:** 02/11/2013 | **Price:** $290,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /33166/ 00069 | **Deed2:** |
| **Seller:** SEGALL MARTIN H | **Date:** 12/23/1993 | **Price:** $150,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /10237/ 00293 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| **Partial Exempt Assessments:** | **Class** | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 08/15/2013

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0304036720

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | HOCHHEIMER MARTIN ANDREW<br>HOCHHEIMER SIRA MIRIAM | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3113 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /37756/ 00390 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3113 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 4 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,914 SF | 400 SF | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value<br>As of<br>01/01/2020 | Phase-in Assessments<br>As of<br>07/01/2021 | <br>As of<br>07/01/2022 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 207,500 | 202,900 | | |
| **Total:** | 291,400 | 286,800 | 286,800 | 286,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** RABINOWITZ MORDECHAI | **Date:** 07/15/2016 | **Price:** $375,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /37756/ 00390 | **Deed2:** |
| **Seller:** | **Date:** 06/14/2012 | **Price:** $262,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /32191/ 00389 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** $0 |
| **Type:** | **Deed1:** /06669/ 00186 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 07/25/2017

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0306011320

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | BARON EVAN J<br>BARON STACEY H | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3115 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /26704/ 00542 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3115 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3115 NORTHBROOK RD SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 3 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,451 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ FRAME | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 280,600 | 262,200 | | |
| **Total:** | 364,500 | 346,100 | 346,100 | 346,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KRAWATSKY MARC | **Date:** 02/26/2008 | **Price:** $419,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /26704/ 00542 | **Deed2:** |
| **Seller:** FEINGLASS ELAINE M/GOODMAN MERLE J | **Date:** 05/22/2000 | **Price:** $153,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /14479/ 00383 | **Deed2:** |
| **Seller:** FEINGLASS ELAINE M | **Date:** 08/03/1994 | **Price:** $0 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /10681/ 00741 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 07/09/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0316061380

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | STRIMBER ABRAHAM<br>STRIMBER BRACHA B | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3117 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /29850/ 00028 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3117 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3117 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 2 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,855 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 293,700 | 275,300 | | |
| **Total:** | 377,600 | 359,200 | 359,200 | 359,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SCHECTER RACHEL | **Date:** 09/08/2010 | **Price:** $350,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /29850/ 00028 | **Deed2:** |
| **Seller:** FOREMAN MYRA | **Date:** 09/15/2008 | **Price:** $317,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /27324/ 00561 | **Deed2:** |
| **Seller:** POLEN JACK | **Date:** 07/17/1989 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /03173/ 00480 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 06/06/2013

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0302025030

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KRAWATSKY STEVEN M<br>KRAWATSKY SHIRA S | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3119 NORTHBROOK RD<br>BALTIMORE MD 21208-4524 | **Deed Reference:** | /36313/ 00080 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3119 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3119 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 1 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,198 SF | 800 SF | 10,614 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | BRICK/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,300 | 84,300 | | |
| **Improvements** | 247,000 | 250,000 | | |
| **Total:** | 331,300 | 334,300 | 333,300 | 334,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BERMAN MILDRED TRUSTEE | **Date:** 06/17/2015 | **Price:** $355,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /36313/ 00080 | **Deed2:** |
| **Seller:** BERMAN BARNETT | **Date:** 03/10/2005 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /21541/ 00319 | **Deed2:** |
| **Seller:** BERMAN MILDRED S | **Date:** 06/10/1999 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /13810/ 00612 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 12/30/2016

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0301089340

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | SALTZMAN ANDREW K<br>SALTZMAN SARALEE R | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7501 LABYRINTH RD<br>BALTIMORE MD 21208-4518 | **Deed Reference:** | /23251/ 00202 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7501 LABYRINTH RD<br>BALTIMORE 21208-4518 | **Legal Description:** | 7501 LABYRINTH RD ES<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 1 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1958 | 2,962 SF | 1245 SF | 11,484 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | BRICK/ | 4 | 4 full/ 1 half | | |

Value Information

| | Base Value | Value<br>As of<br>01/01/2020 | Phase-in Assessments<br>As of<br>07/01/2021 | <br>As of<br>07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,500 | 84,500 | | |
| **Improvements** | 339,700 | 344,400 | | |
| **Total:** | 424,200 | 428,900 | 427,333 | 428,900 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BAHK MYEONG SU | **Date:** 01/19/2006 | **Price:** $458,500 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /23251/ 00202 | **Deed2:** |
| **Seller:** BAHK MYEONG SU | **Date:** 06/18/1993 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09832/ 00652 | **Deed2:** |
| **Seller:** BAHK ROBERT | **Date:** 09/04/1990 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /08584/ 00484 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 05/06/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0316061350

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | PENN DONALD H<br>PENN ILENE L | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7503 LABYRINTH RD<br>BALTIMORE MD 21208-4518 | **Deed Reference:** | /07022/ 00521 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7503 LABYRINTH RD<br>BALTIMORE 21208-4518 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 2 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1954 | 1,957 SF | | 9,450 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,000 | 84,000 | | |
| **Improvements** | 207,700 | 194,200 | | |
| **Total:** | 291,700 | 278,200 | 278,200 | 278,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** GINSBERG STUART R | **Date:** 10/15/1985 | **Price:** $130,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07022/ 00521 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 05/07/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0302070110

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | BERLIN BETTY S | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 7505 LABYRINTH RD<br>BALTIMORE MD 21208 | **Deed Reference:** | /10578/ 00122 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7505 LABYRINTH RD<br>BALTIMORE 21208 | **Legal Description:** | 7505 LABYRINTH RD ES<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 3 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 9,450 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,000 | 84,000 | | |
| **Improvements** | 205,000 | 198,600 | | |
| **Total:** | 289,000 | 282,600 | 282,600 | 282,600 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BERLIN BETTY S | **Date:** 06/10/1994 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /10578/ 00122 | **Deed2:** |
| **Seller:** BERLIN MARVIN N | **Date:** 02/02/1978 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /05852/ 00280 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0303003750

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | LIEBES EPHRAIM TZVI<br>LIEBES TOVA LEAH | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7507 LABYRINTH RD<br>BALTIMORE MD 21208-4518 | **Deed Reference:** | /41700/ 00340 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7507 LABYRINTH RD<br>BALTIMORE 21208-4518 | **Legal Description:** | 7507 LABYRINTH RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 4 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,017 SF | | 12,408 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,700 | 84,700 | | |
| **Improvements** | 214,000 | 233,100 | | |
| **Total:** | 298,700 | 317,800 | 311,433 | 317,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SCHAFFER EDWARD H | **Date:** 08/01/2019 | **Price:** $426,250 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /41700/ 00340 | **Deed2:** |
| **Seller:** CAPLAN DONALD H | **Date:** 04/05/2006 | **Price:** $359,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /23637/ 00670 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 08/13/2020

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0304076150

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | GREEN DAVID L<br>GREEN ELIZABETH A | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7509 LABYRINTH RD<br>BALTIMORE MD 21208-4520 | **Deed Reference:** | /12257/ 00052 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7509 LABYRINTH RD<br>BALTIMORE 21208-4520 | **Legal Description:** | 7509 LABYRINTH RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 1 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 3,249 SF | 390 SF | 11,880 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,600 | 84,600 | | |
| **Improvements** | 337,300 | 327,700 | | |
| **Total:** | 421,900 | 412,300 | 412,300 | 412,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** EPSTEIN JONATHAN IRA | **Date:** 06/27/1997 | **Price:** $185,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /12257/ 00052 | **Deed2:** |
| **Seller:** WINGRAT EDWARD J | **Date:** 06/30/1987 | **Price:** $176,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07597/ 00318 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0311036030

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KATZ ALLEN<br>KATZ SARA M | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7511 LABYRINTH RD<br>BALTIMORE MD 21208-4520 | **Deed Reference:** | /36214/ 00431 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7511 LABYRINTH RD<br>BALTIMORE 21208-4520 | **Legal Description:** | 7511 LABYRINTH RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 2 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 3,605 SF | | 9,450 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,000 | 84,000 | | |
| **Improvements** | 333,900 | 323,900 | | |
| **Total:** | 417,900 | 407,900 | 407,900 | 407,900 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ALLEN EDITH GUREWITSCH | **Date:** 05/22/2015 | **Price:** $465,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /36214/ 00431 | **Deed2:** |
| **Seller:** GUREWITSCH EDITH DIAMENT | **Date:** 03/17/2010 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /29286/ 00379 | **Deed2:** |
| **Seller:** GOODMAN BRYAN LEE | **Date:** 10/04/2005 | **Price:** $340,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /22657/ 00338 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0316055600

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | BLASHKA DAVID M<br>BLASHKA INGA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7513 LABYRINTH RD<br>BALTIMORE MD 21208-4520 | **Deed Reference:** | /21016/ 00737 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7513 LABYRINTH RD<br>BALTIMORE 21208-4520 | **Legal Description:** | 7513 LABYRINTH RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 3 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 2,452 SF | | 9,450 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,000 | 84,000 | | |
| **Improvements** | 205,400 | 227,200 | | |
| **Total:** | 289,400 | 311,200 | 303,933 | 311,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** VAYS ALEKSANDR VAYS VALENTINA | **Date:** 11/22/2004 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /21016/ 00737 | **Deed2:** |
| **Seller:** FURMAN RONALD C | **Date:** 05/07/2004 | **Price:** $215,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /20023/ 00232 | **Deed2:** |
| **Seller:** PAUL NORMAN | **Date:** 06/30/1986 | **Price:** $123,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07224/ 00637 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 10/16/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0316061340

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ROSEN JOSHUA DAVID<br>ROSEN TERRI NICOLE | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7515 LABYRINTH RD<br>BALTIMORE MD 21208-4520 | **Deed Reference:** | /21054/ 00001 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7515 LABYRINTH RD<br>BALTIMORE 21208-4520 | **Legal Description:** | 7515 LABYRINTH RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 4 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,837 SF | | 11,748 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | 1/2 BRICK SIDING/ | 4 | 3 full | 1 Attached | 2021 |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,500 | 84,500 | | |
| **Improvements** | 322,600 | 325,400 | | |
| **Total:** | 407,100 | 409,900 | 408,967 | 409,900 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KOWALSKY AVRUM | **Date:** 12/01/2004 | **Price:** $315,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /21054/ 00001 | **Deed2:** |
| **Seller:** PODGUR STANLEY C | **Date:** 01/04/2000 | **Price:** $154,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /14242/ 00680 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0306082500

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ZELLER SHELDON H<br>ZELLER RACHEL LEAH | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3115 SMITH AVE<br>BALTIMORE MD 21208 | **Deed Reference:** | /10883/ 00711 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3115 SMITH AVE<br>BALTIMORE 21208 | **Legal Description:** | 3115 SMITH AVE<br>GREENSPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 5 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,616 SF | | 12,960 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,800 | 84,800 | | |
| **Improvements** | 244,500 | 227,800 | | |
| **Total:** | 329,300 | 312,600 | 312,600 | 312,600 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ZELLER SHELDON H | **Date:** 12/28/1994 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /10883/ 00711 | **Deed2:** |
| **Seller:** MILES STEPHEN L | **Date:** 08/29/1988 | **Price:** $104,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08419/ 00720 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 05/03/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319035010

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ZELIGMAN MURRAY K<br>ZELIGMAN RHODA S | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3113 SMITH AVE<br>BALTIMORE MD 21208-4541 | **Deed Reference:** | /10058/ 00079 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3113 SMITH AVE<br>BALTIMORE 21208-4541 | **Legal Description:** | 3113 SMITH AVE SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 6 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 12,558 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | 1/2 BRICK SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,700 | 84,700 | | |
| **Improvements** | 193,700 | 187,700 | | |
| **Total:** | 278,400 | 272,400 | 272,400 | 272,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ZELIGMAN MURRAY K | **Date:** 10/07/1993 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /10058/ 00079 | **Deed2:** |
| **Seller:** ZELIGMAN MYRTLE ZELIGMAN MURRAY K | **Date:** 06/11/1993 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09812/ 00000 | **Deed2:** |
| **Seller:** SHUGARMAN LOUIS | **Date:** 09/12/1990 | **Price:** $125,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08592/ 00760 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0307050720

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | FEDOROVSKIY ALEKSANDR<br>FEDOROVSKAYA TATYANA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3111 SMITH AVE<br>BALTIMORE MD 21208-4541 | **Deed Reference:** | /10600/ 00551 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3111 SMITH AVE<br>BALTIMORE 21208-4541 | **Legal Description:** | 3111 SMITH AVE SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 7 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,177 SF | | 12,561 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,700 | 84,700 | | |
| **Improvements** | 222,400 | 208,100 | | |
| **Total:** | 307,100 | 292,800 | 292,800 | 292,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** GERSHON ZER | **Date:** 06/21/1994 | **Price:** $128,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /10600/ 00551 | **Deed2:** |
| **Seller:** GERSHON ZEV | **Date:** 01/14/1993 | **Price:** $1 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09554/ 00736 | **Deed2:** |
| **Seller:** GERSHON ZEV | **Date:** 12/16/1992 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09511/ 00016 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0303051960

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | GRIGORYEV DMITRY N<br>GRIGORYEV VICTORIA Y | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3109 SMITH AVE<br>BALTIMORE MD 21208-4541 | **Deed Reference:** | /14441/ 00413 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3109 SMITH AVE<br>BALTIMORE 21208-4541 | **Legal Description:** | 3109 SMITH AV SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 8 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 1,957 SF | | 12,717 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,800 | 84,800 | | |
| **Improvements** | 208,100 | 196,200 | | |
| **Total:** | 292,900 | 281,000 | 281,000 | 281,000 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** OSTROVSKIY ROMAN | **Date:** 05/02/2000 | **Price:** $140,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /14441/ 00413 | **Deed2:** |
| **Seller:** COHEN GERALD E | **Date:** 05/10/1993 | **Price:** $123,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09752/ 00113 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 05/15/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0304021540

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | GERSTEIN AARON<br>GERSTEIN ANNA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3107 SMITH AVE<br>BALTIMORE MD 21208-4541 | **Deed Reference:** | /26621/ 00206 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3107 SMITH AVE<br>BALTIMORE 21208-4541 | **Legal Description:** | 3107 SMITH AVE<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 9 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 2,473 SF | | 12,245 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,700 | 84,700 | | |
| **Improvements** | 235,400 | 219,400 | | |
| **Total:** | 320,100 | 304,100 | 304,100 | 304,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ZELT TOBY JOY | **Date:** 01/30/2008 | **Price:** $320,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /26621/ 00206 | **Deed2:** |
| **Seller:** OPENDEN YONA T | **Date:** 12/02/2004 | **Price:** $315,450 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /21066/ 00232 | **Deed2:** |
| **Seller:** STERLING DEBRA G | **Date:** 06/30/2004 | **Price:** $230,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /20349/ 00284 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 11/18/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0318012010

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | FRIEDMAN HOWARD<br>FRIEDMAN AILEEN A | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3105 SMITH AVE<br>BALTIMORE MD 21208 | **Deed Reference:** | /09816/ 00476 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3105 SMITH AVE<br>BALTIMORE 21208- | **Legal Description:** | 3105 SMITH AVE SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 10 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 2,472 SF | | 11,160 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,400 | 84,400 | | |
| **Improvements** | 244,600 | 227,900 | | |
| **Total:** | 329,000 | 312,300 | 312,300 | 312,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** NABOZNY ARIE S | **Date:** 06/14/1993 | **Price:** $139,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09816/ 00476 | **Deed2:** |
| **Seller:** REAMER HERBERT I | **Date:** 04/05/1974 | **Price:** $52,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /05436/ 00574 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 06/22/2010

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0306022180

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | EXLER JACOB<br>EXLER EMMA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3103 SMITH AV<br>BALTIMORE MD 21208-4541 | **Deed Reference:** | /06404/ 00264 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3103 SMITH AVE<br>BALTIMORE 21208-4541 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 11 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 1,957 SF | | 11,618 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,500 | 84,500 | | |
| **Improvements** | 212,000 | 198,600 | | |
| **Total:** | 296,500 | 283,100 | 283,100 | 283,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** FINE HELEN C | **Date:** 06/16/1982 | **Price:** $75,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06404/ 00264 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 08/09/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0302070601

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | SILBERBERG BRIAN | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 7512 LISBURNE RD<br>BALTIMORE MD 21208-4522 | **Deed Reference:** | /44981/ 00339 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7512 LISBURNE RD<br>BALTIMORE 21208-4522 | **Legal Description:** | 7512 LISBURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 12 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,652 SF | 300 SF | 10,492 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,200 | 84,200 | | |
| **Improvements** | 287,300 | 268,000 | | |
| **Total:** | 371,500 | 352,200 | 352,200 | 352,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SILBERBERG BRIAN | **Date:** 06/24/2021 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /44981/ 00339 | **Deed2:** |
| **Seller:** | **Date:** 07/23/2012 | **Price:** $310,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /32338/ 00284 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** $0 |
| **Type:** | **Deed1:** /05032/ 00074 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 10/16/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0308056570

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ALLEN NINA ALEXANDRA | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 7510 LISBURNE RD<br>BALTIMORE MD 21208-4522 | **Deed Reference:** | /28576/ 00336 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7510 LISBURNE RD<br>BALTIMORE 21208-4522 | **Legal Description:** | LT 13 PT 14<br>7510 LISBURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 2,882 SF | 390 SF | 13,125 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 3 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,900 | 84,900 | | |
| **Improvements** | 305,500 | 272,200 | | |
| **Total:** | 390,400 | 357,100 | 357,100 | 357,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ALLEN NINA ALEXANDRA | **Date:** 08/27/2009 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /28576/ 00336 | **Deed2:** |
| **Seller:** LEIBOWITZ LEONARD H | **Date:** 06/28/1991 | **Price:** $179,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08844/ 00483 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 08/03/2009

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0307041890

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NAFISI DAVID<br>NAFISI ROYA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7508 LISBURNE RD<br>BALTIMORE MD 21208-4522 | **Deed Reference:** | /43476/ 00365 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7508 LISBURNE RD<br>BALTIMORE 21208-4522 | **Legal Description:** | LT 15 PT LT 14<br>7508 LISBURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 2,501 SF | | 14,274 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ FRAME | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,200 | 85,200 | | |
| **Improvements** | 245,200 | 228,400 | | |
| **Total:** | 330,400 | 313,600 | 313,600 | 313,600 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** 7508 LISBURNE LLC | **Date:** 10/16/2020 | **Price:** $525,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /43476/ 00365 | **Deed2:** |
| **Seller:** BERNER ETHAN | **Date:** 08/10/2020 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /43218/ 00485 | **Deed2:** |
| **Seller:** RENICK BARRY D | **Date:** 11/16/2005 | **Price:** $359,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /22918/ 00423 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District** - 03 **Account Number** - 0302070610

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | MILNER JACOB P<br>MILNER GOLDIE | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7506 LISBURNE RD<br>BALTIMORE MD 21208-4521 | **Deed Reference:** | /36188/ 00230 |

## Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7506 LISBURNE RD<br>BALTIMORE 21208-4521 | **Legal Description:** | 7506 LISBURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 11 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,667 SF | 600 SF | 10,614 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 3 full/ 1 half | | |

## Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,300 | 84,300 | | |
| **Improvements** | 345,000 | 325,900 | | |
| **Total:** | 429,300 | 410,200 | 410,200 | 410,200 |
| **Preferential Land:** | 0 | 0 | | |

## Transfer Information

| | | |
|---|---|---|
| **Seller:** ZYSMAN AVRAM H | **Date:** 05/18/2015 | **Price:** $495,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /36188/ 00230 | **Deed2:** |
| **Seller:** FLEISHER ALBERT STEVEN | **Date:** 08/09/2013 | **Price:** $470,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /34057/ 00082 | **Deed2:** |
| **Seller:** BLATTNER M STUART | **Date:** 02/21/1997 | **Price:** $155,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /12045/ 00606 | **Deed2:** |

## Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

## Homestead Application Information

**Homestead Application Status:** Approved 12/01/2015

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0313041860

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | MILRAD RICHARD B<br>MILRAD CHERI L | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7504 LISBURNE RD<br>PIKESVILLE MD 21208-4521 | **Deed Reference:** | /08219/ 00111 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7504 LISBURNE RD<br>BALTIMORE 21208-4521 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 12 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 8,750 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 1 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,600 | 83,600 | | |
| **Improvements** | 216,900 | 203,000 | | |
| **Total:** | 300,500 | 286,600 | 286,600 | 286,600 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** MERITT MEYER W | **Date:** 06/30/1989 | **Price:** $165,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08219/ 00111 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 09/19/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0306011150

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KATZ ELAINE M<br>GHERTLER RANDOLPH K | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7502 LISBURNE RD<br>BALTIMORE MD 21208-4521 | **Deed Reference:** | /44278/ 00343 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7502 LISBURNE RD<br>BALTIMORE 21208-4521 | **Legal Description:** | 7502 LISBURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 13 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None .

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,177 SF | | 8,750 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 3 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 83,600 | 83,600 | | |
| **Improvements** | 232,800 | 217,800 | | |
| **Total:** | 316,400 | 301,400 | 301,400 | 301,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KATZ ELAINE M | **Date:** 03/11/2021 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /44278/ 00343 | **Deed2:** |
| **Seller:** BRANDES WAYNE S | **Date:** 11/21/2014 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /35585/ 00330 | **Deed2:** |
| **Seller:** FELSER GARY J | **Date:** 06/08/1998 | **Price:** $148,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /12916/ 00144 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0326020350

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | SEGAL ROBERT E<br>SEGAL LYNDA D | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 7500 LISBURNE RD<br>BALTIMORE MD 21208-4521 | **Deed Reference:** | /05140/ 00326 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 7500 LISBURNE RD<br>BALTIMORE 21208-4521 | **Legal Description:** | NW COR NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 14 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 10,591 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 1 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,200 | 84,200 | | |
| **Improvements** | 219,900 | 205,600 | | |
| **Total:** | 304,100 | 289,800 | 289,800 | 289,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ZESKIND MORRIS W | **Date:** 11/04/1970 | **Price:** $29,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /05140/ 00326 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 06/25/2010

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0310095235

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | VARON STUART R<br>VARON DEBRA C | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3102 NORTHBROOK RD<br>BALTIMORE MD 21208 | **Deed Reference:** | /11144/ 00308 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3102 NORTHBROOK RD<br>BALTIMORE 21208 | **Legal Description:** | 3102 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 15 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | | 13,694 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 210,600 | 197,300 | | |
| **Total:** | 295,600 | 282,300 | 282,300 | 282,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** ALVAREZ FERNANDO | **Date:** 07/28/1995 | **Price:** $155,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /11144/ 00308 | **Deed2:** |
| **Seller:** FRIEDMAN MARK H | **Date:** 10/27/1988 | **Price:** $159,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08010/ 00493 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 06/14/2011

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0303051810

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | STERN DAVID<br>STERN REBECCA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3104 NORTHBROOK RD<br>PIKESVILLE MD 21208-4523 | **Deed Reference:** | /37208/ 00426 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3104 NORTHBROOK RD<br>PIKESVILLE 21208-4523 | **Legal Description:** | 3104 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 16 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,914 SF | | 13,858 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | 1 Attached | |

Value Information

| | Base Value | Value<br>As of<br>01/01/2020 | Phase-in Assessments<br>As of<br>07/01/2021 | <br>As of<br>07/01/2022 |
|---|---|---|---|---|
| **Land:** | 85,100 | 85,100 | | |
| **Improvements** | 201,800 | 195,500 | | |
| **Total:** | 286,900 | 280,600 | 280,600 | 280,600 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SINGER BRIAN | **Date:** 02/26/2016 | **Price:** $455,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /37208/ 00426 | **Deed2:** |
| **Seller:** COHEN IRVIN H | **Date:** 10/21/2005 | **Price:** $310,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /22469/ 00724 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0312060390

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | GOLFEIZ DANIYAL | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 3106 NORTHBROOK RD<br>BALTIMORE MD 21208- | **Deed Reference:** | /30997/ 00222 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3106 NORTHBROOK RD<br>BALTIMORE 21208- | **Legal Description:** | 3106 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 17 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,960 SF | | 13,600 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | 1 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 201,900 | 293,400 | | |
| **Total:** | 286,900 | 378,400 | 347,900 | 378,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** LOWENTHAL SHIRLEY TRUSTEE | **Date:** 07/13/2011 | **Price:** $276,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /30997/ 00222 | **Deed2:** |
| **Seller:** LOWENTHAL HARRY | **Date:** 02/07/2002 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /16082/ 00689 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 09/06/2011

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0312041560

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | EINBINDER ELLIOT A<br>EINBINDER RENA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3108 NORTHBROOK RD<br>BALTIMORE MD 21208-4523 | **Deed Reference:** | /28570/ 00445 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3108 NORTHBROOK RD<br>BALTIMORE 21208-4523 | **Legal Description:** | 3108 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 18 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 1,957 SF | | 13,600 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 212,400 | 195,400 | | |
| **Total:** | 297,400 | 280,400 | 280,400 | 280,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** LEVEY LAWRENCE A | **Date:** 08/26/2009 | **Price:** $325,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /28570/ 00445 | **Deed2:** |
| **Seller:** SAKIN HOWARD M | **Date:** 08/22/2002 | **Price:** $215,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /16736/ 00028 | **Deed2:** |
| **Seller:** LIFSON THEODORE | **Date:** 09/09/1992 | **Price:** $151,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09353/ 00708 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 01/29/2010

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0311002660

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KURLAND KAREN L<br>KURLAND MICHAEL H | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3110 NORTHBROOK RD<br>BALTIMORE MD 21208-4523 | **Deed Reference:** | /24063/ 00318 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3110 NORTHBROOK RD<br>BALTIMORE 21208-4523 | **Legal Description:** | 3110 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 19 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 2,342 SF | | 13,440 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 234,200 | 218,100 | | |
| **Total:** | 319,200 | 303,100 | 303,100 | 303,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KURLAND MICHAEL H KURLAND KAREN L | **Date:** 02/06/2004 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /24063/ 00318 | **Deed2:** |
| **Seller:** TURKELTAUB ROBERT B | **Date:** 01/29/1996 | **Price:** $161,400 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /11404/ 00638 | **Deed2:** |
| **Seller:** KAHN MARVIN J | **Date:** 07/29/1983 | **Price:** $90,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06563/ 00837 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 12/31/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0305032200

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KURLAND MARTIN D<br>KURLAND ARLENE R | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3112 NORTHBROOK RD<br>BALTIMORE MD 21208-4523 | **Deed Reference:** | /05677/ 00738 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3112 NORTHBROOK RD<br>BALTIMORE 21208-4523 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 20 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1951 | 2,012 SF | | 13,280 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 3 full | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,900 | 84,900 | | |
| **Improvements** | 202,500 | 188,400 | | |
| **Total:** | 287,400 | 273,300 | 273,300 | 273,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** EHUDIN STEPHEN M | **Date:** 09/20/1976 | **Price:** $65,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /05677/ 00738 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 07/15/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319011800

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ELLER STEPHEN M<br>ELLER SHEILA B | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3113 HATTON RD<br>BALTIMORE MD 21208-4514 | **Deed Reference:** | /06575/ 00516 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3113 HATTON RD<br>BALTIMORE 21208-4514 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 5 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 2,956 SF | | 14,608 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 85,300 | 85,300 | | |
| **Improvements** | 269,300 | 251,400 | | |
| **Total:** | 354,600 | 336,700 | 336,700 | 336,700 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SCHREIBER EUGENE H | **Date:** 08/18/1983 | **Price:** $125,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06575/ 00516 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 07/02/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319075230

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | COLEMAN JEFFREY M<br>COLEMAN SUSAN H L | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3111 HATTON RD<br>BALTIMORE MD 21208-4514 | **Deed Reference:** | /05674/ 00503 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3111 HATTON RD<br>BALTIMORE 21208-4514 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 6 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 3,102 SF | | 14,280 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ FRAME | 4 | 3 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 85,200 | 85,200 | | |
| **Improvements** | 309,800 | 289,200 | | |
| **Total:** | 395,000 | 374,400 | 374,400 | 374,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** STEINBERG GEORGE M | **Date:** 09/10/1976 | **Price:** $62,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /05674/ 00503 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0307029970

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | WALTER MATTHEW B<br>WALTER REBECCA R | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3109 HATTON RD<br>BALTIMORE MD 21208-4514 | **Deed Reference:** | /11678/ 00694 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3109 HATTON RD<br>BALTIMORE 21208-4514 | **Legal Description:** | 3109 HATTON RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 7 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 3,068 SF | | 13,090 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 3 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,900 | 84,900 | | |
| **Improvements** | 292,400 | 272,600 | | |
| **Total:** | 377,300 | 357,500 | 357,500 | 357,500 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** GILMORE AARON H | **Date:** 06/28/1996 | **Price:** $154,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /11678/ 00694 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/30/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0306011125

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | GOLDBERG BENNETT P | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 3107 HATTON RD<br>PIKESVILLE MD 21208-4514 | **Deed Reference:** | /17568/ 00429 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3107 HATTON RD<br>PIKESVILLE 21208-4514 | **Legal Description:** | 3107 HATTON RD SS<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 8 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 1,957 SF | | 13,013 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,900 | 84,900 | | |
| **Improvements** | 210,800 | 194,500 | | |
| **Total:** | 295,700 | 279,400 | 279,400 | 279,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** GOLDBERG BENNETT P | **Date:** 02/21/2003 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /17568/ 00429 | **Deed2:** |
| **Seller:** FELDMAN MARVIN L | **Date:** 04/18/1994 | **Price:** $135,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /10471/ 00696 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 02/17/2021

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0311002670

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | SEIDEL DAVID<br>SEIDEL DEBORAH | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3105 HATTON RD<br>BALTIMORE MD 21208-4514 | **Deed Reference:** | /45881/ 00173 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3105 HATTON RD<br>BALTIMORE 21208-4514 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 9 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 1,957 SF | | 13,612 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 210,000 | 196,400 | | |
| **Total:** | 295,000 | 281,400 | 281,400 | 281,400 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** STEINBERG STEVEN G | **Date:** 11/24/2021 | **Price:** $475,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /45881/ 00173 | **Deed2:** |
| **Seller:** KARU NATHAN | **Date:** 05/01/1980 | **Price:** $85,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06160/ 00397 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0313077330

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | ATTAR ASHKAN<br>NAFISI ORA | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3103 HATTON RD<br>PIKESVILLE MD 21208-4514 | **Deed Reference:** | /42627/ 00066 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3103 HATTON RD<br>PIKESVILLE 21208-4514 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | H | 10 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 2,177 SF | 456 SF | 13,770 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 3 full | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 85,000 | 85,000 | | |
| **Improvements** | 247,500 | 231,500 | | |
| **Total:** | 332,500 | 316,500 | 316,500 | 316,500 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** KATZIR JONATHAN RYAN | **Date:** 03/30/2020 | **Price:** $500,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /42627/ 00066 | **Deed2:** |
| **Seller:** KLEIN LEONARD | **Date:** 09/16/2013 | **Price:** $350,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /34214/ 00399 | **Deed2:** |
| **Seller:** MENDELSOHN GEOFFREY | **Date:** 06/29/1983 | **Price:** $110,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06550/ 00432 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0302005040

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KROLL STEVEN<br>KROLL MADLYN | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3102 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /07319/ 00041 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3102 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | 125 W LISBOURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 16 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,177 SF | | 11,315 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,400 | 84,400 | | |
| **Improvements** | 231,600 | 216,600 | | |
| **Total:** | 316,000 | 301,000 | 301,000 | 301,000 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** SOLENDER STEPHEN | **Date:** 11/07/1986 | **Price:** $127,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07319/ 00041 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 07/12/2013

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** HOMEOWNERS TAX CREDIT

**Account Identifier:** **District -** 03 **Account Number -** 0313042000

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | KOHANSION ELIEZER<br>GOLDFEIZ ROCHEL | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3104 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /38797/ 00444 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3104 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 17 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1957 | 2,232 SF | 470 SF | 11,315 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,400 | 84,400 | | |
| **Improvements** | 214,800 | 253,700 | | |
| **Total:** | 299,200 | 338,100 | 325,133 | 338,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** DASHOFF ARNOLD D | **Date:** 03/31/2017 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /38797/ 00444 | **Deed2:** |
| **Seller:** ROTH FRANCINE P | **Date:** 05/15/1980 | **Price:** $80,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06165/ 00429 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** HOMEOWNERS TAX CREDIT

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0312060380

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | LINER JAY<br>LINER ANNE | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3106 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /05681/ 00778 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3106 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | 271 W LISBOURNE RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 18 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 1,914 SF | | 11,704 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | BRICK/ | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,500 | 84,500 | | |
| **Improvements** | 196,300 | 190,400 | | |
| **Total:** | 280,800 | 274,900 | 274,900 | 274,900 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** LOWENTHAL LOIS | **Date:** 10/01/1976 | **Price:** $61,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /05681/ 00778 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** Approved 07/25/2013

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** **District -** 03 **Account Number -** 0319003640

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | WOLFISH JEFFREY S<br>WOLFISH SHOSHANA R | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3108 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /36446/ 00455 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3108 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | 3108 HATTON RD<br>GREENSPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 19 | 2020 | Plat Ref: | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1955 | 2,332 SF | | 11,858 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2021 | As of 07/01/2022 |
|---|---|---|---|---|
| **Land:** | 84,600 | 84,600 | | |
| **Improvements** | 272,900 | 254,600 | | |
| **Total:** | 357,500 | 339,200 | 339,200 | 339,200 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** STEIN MICHAEL | **Date:** 07/22/2015 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /36446/ 00455 | **Deed2:** |
| **Seller:** SANDERS RONALD A | **Date:** 04/29/2009 | **Price:** $305,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /27997/ 00160 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0302070820

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | HOLZMAN MARK C<br>HOLZMAN DEBRA F | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3110 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /06361/ 00259 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3110 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 20 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 3,442 SF | | 11,692 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | SIDING/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,500 | 84,500 | | |
| **Improvements** | 308,300 | 287,300 | | |
| **Total:** | 392,800 | 371,800 | 371,800 | 371,800 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BRENNER GERALD | **Date:** 01/12/1982 | **Price:** $62,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /06361/ 00259 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 07/29/2009

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0307061000

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | CAPLAN LOUIS F<br>CAPLAN LEAH S | **Use:**<br>**Principal Residence:** | RESIDENTIAL<br>YES |
| **Mailing Address:** | 3112 HATTON RD<br>BALTIMORE MD 21208-4516 | **Deed Reference:** | /31037/ 00390 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3112 HATTON RD<br>BALTIMORE 21208-4516 | **Legal Description:** | GREENSPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 21 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 1,957 SF | 200 SF | 11,826 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | 2 Attached | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,600 | 84,600 | | |
| **Improvements** | 226,100 | 211,700 | | |
| **Total:** | 310,700 | 296,300 | 296,300 | 296,300 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** BAKLOR ARMAND S | **Date:** 07/27/2011 | **Price:** $330,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /31037/ 00390 | **Deed2:** |
| **Seller:** BAKLOR ARMAND S BAKLOR ILENE S | **Date:** 10/14/1992 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09408/ 00121 | **Deed2:** |
| **Seller:** TUVIN RONA W | **Date:** 01/12/1987 | **Price:** $142,900 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /07454/ 00677 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 04/25/2012

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

Real Property Data Search ( w2)

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0303025260

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | CHERNAK JUDITH E | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | YES |
| **Mailing Address:** | 3114 HATTON RD<br>BALTIMORE MD 21208-4513 | **Deed Reference:** | /14424/ 00161 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3114 HATTON RD<br>BALTIMORE 21208-4513 | **Legal Description:** | 3114 HATTON RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | J | 22 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 3,196 SF | | 12,300 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2021 | As of 07/01/2022 |
| **Land:** | 84,700 | 84,700 | | |
| **Improvements** | 294,500 | 274,400 | | |
| **Total:** | 379,200 | 359,100 | 359,100 | 359,100 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** CHERNAK THEODORE N | **Date:** 04/21/2000 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /14424/ 00161 | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |
| **Seller:** | **Date:** | **Price:** |
| **Type:** | **Deed1:** | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2021 | 07/01/2022 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** Approved 05/20/2008

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.

# CORPORATE CHARTER APPROVAL SHEET

**** EXPEDITED SERVICE**** **** KEEP WITH DOCUMENT ****

DOCUMENT CODE 02 BUSINESS CODE 16

# _____

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious ✓

Merging (Transferor) _____

1000362005056553

ID # D15314644 ACK # 1000362005056553
PAGES: 0003
AHAVAT SHALOM CONGREGATION, INC.

06/25/2013 AT 11:15 A WO # 0004158631

Surviving (Transferee) _____

New Name _____

| | FEES REMITTED |
|---|---|
| Base Fee: | 150 |
| Org. & Cap. Fee: | 20 |
| Expedite Fee: | 20 |
| Penalty: | |
| State Recordation Tax: | |
| State Transfer Tax: | |
| 1 Certified Copies | |
| Copy Fee: | 23 |
| _____ Certificates | |
| Certificate of Status Fee: | |
| Personal Property Filings: | |
| Mail Processing Fee: | |
| Other: | |
| TOTAL FEES: | 213 |

_____ Change of Name
_____ Change of Principal Office
_____ Change of Resident Agent
_____ Change of Resident Agent Address
_____ Resignation of Resident Agent
_____ Designation of Resident Agent and Resident Agent's Address
_____ Change of Business Code
_____
_____ Adoption of Assumed Name
_____
_____
_____ Other Change(s)
_____
_____

Credit Card _____ Check ✓ Cash _____

_____ Documents on ___ Checks

Code _____

Attention: _____

Approved By: 14

Keyed By: [signature] Lauk-DN

COMMENT(S):

Mail: Name and Address
2610 willow Glen Dr.
Baltimore MD 21209

**Stamp Work Order and Customer Number HERE**

CUST ID:0002942051
WORK ORDER:0004158631
DATE:06-25-2013 11:15 AM
AMT. PAID:$213.00

# RELIGIOUS CORPORATION

# ARTICLES OF INCORPORATION

**FIRST:** The undersigned:

| (Name) | (Address) |
|---|---|
| Eliyahu Nourmand | 2546 Quarry lake Dr Baltimore, MD 21209 |
| Afshin Attar | 2610 Willow Glen Drive Baltimore, MD 21209 |
| Saman Radparvar | 6521 Gardenwick Rd Baltimore, MD 21209 |
| Payam Nourmand | 2528 Summerson Rd Baltimore, MD 21209 |

being at least 18 years of age have been elected by the members of the congregation of to act as trustees in the name and on behalf of said congregation do hereby associate ourselves as incorporators with the intention of forming a religious corporation under the general laws of Maryland.

**SECOND:** The name of the corporation is

Ahavat Shalom Congregation,Inc.

**THIRD:** Purpose:

To form a place of worship according to Orthodox Jewish tradition. To engage in any lawful activities as a place of worship including but not limited to religious education, charity, ritual celebration, social action.

**FOURTH:** Election of Trustees:

**A.** Time and manner for the election of new Trustees:

Every trustee is elected by the majority votes of the congregation. Election is held every 4 years beginning from Jewish new year.

**B.** Qualifications of those able to be elected as a Trustee:

1) Affiliation with Orthodox Judaism

2) 25 years or older

3) Must be a member of Ahavat Shalom Congregation

**C.** Qualifications of those able to vote for Trustees:

1) 21 year or older

2) Affiliated with Orthodox Judaism

3) Attending prayer services at Ahavat Shalom Congregation on regular basis

**FIFTH:** The address of the principal place of worship is:

3101 Fallstaff Rd Baltimore, MD 21209

**SIXTH:** The name and address of the resident agent of the corporation are:

Afshin Attar or Eliyahu Nourmand
2610 Willow Glen Drive
Baltimore, MD 21209

**SEVENTH:** "This corporation is organized exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code."

"Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law) or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law."

"Upon the dissolution of this corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code (or corresponding section on any future federal tax code), or shall be distributed to the Federal government, or to a state or local government for public purpose. Any such assets not so disposed of shall be disposed by the Court of Common Pleas of the county in which the principal office of the corporation is ten located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

**EIGTH:**

**IN WITNESS WHEREOF,** we the trustees have signed these Articles of Incorporation and severally acknowledge the same to be our act.

I hereby consent to my designation in this document as resident agent for this corporation.

**SIGNATURES OF TRUSTEES:**

**SIGNATURE OF RESIDENT AGENT LISTED IN SIXTH:**

**RETURN TO:** Please print

CUST ID:0002942051
WORK ORDER:0004158631
DATE:06-25-2013 11:15 AM
AMT. PAID:$213.00

# USE PERMIT

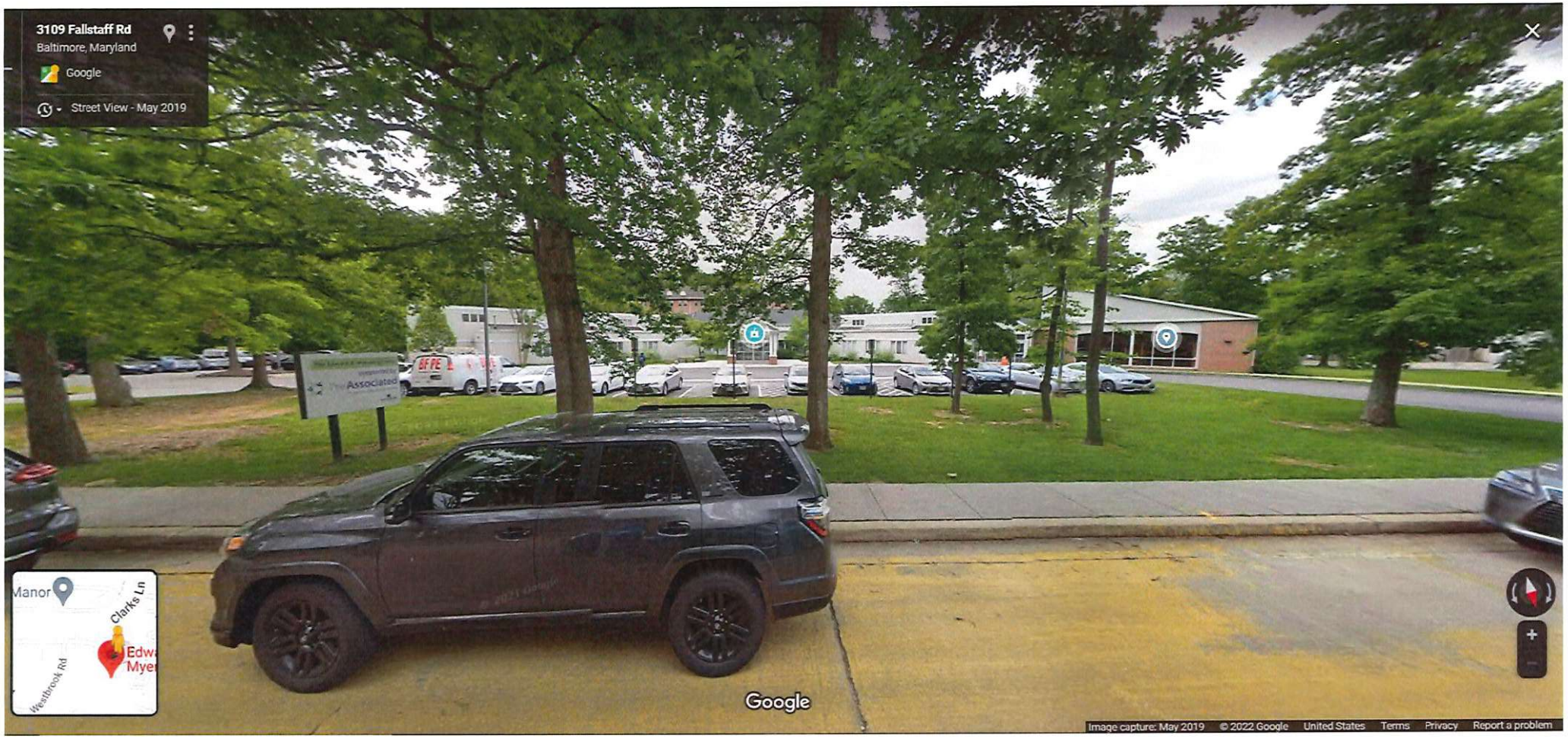
**IT IS ORDERED** by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 7th day of October, 2021, that Ahavat Shalom Congregation (Individual or business name) located at 3009 Northbrook Road (Street address) should be and the same is hereby granted permission to operate a: Synagogue from 10/8/2021 thru 10/9/2021 (Friday thru Saturday)

210858
**Permit (or Receipt) Number**

**Director, Permits, Approvals and Inspections**

Planner's Initials JNP

Revised 10/17/11


3109 Fallstaff Rd
Baltimore, Maryland
Google
Street View - May 2019
Manor
Clarks Ln
Westbrook Rd
Google
Image capture: May 2019 © 2022 Google United States Terms Privacy Report a problem

Bais Haknesses Ohr HaChaim
David Gerstman
Photo - Jul 2021
Bais Hak
Ohr HaCh
Fallstaff Rd
Google
Image capture: Jul 2021
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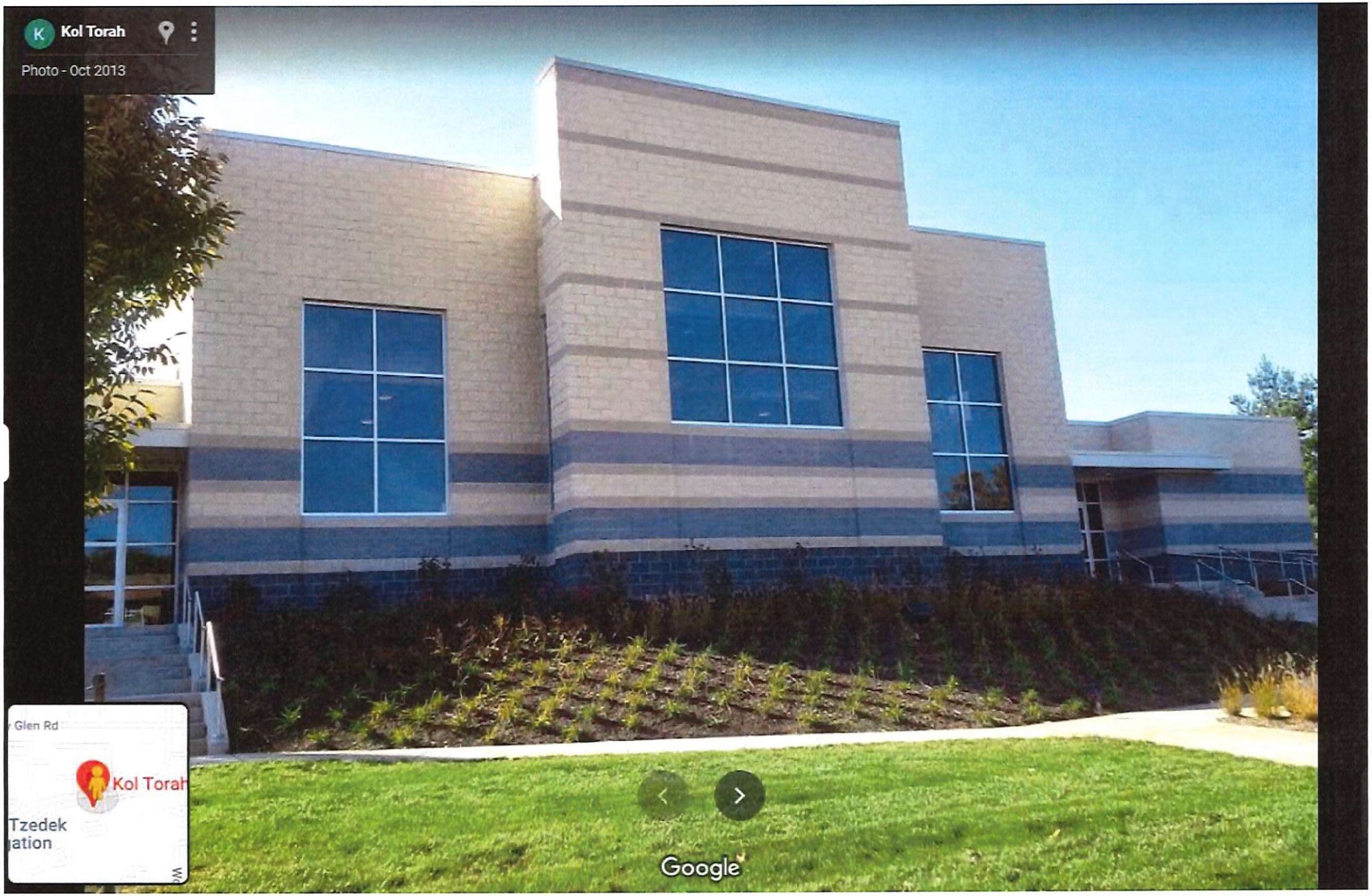
Report a problem


Kol Torah
Photo - Oct 2013
Glen Rd
Kol Torah
Tzedek
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Google

Baltimore, Maryland
Google
Street View - May 2019
Glen Rd
Kol Torah
Tzedek
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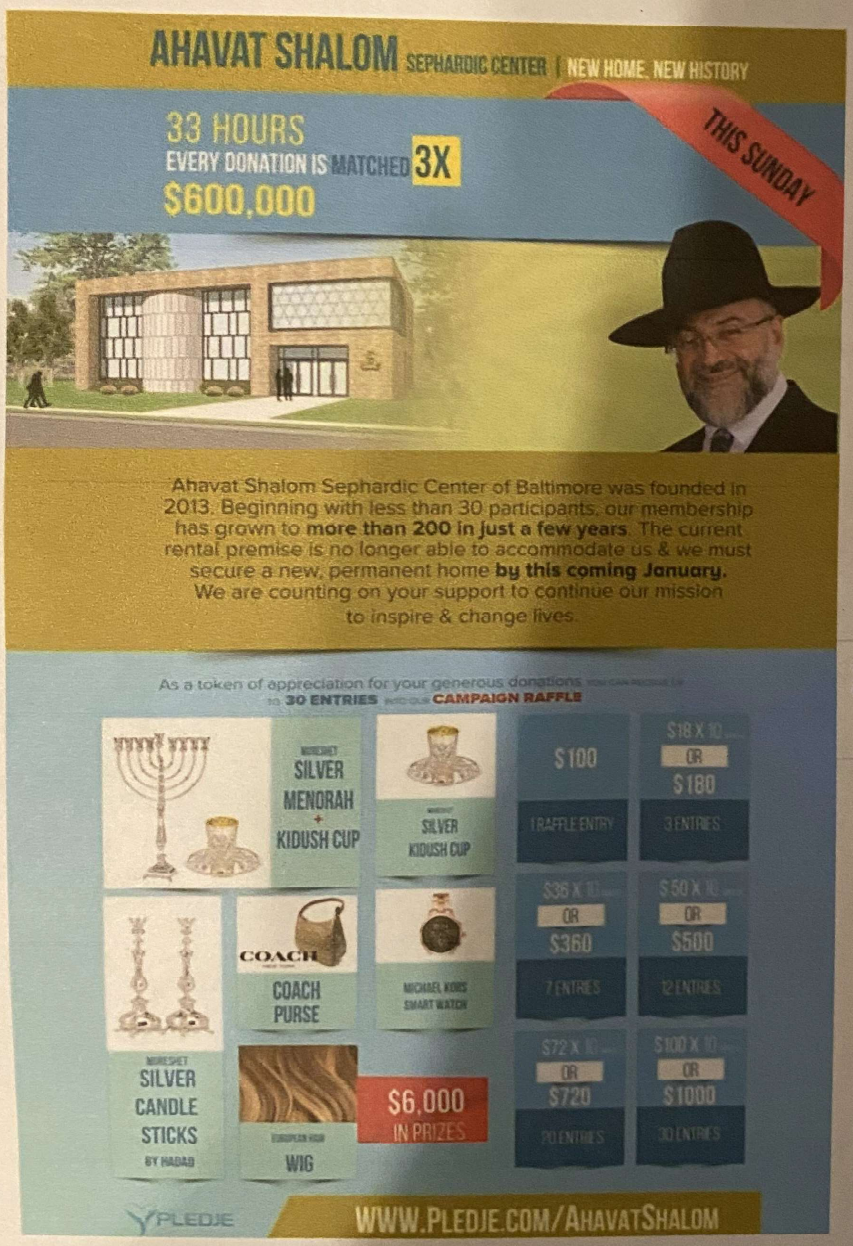
Ahavat Shalom Baltimore

Like This Page · September 29, 2019 ·




**Ahavat Shalom Baltimore**
Like This Page · October 2, 2019 · Edited ·

This Sunday, October 6th and Monday, October 7th, Ahavat Shalom will be having a fundraising campaign to raise $600,000 in 33 hours. Every dollar will be matched 3X due to our generous matchers!

Baruch Hashem as our kehilla has grown, we have outgrown our current facility. We desperately need a new home to serve the needs of our vibrant community. A new facility will open up opportunities for daily Minyanim, more Shiurim, and programs for our kids.

While this goal is attainable, it cannot be met without everyone's help and support. Please join us in this worthy endeavor and be a part of building our future!

Gemar Chatima Tova

Devora Lavian, Jaleh Attar, Bernie Kozlovsky and 4 others like this.

3 Shares

TRANSCRIPTION OF RECORDING:

AHAVAT SHALOM OF BALTIMORE

**********

Christine R. Leary, Transcriber

(RECORDING BEGINS)

RABBI HAKKAKIAN: Ahavat Shalom of Baltimore is a one-of-a-kind community. It started about six years ago by a group of young Sephardic professionals who have been my talmidim from the time that they learned Yeshivat Ner Israel.

MR. FARZADFAR: When I left the Shiva, I was always looking for a place where I could enhance my learning and maintain the same style and depth of that learning that I had in shiva.

RABBI HAKKAKIAN: Young families came together to form Ahavat Shalom of Baltimore, not only to serve the needs of their families, but for it to be a hub, to serve other young Sephardic families in Baltimore.

MR. LALEH: I love dovening at Ahavat Shalom because it's such a young and vibrant place, which is a promise of the future of the community.

MS. GABAIE: Not until Ahavat Shalom opened up did I get to meet people from the same background as me, Sefardi, we share the same values, the same beliefs, the same cultures and traditions.

MS. FARZADFAR: You come in and everybody welcomes you, everyone is friendly, everyone says hi. For a woman, that's the most important thing. We always want to feel welcome. We always want to feel a part, like a part, we're a part of something.

MR. SAMIMI: We are a family. We are all close knit. We all come from different backgrounds. But at the end of the day, you know, we all doven in one place, we all get together. We're a whole bunch of puzzle pieces, we mesh all together, we work all together to create one beautiful picture.

RABBI HAKKAKIAN: This community started a mere ten, twelve families, have grown close to eighty or ninety families.

MR. GABAIE: It's simply a home away from home.

MR. GABAIE: Imagine going to Yeshiva and it's all your friends there in the Yeshiva. And imagine getting married and all your friends are with you in the shul. People that you learn with every day. My chaurieta that I grew up with, that I went to Ner Israel with, I learned with him, he's there now.

RABBI HAKKAKIAN: We provide an atmosphere of growth for our families through our classes, through our study groups.

MS. GABAIE: Rabbi Hakkakian hosts a shur for ladies which has been fantastic. I think he's been fantastic in guiding the women of this community.

MR. SAMIMI: Rabbi Hakkakian has stood there by our side and he's held our hand and showed us the way. How he gives us shurim, he gives us time, accepting phone calls late at night and he really goes above and beyond (inaudible) he's always there.

MR. LALEH: The way he speaks is phenomenal. It really touches on everyone. And that's why when he's there in

town, there's, the shul is packed, you can hardly find a seat.

MS. FARZADFAR: Rabbi Hakkakian is right there waiting for us to ask our questions and this is something that's really, really special, especially for a young couple. You have so many questions. You're still unsure of everything and Rabbi Hakkakian is there to guide you, to lead you, to help you set the foundation of your marriage.

MR. LALEH: He understands what modern family needs growing up in America.

RABBI HAKKAKIAN: By providing an opportunity of practicum for the members of the (inaudible) to be able to learn, to be the leaders of the future communities, be it in Baltimore or any other community that they move on to.

MR. GABAIE: Most of the people that come to the shul are not from Baltimore.

MR. GABAIE: A lot of times people come to our community, and they come learn and they, you know, they go to Ner Israel and then they go back to their communities and give back. I think that's the ultimate goal.

MR. FARZADFAR: It allows us to take the values that we learned from here, from our friends, from our community members at large and from Rabbi Hakkakian and go back to our hometowns and infuse them with the light of the torch, infuse them with growth oriented values that we are zoche have here.

RABBI HAKKAKIAN: We have Baruch hashem growing so

much in numbers that we were notified by our landlord that coming this January, they are no longer able to accommodate us. There's no place in our community large enough to be able to host us. Ahavat Shalom of Baltimore is in a need of its own home.

MR. SAMIMI: We're all about growth and with growing and growing and growing we're going to need a much bigger place.

UNIDENTIFIED MALE B: Everyone helps together. We set the shul together, we dissemble the shul together. Unfortunately, we're bursting at the seams in our art studio. But we need a makom to call our own.

MS. GABAIE: What's unfortunate is that every event that we've hosted we had to hold at a different location.

UNIDENTIFIED FEMALE A: We need a place for the children, where they can be safe inside. We need a space for our sons where they can learn, and they can have their own youth groups. We need a space for our wives and for our women to have a seat to sit on when they come to shul.

RABBI HAKKAKIAN: We've been renting places, rooms, from different organizations, but now we need to have our own place to build the future. I invite you to help us build that future.

UNIDENTIFIED MALE C: As a token of appreciation for your generous donations, you can get up to thirty entries into

our campaign raffle with close to $6,000 in valuable prizes. Furthermore, thanks to the pledge platform, you may spread your contributions over the course of ten months. Please see campaign page for more details

(RECORDING ENDS)

CERTIFICATE OF TRANSCRIBER

I hereby certify that, to the best of my knowledge and belief, page numbers 1 through 6 constitute a complete and accurate transcript of the recording provided as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 3rd day of July 2021.

Christine R. Leary

Transcriber

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT CORRECTION NOTICE

| CASE NUMBER | PROP.TAX ID |
|---|---|
| CC2013218 | 03-19-065178 |

**VIOLATION ADDRESS**
3009 NORTHBROOK RD
MOUNT WASHINGTON, MD 21209

RADPARVAR SAMAN
6521 GARDENWICK ROAD
BALTIMORE, MD 21209

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:**

| County Codes/Regulations | Inspector's Comments |
|---|---|
| Other Violation(s) | BCZR 1BOI . B.1= BALTIMORE COUNTY zoning regulations in residential (DR3.5) zone<br><br>The current use of this property as a religious location is not allowed without first obtaining a new use and occupancy permit, a site plan, alteration permit etc. the current use (religious) must cease<br><br>Any questions please contact BALTIMORE COUNTY ZONING OFFICE 410/887/3391 |

**Failure to comply with this correction notice, may result in a $200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.**

| | |
|---|---|
| **COMPLIANCE DATE: 11/27/2020** | INSPECTOR ID: 80 |
| | ISSUED DATE: 10/23/2020 |

**IMPORTANT INFORMATION TO THE PERSON'S CHARGED**

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
   (a) on how to correct the violation(s) in order to avoid trial or
   (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of $200, $500, $1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT & INSPECTION CITATION

| CASE NUMBER | PROP.TAX ID |
|---|---|
| CC2101290 | 03-19-065178 |

**VIOLATION ADDRESS**
3009 NORTHBROOK RD
MOUNT WASHINGTON, MD 21209

RADPARVAR SAMAN
6521 GARDENWICK ROAD
BALTIMORE, MD 21209

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:**

| County Codes/Regulations | Inspector's Comments |
|---|---|
| Other Violation(s) | BCZR - 1BO1 BALTIMORE COUNTY ZONING REGULATIONS IN RESIDENTIAL (DR 3.5 ) ZONE Continuing using this building for religious gatherings/services without first obtaining a use and occupancy permit, a site plan,alteration permit parking and any or all other requirements. Previous notification see notice cc 2013218 issued 10/23/2020 |

**Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:** **$1000**

**This will be a virtual hearing. To attend your hearing, or get more information about the hearing process, please visit:** www.baltimorecountymd.gov/codehearings

**DATE:** 05/26/2021 **TIME:** 09:00 **A.M.**

*****IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.*****

**I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.**

| Inspector Badge Number | | Issued Date |
|---|---|---|
| 80 | | **04/27/2021** |

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT & INSPECTION CITATION

## IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. **If you wish to submit any documents or exhibits that will be relevant to your hearing, these documents must be submitted no less than 72 hours before your hearing. Please note that documents not submitted 72 hours in advance cannot be presented at the hearing. To submit documents or exhibits, please email them to paienforce@baltimorecountymd.gov.**
2. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
3. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
4. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
5. (a) Civil penalty a lien.
   (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
   (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
      (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
      (ii) May be collected in the same manner as any civil money judgment or debt may be collected.

   (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
6. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
7. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
8. A filing fee of $300.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
9. Inclement weather procedure: If Baltimore County Government offices are closed or have a delayed opening, all code enforcement hearings will be rescheduled. Reschedule letters will be mailed to the property owner of record.
10. **If the violator wishes <u>NOT</u> to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204**
11. For questions concerning the above case, you may call Permits Approvals & Inspections/Code Enforcement at 410-887-3351.

# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Avrom Elbaum | Avrom Elbaum | 3005 Northbrook Road Baltimore, MD 21209 | | 2/22/2021 |
| Rachel Spheeter | | 7502 Lisburne Rd. Pikesville, MD 21208 | | 2/23/2021 |
| Elaine Katz | Elaine Katz | 7502 Lisburne RD, Pikesville 21208 | | 2/23/21 |
| Cheri Milrad | Cheri Milrad | 7504 Lisburne Rd Pikesville 21208 | | 2/23/21 |
| Galya Elbaum | Galya Elbaum | 3005 NORTHBROOK Rd BALTIMORE 21209 | | 3/1/21 |
| ALAN CHIARITO | Alan D. Chiarito | 3001 NORTHBROOK RD BALTIMORE 21209 | | 3-1-21 |
| NINA ALLEN-GOLDBERG | Nina Allen-Goldberg | 7510 Lisburne Rd. Balto. Md. 21208 | | 3-7-21 |
| Arnold G Goldberg | Arnold G Goldberg | 7510 Lisburne Rd Baltimore MD 21208 | | 3/7/21 |
| Zalman M Kahn | Zalman M Kahn | 3007 North Brook Road, Baltimore, MD 21209 | | 3/13/21 |
| Andrew Segal | Andrew Segal | 7500 Lisburne Rd, Balt, MD 21208 | | 6/14/21 |
| Sarah Segal | Sarah Segal | 7500 Lisburne Rd. " " | | 6/14/21 |
| [illegible] | BELLE N GOLDBERG | 3107 HILTON Rd 21208 | | 6/30/21 |

# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Asher Varon | | 3102 Northbrook Road, Baltimore MD 21208 | | 02/20/21 |
| Debra Varon | | 3102 Northbrook Road, Baltimore, MD 21208 | | 02/21/21 |
| Marcia Kramer | | 12 South Mountain Avenue, Montclair NJ 07042 | | 02/20/21 |
| Joan Eisman-Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Steve Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Deborah Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Jeffrey Coleman | | 3111 Hatton Rd | | 2/28/21 |
| Susan Coleman | | 3111 Hatton Rd | | 2/28/2021 |
| Sheila Ella | | 3113 Hatton Rd | | 2/28/21 |
| Paul Stein | | 7510 Labyrinth Rd, 21208 | | 2/28/2021 |
| Barry Dexter | | 3100 Labyrinth Rd 21208 | | 2/28/2021 |
| | | | | |

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Rhonda Plunkett | Rhonda Plunkett | 2301 Farringdon Rd. | 21209 | 2/25/21 |
| STAN Plunkett | Stan Plunkett | 2301 Farringdon Rd | 21209 | 2/25/21 |
| Adam Plunkett | Adam Plunkett | 2301 Farringdon rd | 21209 | 2/25/21 |
| Elaine Dewoody | Elaine Dewoody | 2004 Orrge Rd | 21209. | 2/26/21 |
| STUART R. VARAN | Stuart R. Varan | 3102 Northbrook Rd | 21208. | 2/26/21 |
| Ali Mahdi Kurland | Ali Mahdi Kurland | 3112 Northbrook Rd. | 21208 | 2/28/21 |
| Karen Kurland | Karen Kurland | 3110 Northbrook Rd | 21208 | 2/28/21 |
| Michael Kurland | Michael Kurland | 3110 Northbrook Rd | 21208 | 2/28/21 |

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Yeddidyah Charner | | 3107 Harvest Road, Baltimore, MD 21208 | | 6/30/2021 |
| Ann R. Berman | | 3212 Northbrook Rd. Balto MD 21209 | | 7/5/2021 |
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# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Debra F. Holzman | Debra F Holzman | 3110 Hatton RD Balto MD 21208 | | 3.7.2022 |
| Mark C Holzman | Mark C Holzman | 3110 Hatton RD 21208 | | 3-7-2022 |
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# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Judy Chernak | Judy Chernak | 3114 Hatton Road, Pikesville, MD 21208 | | 2/2/22 |
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**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director
Department of Permits, Approvals

**DATE:** March 2, 2021

EFC for VKD

**FROM:** Vishnu Desai, Supervisor
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting
For December 28, 2020
Item No. 2020-0299-SPHA **(REVISED)**

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Hearing and Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Engineer to show the following items on the site plan;

1. Additional 18 parking spaces needed for the congregation.
2. A commercial entrance a minimal of 24-foot wide off of Northbrook Road.
3. A two-way travel way a minimal of 22-foot wide.

The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning is not in favor of allowing the requested 2 parking spaces in lieu of the 20 parking spaces required. This is a residential neighborhood and there is a school close by. Allowing the requests may cause undue hardship to the neighborhood and the traffic. The site should be redesigned to allow all parking required on site.

* * * * *

VKD: cen
cc: file

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

February 22, 2021

Dino C La Fiandra,
25 S. Charles Street, 21st Floor
Towson MD 21204

RE: Case Number: 2020-0299-SPHA, 7732, 7734 Wise Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning 0Review, Department of Permits, Approvals, and Inspection (PAI) on December 15, 2020. 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,

Jeffrey Perlow

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: People's Counsel

January 4, 2021

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2020-0299-SPHA

Saman Radparvar
3009 Northbrook Rd.

If there are any questions, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@mdot.maryland.gov.

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

MM 3-3-21
10 AM

# BALTIMORE COUNTY, MARYLAND
## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

**DATE:** 2/25/2021

**FROM:** Steve Lafferty
Director, Department of Planning

**SUBJECT:** **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-299

**INFORMATION:**
**Property Address:** 3009 Northbrook Road
**Petitioner:** Saman Radparvar
**Zoning:** DR 3.5, DR 5.5
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for Special Hearing and Variance to determine whether or not the Administrative Law Judge should permit the following relief:

*Special Hearing*

1. A determination that the RTA Regulations of BCZR § 1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1 (f).
2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through .e do not apply to the proposed project.
3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1 (c).1 that the RTA Buffer and RTA Setback of zero (0) feet for the parking spaces and 10 feet for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.
5. Such further and other relief as the nature of this case may require.

*Variances*

1. BCZR § 1B01.2.C.1 (a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:
   a. Front yard of 30 feet in lieu of 50 feet otherwise required.
   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.
2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR § 1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing request 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

A site visit was conducted on December 29, 2020. The area is residential with the Wellwood International School to the north of the subject property. The petitioner is proposing to add onto the existing dwelling and convert the building into a synagogue. Places of Worship are permitted in residential zones but Residential Transition Areas (RTA) should be applied, to the fullest extent possible.

Although the petition states that two (2) parking spaces are shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for those parking spaces. The parking arrangement should be confirmed with the Administrative Law Judge.

No lighting is shown on the site plan, therefore it is assumed none is proposed. If any lighting is to be proposed, a landscape and lighting plan is required. The plan should be submitted to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting pan to the Baltimore County Landscape Architect for review and approval.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. Limit the on-street parking for use of the synagogue.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

**Prepared by:**

Krystle Patchak

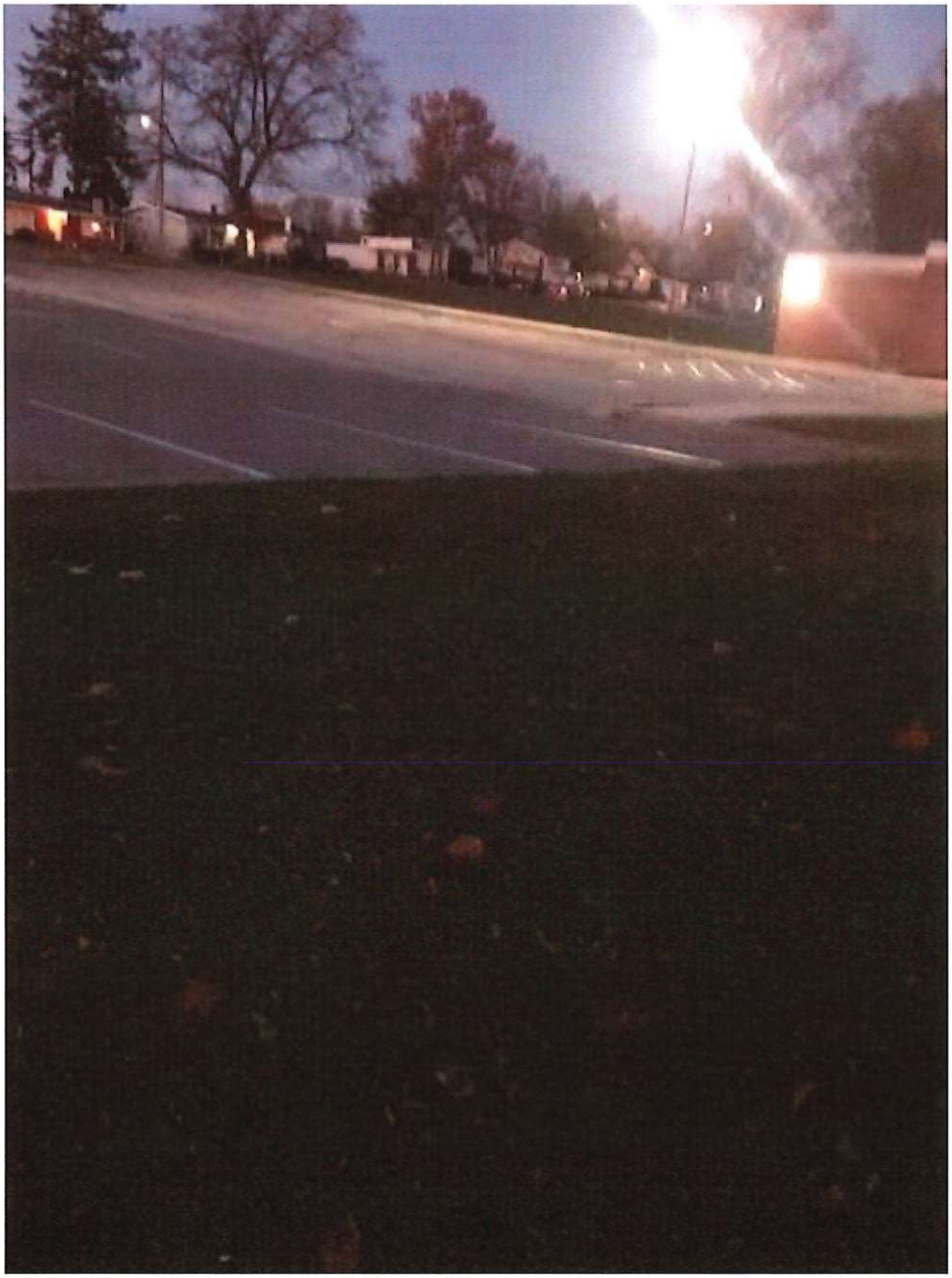
**Division Chief:**

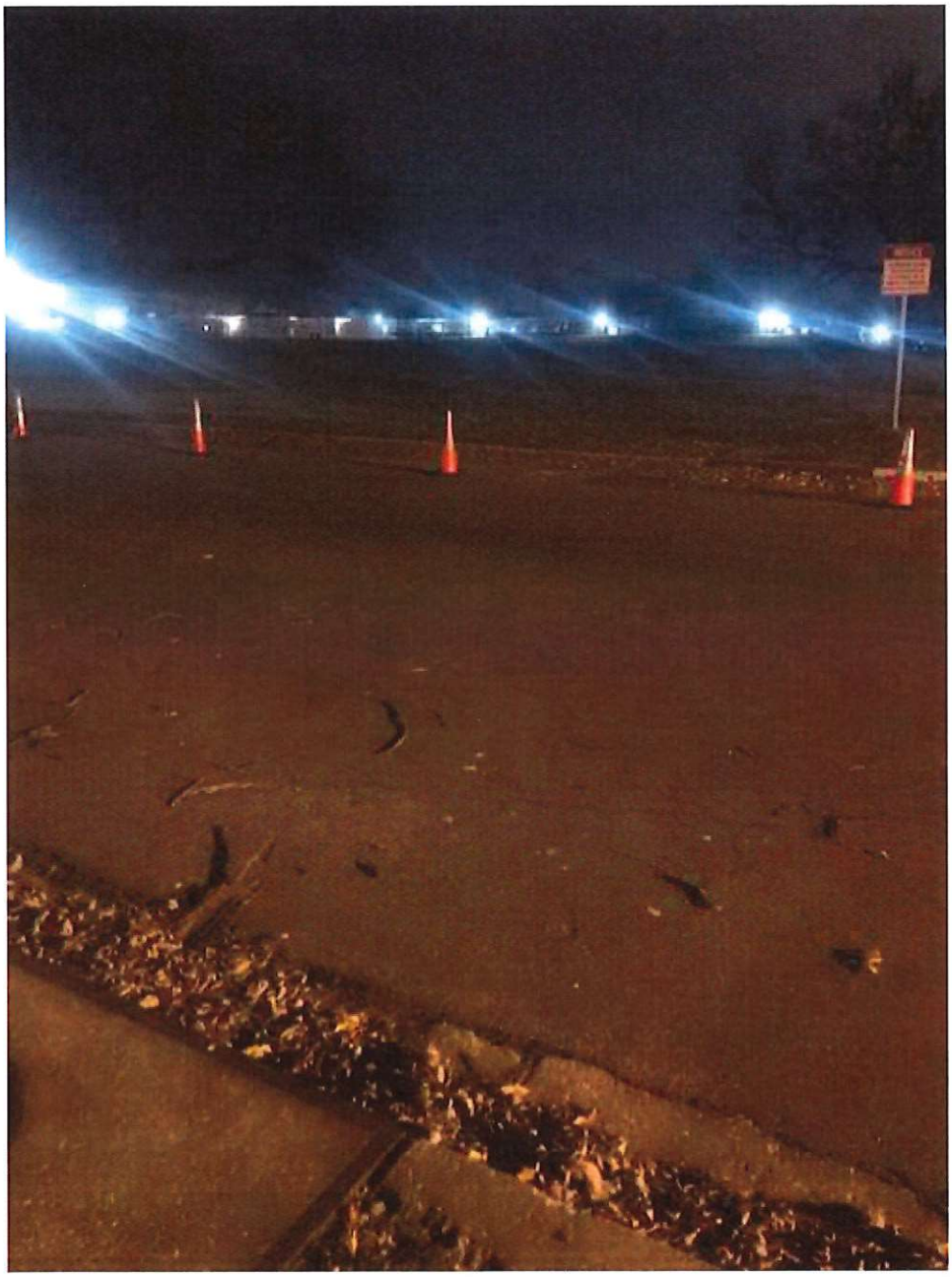
Jenifer G. Nugent

SL/JGN/KP/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra, Esq. The law Office of Dino C. La Fiandra, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

11/14/21





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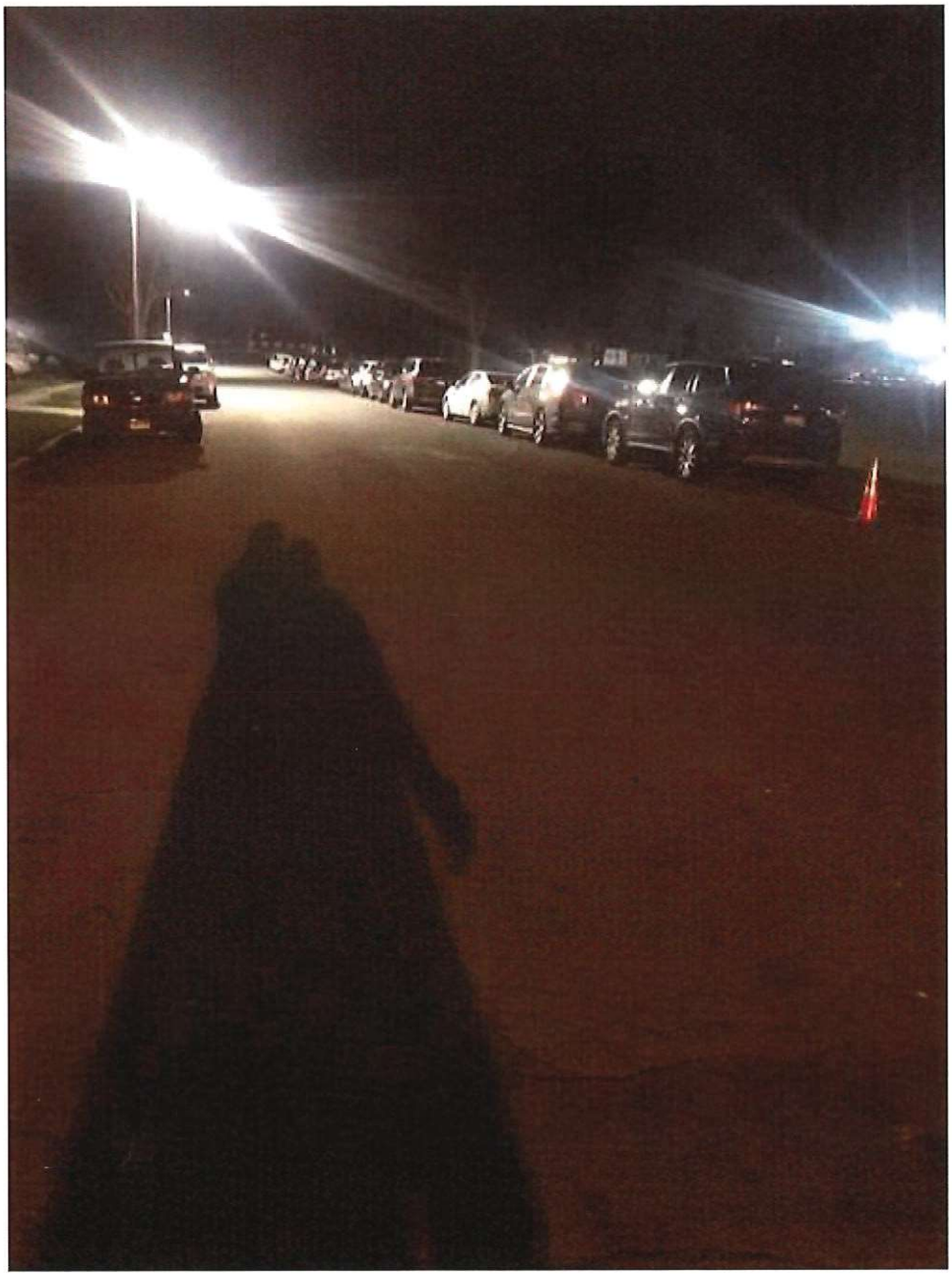
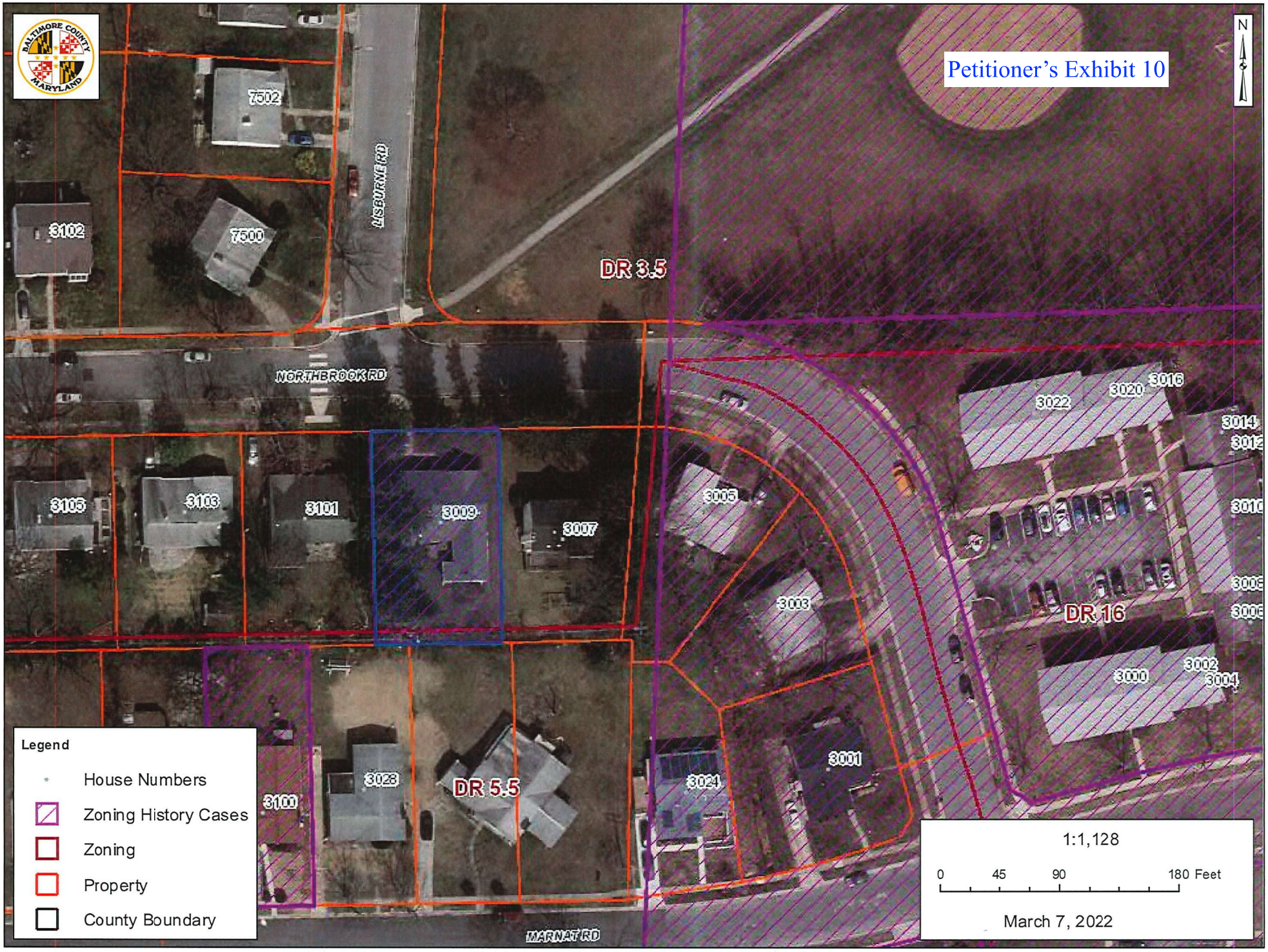
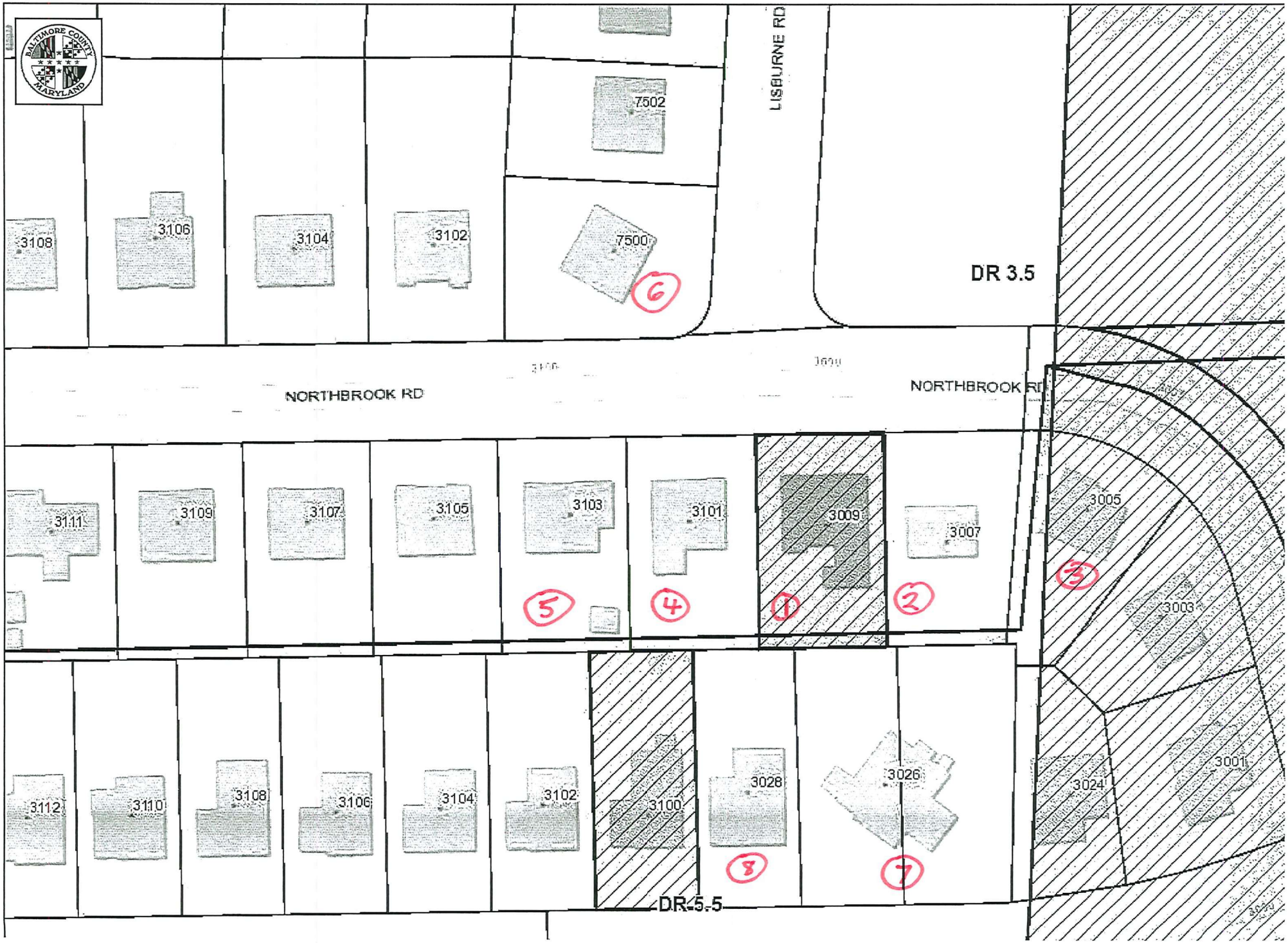


# Baltimore County - My Neighborhood



# Baltimore County - My Neighborhood



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Petitioner's Exhibit 11

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

1st District

| Subdivision | | Status | Date |
|---|---|---|---|
| Academy Heights | 16/68 | Plan. Comm. Final Approv. (PCFA) | 6/16/50 |
| Academy Heights | 17/24 | PCFA | 8/6/51 |
| Academy Heights | 19/38 | PCFA (old lots) | 7/15/49 |
| Beaumont Park | 42/88 | App. Pln. Bd. R-6 | 1969 |
| Edmondson Heights | | Pln. Com. Ten. App. (PCTA) | 5/11/52 |
| Frederick Heights | 20/11 | Pln. Comm. (old regs)(40' rear yards) | 7/ /54 |
| Inglewood | | PCTA | 1/14/54 |
| Newburg Heights | | PCTA | 8/12/53 |
| Rollingwood I-73 | 20/112 | PCTA | 10/20/54 |
| Rollingwood | 20/113 | PCTA | 9/20/54 |
| Westchester | | Tentative | 1/27/66 |
| Westview Park | | See 22/22, 23 & 24 Tentative | 5/21/54 |
| Woodbridge Valley | | Tentative | 7/10/67 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

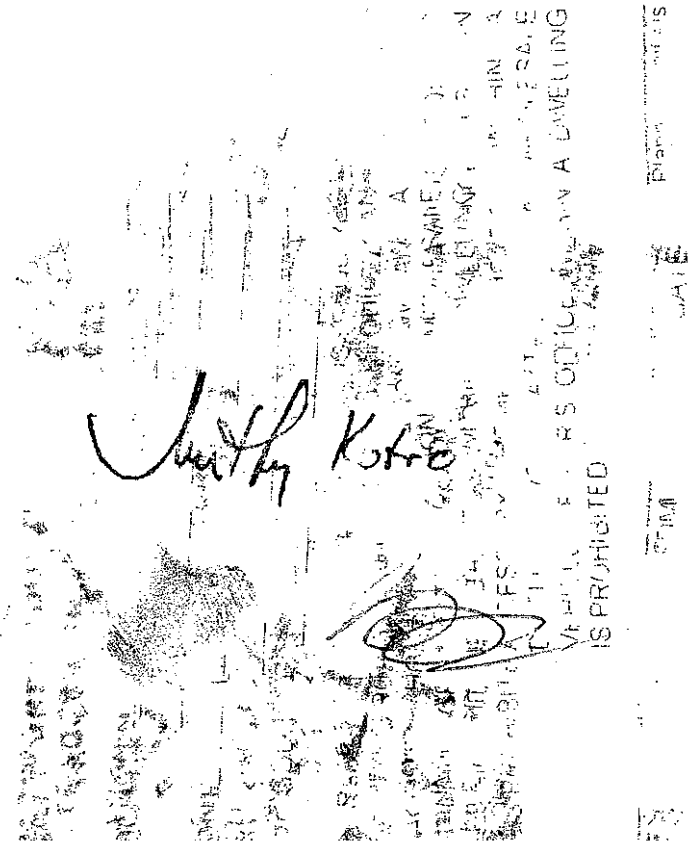
1st District

| Subdivision | | Status | Date |
|---|---|---|---|
| Academy Heights | 16/68 | Plan. Comm. Final Approv. (PCFA) | 6/16/50 |
| Academy Heights | 17/24 | PCFA | 8/6/51 |
| Academy Heights | 19/38 | PCFA (old lots) | 7/15/49 |
| Beaumont Park | 42/88 | App. Pln. Bd. R-6 | 1969 |
| Edmondson Heights | | Pln. Com. Ten. App. (PCTA) | 5/11/52 |
| Frederick Heights | 20/11 | Pln. Comm. (old regs)(40' rear yards) | 7/ /54 |
| Inglewood | | PCTA | 1/14/54 |
| Newburg Heights | | PCTA | 8/12/53 |
| Rollingwood I-73 | 20/112 | PCTA | 10/20/54 |
| Rollingwood | 20/113 | PCTA | 9/20/54 |
| Westchester | | Tentative | 1/27/66 |
| Westview Park | | See 22/22, 23 & 24 Tentative | 5/21/54 |
| Woodbridge Valley | | Tentative | 7/10/67 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

2nd District

| Subdivision | Status | Date |
|---|---|---|
| Kings Point | Tentative | 10/13/60 |
| Liberty Garden Park | Tent, Use '45 regs, Letter SED 11/8/78 | 4/11/55 |
| Lynn Acres | PCTA | 7/28/53 |
| Old Court Estates, Sec 2 25/19 | Pln. Comm. R-6 setbacks | 1957 |
| Pikeswood - Sects. 1-4 | Tentative | 12/8/65 |
| Robin Hills | Tentative | 2/18/55 |
| Windsor Farms - Sects. A-D | PCTA | 1/7/55 |
| Woodlands, The | Tentative R-6 | 9/10/63 |
| Woodlands, The | Tentative R-10 | 2/26/68 |



PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

2nd District

| Subdivision | Status | Date |
|---|---|---|
| Kings Point | Tentative | 10/13/60 |
| Liberty Garden Park | Tent, Use '45 regs, Letter SED 11/8/78 | 4/11/55 |
| Lynn Acres | PCTA | 7/28/53 |
| Old Court Estates, Sec 2 25/19 | Pln. Comm. R-6 setbacks | 1957 |
| Pikeswood - Sects. 1-4 | Tentative | 12/8/65 |
| Robin Hills | Tentative | 3/18/55 |
| Windsor Farms - Sects. A-D | PCTA | 1/7/55 |
| Woodlands, The | Tentative R-6 | 9/10/63 |
| Woodlands, The | Tentative R-10 | 2/26/68 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

3rd District

| Subdivision | Status | Date |
|---|---|---|
| Green Gate - Sects. 1-5 | Cluster Dev. | 1968 |
| Green Spring Manor - Sect. 4 | Tentative | 3/7/55 |
| Wellwood | PCTA | 4/6/56 |
| Caves Valley (fka Caves Park, Section 3) | Use R-40 (not RDP shown on record plat) | 4/27/64 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

3rd District

| Subdivision | Status | Date |
|---|---|---|
| Green Gate - Sects. 1-5 | Cluster Dev. | 1968 |
| Green Spring Manor - Sect. 4 | Tentative | 3/7/55 |
| Wellwood | PCTA | 4/6/56 |
| Caves Valley (fka Caves Park, Section 3) | Use R-40 (not RDP shown on record plat) | 4/27/64 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

4th District

| Subdivisions | Status | Date |
|---|---|---|
| Cedarmere | Tentative | 11/17/53 |
| Franklin Valley | Tent. R-40 setbacks | 6/25/64 |
| Green Hill Farm - Sect. 6 | Tent. R-40 setbacks | 7/13/71 |
| Green Spring Manor Sec 4 | Ten Approve 3-755 use 1953 A Res | |
| Hanover Road Prop. | RDP IV - 137 | |
| LEE Manor | Prel. M App. use | 9/10/69 |
| Norris Run Woods | Tent. R-40 setbacks | 5/23/72 |
| Reisterstown Heights | RDP IV - 137 | |
| Sunnybrook Farms | Tentative | 5/20/55 |
| Sunnydale | Tent. R-40 setbacks | 10/22/62 |
| Tollgate IV-22 | Tent. Appr. | 1/ /54 |
| Woodglen Farms 43/69 | RDP IV - 137 | |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

4th District

| Subdivisions | Status | Date |
|---|---|---|
| Cedarmere | Tentative | 11/17/53 |
| Franklin Valley | Tent. R-40 setbacks | 6/25/64 |
| Green Hill Farm - Sect. 6<br>GREEN SPRING MANOR SECT. 4 | Tent. R-40 setbacks<br>TENT. APVL. 3/7/55 | 7/13/71<br>USE 1953 A RES. |
| Hanover Road Prop. | RDP IV - 137 | |
| Norris Run Woods | Tent. R-40 setbacks | 5/23/72 |
| Reisterstown Heights | RDP IV - 137 | |
| Sunnybrook Farms | Tentative | 5/20/55 |
| Sunnydale | Tent. R-40 setbacks | 10/22/62 |
| Tollgate IV-22 | Tent. Appr. | 1/ /54 |
| Woodglen Farms 43/69 | RDP IV - 137 | |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

5th District

| Subdivision | Status | Date |
|---|---|---|
| Fairmeadows, Sect. B 17/99 | Use DR2 current reg, 40-f, 15/25-s, 40-r | 5/21/52 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

5th District

| Subdivision | Status | Date |
|---|---|---|
| Fairmeadows, Sect. B 17/99 | Use DR2 current reg, 40-f, 15/25-s, 40-r | 5/21/52 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

8th District

| Subdivision | Status | Date |
|---|---|---|
| Chapel Ridge | Tent R-40 setbacks | 6/5/69 |
| Havenwood (Dulaney Forest) 21/38 | PCTA | 9/24/54 |
| Long Quarter, Sect 1 22/91 | Use R-20, 40' min blg setback shown | rec plat 1956 |
| Long Quarter, Sect 2 29/91 | Use R-40, 50' shown, see 70-7-A | 1963 |
| North Hampton - Plats A,B&C | PCTA | 7/8/53 |
| North Hampton - Plat D | PCTA | 4/28/55 |
| Thornleigh - Plat 2 | TA | |
| Thornleigh - Sect 3 | TA | |
| Thornleigh - Sect 4 | TA | 3/31/58 |
| Valley Green - Sect 1 | TA | |
| York Manor | PCTA | 4/29/55 |
| Litzinger, Charles H. Property -21/46A | Preliminary Plan (Use "A" Residence) | 6/1953 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

8th District

| Subdivision | Status | Date |
|---|---|---|
| Chapel Ridge | Tent R-40 setbacks | 6/5/69 |
| Havenwood (Dulaney Forest) 21/38 | PCTA | 9/24/54 |
| Long Quarter, Sect 1 22/91 | Use R-20, 40' min blg setback shown | rec plat 1956 |
| Long Quarter, Sect 2 29/91 | Use R-40, 50' shown, see 70-7-A | 1963 |
| North Hampton - Plats A,B&C | PCTA | 7/8/53 |
| North Hampton - Plat D | PCTA | 4/28/55 |
| Thornleigh - Plat 2 | TA | |
| Thornleigh - Sect 3 | TA | |
| Thornleigh - Sect 4 | TA | 3/31/58 |
| Valley Green - Sect 1 | TA | |
| York Manor | PCTA | 4/29/55 |
| Litzinger, Charles H. Property -21/46A | Preliminary Plan (Use "A" Residence) | 6/1953 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

9th District

| Subdivision | Status | Date |
|---|---|---|
| Dulaney Village | TA | 3/4/55 |
| Gaywood 13/36 | 40' rear yds, approved 8'&9' decks on rear in line | can't find old plat |
| Harford Hills | Recorded | 3/13/50 |
| Hillendale - Sects 1,2,&3 | TA | 5/54 |
| Joppa Manor | TA | '54 |
| Kings Ridge | PCTA | 1/13/55 |
| Lochaven | Record PLAT | 12/2/52 |
| Loch Raven Manor | TA | 7/19/56 |
| Loch Raven Vlg. IX-15 17/105 | PCTA | 10/27/53 |
| Northampton - Plat C | TA | 7/8/53 |
| Parkside Heights | TA | 4/8/57 |
| Silvergate Vlg. Addition 34/121 | TA, No Devel Plan | '70 |
| Towson Park - 968 Radcliffe Road 19/110 | See Permit 28898, 40' rear | ok old regs |

KNOLLWOOD AND OVERBROOK (Revised Plat of Parts of)
WAS ON PLAT 13-125
NOW [redacted] PLAT BOOK # 18-37
BUT P.C. APPVL JUNE 13, 1952 [redacted] P.C APPVL JUNE 13, 1952 6/13/52

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

9th District

| Subdivision | Status | Date |
|---|---|---|
| Dulaney Village | TA | 3/4/55 |
| Gaywood 13/36 | 40' rear yds, approved 8'&9' decks on rear in line | can't find old plat |
| Harford Hills | Recorded | 3/13/50 |
| Hillendale - Sects 1,2,&3 | TA | 5/54 |
| Joppa Manor | TA | '54 |
| Kings Ridge | PCTA | 1/13/55 |
| Lochaven | Record PLAT | 12/2/52 |
| Loch Raven Manor | TA | 7/19/56 |
| Loch Raven Vlg. IX-15 17/105 | PCTA | 10/27/53 |
| Northampton - Plat C | TA | 7/8/53 |
| Parkside Heights | TA | 4/8/57 |
| Rodger's Forge 19/50 Sec. 12 | WCR → | Old Regs * |
| Silvergate Vlg. Addition 34/121 | TA, No Devel Plan | '70 |
| Towson Park - 968 Radcliffe Road 19/110 | See Permit 28898, 40' rear | ok old regs |
| ALSO ROGERS FORGE 16/35 | 45' SETBACK REAR YD. | ok old regs |
| York Manor | PCTA | 4/29/55 |

* Also Address 316 Hopkins Road per WCR, Jr. (9/18/02)

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

10th District

| Subdivision | Status | Date |
|---|---|---|
| Green Glade Woods 34/141&37/118 | Use R40 TA Planning | 4/12/72 |
| Green Glade Woods - Sect 2 | RC5 Envelopes | 8/30/77 |
| Quinn - Sect IV | TA-1971 but zoning listed R6 (R40) - *Houses shown are less than 50' setbacks | 10/5/51 |
| Quinn La. & Harnel Ct., Blk B, Lot #18,26,19,23,29 | Permits issued R-40 setbacks 54203 | |
| Old York Manor | TA Standard R/40 | 2/28/67 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

10th District

| Subdivision | Status | Date |
|---|---|---|
| Green Glade Woods 34/141&37/118 | Use R40 TA Planning | 4/12/72 |
| Green Glade Woods - Sect 2 | RC5 Envelopes | 8/30/77 |
| Quinn - Sect IV | TA-1971 but zoning listed R6 (R40) - *Houses shown are less than 50' setbacks | 10/5/51 |
| Quinn La. & Harnel Ct., Blk B, Lot #18,26,19,23,29 | Permits issued R-40 setbacks 54203 | |
| Old York Manor | TA Standard R/40 | 2/28/67 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

11th District

| Subdivision | Status | Date |
|---|---|---|
| Blue Ridge Estates 33/5 | Tent Ap Use R-40 20/30 site plan | 8/19/69 |
| Carla Green | TA (R-6) | 10/11/60 |
| Carroll Manor, Sect 1 20/79 | signed by Malcolm Dill | 9/10/54 |
| Kingslow | Recorded | 2/10/56 |
| Northwind Terrace N/S Linbelle Terr. | A-Resi zone | 11/1/54 |
| Northwind Terrace, Sect 2&3 | R-10 regs | 6/3/70 |
| Pinedale - Sect B | APC | 12/54 |
| Ravenhurst | R-40 PCA | 7/16/66 |
| Silvergate Vlg Ad 34/121 | TA, no devel plan | 7/3/68 |
| Walnut Hill Estates 33/37,33/128 | Use R40 | 10/68 |
| Kings Country 20/40, Plate 2&3 24/2, 18/58 | TA, use R20 | 7/3/52 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

11th District

| Subdivision | Status | Date |
|---|---|---|
| Blue Ridge Estates 33/5 | Tent Ap Use R-40 20/30 SIDE YD. | 8/19/69 |
| Carla Green | TA (R-6) | 10/11/60 |
| Carroll Manor, Sect 1 20/79 | signed by Malcolm Dill | 9/10/54 |
| Kingslow | Recorded | 2/10/56 |
| Northwind Terrace N/S Linbelle Terr. | A-Resi zone | 11/1/54 |
| Northwind Terrace, Sect 2&3 | R-10 regs | 6/3/70 |
| Pinedale - Sect B | APC | 12/54 |
| Ravenhurst | R-40 PCA | 7/16/66 |
| Silvergate Vlg Ad 34/121 | TA, no devel plan | 7/3/68 |
| Walnut Hill Estates 33/37,33/128 | Use R40 | 10/68 |
| Kings Country 20/40, Plate 2&3 24/2, 18/58 | TA, use R20 | 7/3/52 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

12th District

| Subdivision | Status | Date |
|---|---|---|
| Beverly Hills | TA | 10/2/52 |
| Charlesmont | PCTA | 4/13/53 |
| Dundalk Village | Record PC Approv | 7/18/50 |
| Eastfield 18/120 | Use 25' rear, PC Final App | 3/24/53 |
| Eastfield - Sect 4 21/9 | Exist-10' side, 40-45' rear PCTA, use 25' rear | 1/19/54 |
| Eastfield - Sect 5 | Exist-10' side, 40-45' rear PCTA, use 25' rear | 9/20/54 |
| Eastfield - Sect 6 | Exist 10' side, 35' rear typ, PCTA use 25' rear | 1/8/54 |
| Eastwood - Sect 3 20/88 | Old Regs ok, PCA, 10' side, 40' rear | 6/20/51 |
| Eastwood - Sect 4 21/36 | 15' sides, 50' rear | 6/20/51 |
| Fordham - Sect 1&2&3 23/69 | TABCPC | 45 regs approved on plan |
| Gray Haven - Sect 1&2 19/1,2,3 22/78 | TA old regs | 4/27/53 |
| Gray Haven - Sect 3 23/64 27/137 | Rev TA 4/23/56, 40' rears, 15' sides, 25' side sts. | ? old regs for rear at least |
| Gray Haven - Sect 4 26/10 28/73 29/27 | Record Plats, 40' rears, 15' sides, 25' side sts. | ? old regs for rear at least |
| Gray Haven - Sect 5 24/104 | TA 1955 Regs | 9/19/57 |
| Gray Manor Homes 18/107 | PCA | 3/53 |
| Inverness | TA | 10/31/52 |
| Manchester | PCTA | 12/29/55 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
12th District


| Subdivision | Status | Date |
|---|---|---|
| Merritt Homes | PCTA | 9/20/51 |
| Southbrook 19/94 | 10' sides, 15' side st, 40' rear, old regs | 10/53 |
| Southfield 22/26 | use old regs, 10' sides, 25' rear | 4/14/55 |
| Stanbrook | 10' side<br>PC App, 35-40 rear 25' | 9/22/52<br>3/11/53 |
| West Inverness 19/96 | TA, 25' rear ~~30-40' rears~~ | 10/31/52 |

What the hell does 40 rear mean in Old D Res zone? Use 25'

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

12th District

| Subdivision | Status | Date |
|---|---|---|
| Beverly Hills | TA | 10/2/52 |
| Charlesmont | PCTA | 4/13/53 |
| Dundalk Village | Record PC Approv | 7/18/50 |
| Eastfield 18/120 | Use 25' rear, PC Final App | 3/24/53 |
| Eastfield - Sect 4 21/9 23/94 (Resub) | Exist-10' side, 40-45' rear PCTA, use 25' rear | 1/19/54 |
| Eastfield - Sect 5 | Exist-10' side, 40-45' rear PCTA, use 25' rear | 9/20/54 |
| Eastfield - Sect 6 | Exist 10' side, 35' rear typ, PCTA use 25' rear | 1/8/54 |
| EASTWICK | | |
| Eastwood Sect. 3 18/87 Eastwood Sect 3 19/57 → Old Regs OK, PCA, 10' side, 40' rear | | USE SAME AS ABOVE |
| Eastwood - Sect 3 20/88 | Old Regs ok, PCA, 10' side, | 6/20/51 |
| " " 20/76 (Resub) → PCTA 35' REAR YD, 1/54 REGS 25' REAR OK 40' REAR YD | 40' rear | 9/2/54 (Old Regs. OK) |
| Eastwood - Sect 4 21/36 | 15' sides, 50' rear | 6/20/51 |
| EASTWOOD 18/101 | " " " " | |
| Fordham - Sect 1,2&3 23/69 | PCTA | 8/1/53 |
| | | USE 1945 REGS. |
| Gray Haven - Sect 1&2 19/1,2,3 22/78 | TA old regs | 4/27/53 |
| Gray Haven - Sect 3 23/64 27/137 | Rev TA 4/23/56, 40' rears, 15' sides, 25' side sts. | ? old regs for rear at least |
| Gray Haven - Sect 4 26/10 28/73 29/27 | Record Plats, 40' rears, 15' sides, 25' side sts. | ? old regs for rear at least |
| Gray Haven - Sect 5 24/104 | TA 1955 Regs | 9/19/57 |
| Gray Manor Homes 18/107 | PCA | 3/53 |
| Inverness | TA | 10/31/52 |
| Manchester | PCTA | 12/29/55 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
12th District
age 2

| Subdivision | Status | Date |
|---|---|---|
| Merritt Homes | PCTA | 9/20/51 |
| Southbrook 19/94 | 10' sides, 15' side st, 40' rear, old regs | 10/53 |
| Southfield 22/26 | use old regs, 10' sides, 25' rear | 4/14/55 |
| Stanbrook | 10' side | 9/22/52 |
| | PC App, 35-40' rear | 3/11/53 |
| West Inverness 19/96 (Section 4) | TA, 25' rear | 10/31/52 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

13th District

| Subdivision | Status | Date |
|---|---|---|
| Friendship Gardens - Sect 1 | PCTA | 1/14/54 |
| - Sect 2 | | 1/24/55 |
| Gaylord Manor | Record PC | 2/4/52 |
| Gaylord Manor XIII-9 | PC Approval | 10/5/51 |
| Maiden Choice Village | Tent (group) 30' rear, yds on tent | 10/16/57 |
| Maiden Choice Village 21/35 | 10' side | use 1945 regs |
| Maiden Choice Village 24/139 | 40' on record, 40' rear, 10' side | use 1945 regs |
| Maiden Choice Village 25/41 | 30-40' rear, 10' side | use 1945 regs |
| Riverview | TA 76-86-A, 76-91-A | 2/11/54 |
| Riverview Blocks 5,7,8,9 | TA | 8/27/56 |
| Riverview Block 6 and Portion of Block 5 | 30-40' rears, 10' sides (22/20) | use 1945 regs |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

13th District

| Subdivision | Status | Date |
|---|---|---|
| Friendship Gardens - Sect 1 | PCTA | 1/14/54 |
| - Sect 2 | | 1/24/55 |
| Gaylord Manor | Record PC | 2/4/52 |
| Gaylord Manor XIII-9 | PC Approval | 10/5/51 |
| Maiden Choice Village | Tent (group) 30' rear, yds on tent | 10/16/57 |
| Maiden Choice Village 21/35 | 10' side | use 1945 regs |
| Maiden Choice Village 24/139 | 40' on record, 40' rear, 10' side | use 1945 regs |
| Maiden Choice Village 25/41 | 30-40' rear, 10' side | use 1945 regs |
| Riverview | TA 76-86-A, 76-91-A | 2/11/54 |
| Riverview Blocks 5,7,8,9 | TA | 8/27/56 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

14th District

| Subdivision | Status | Date |
|---|---|---|
| Camelot | PCTA | 1/13/55 |
| Rose Terrace | PC Approval | 10/4/54 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

14th District

| Subdivision | Status | Date |
|---|---|---|
| Camelot | PCTA | 1/13/55 |
| Rose Terrace | PC Approval | 10/4/54 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

15th District

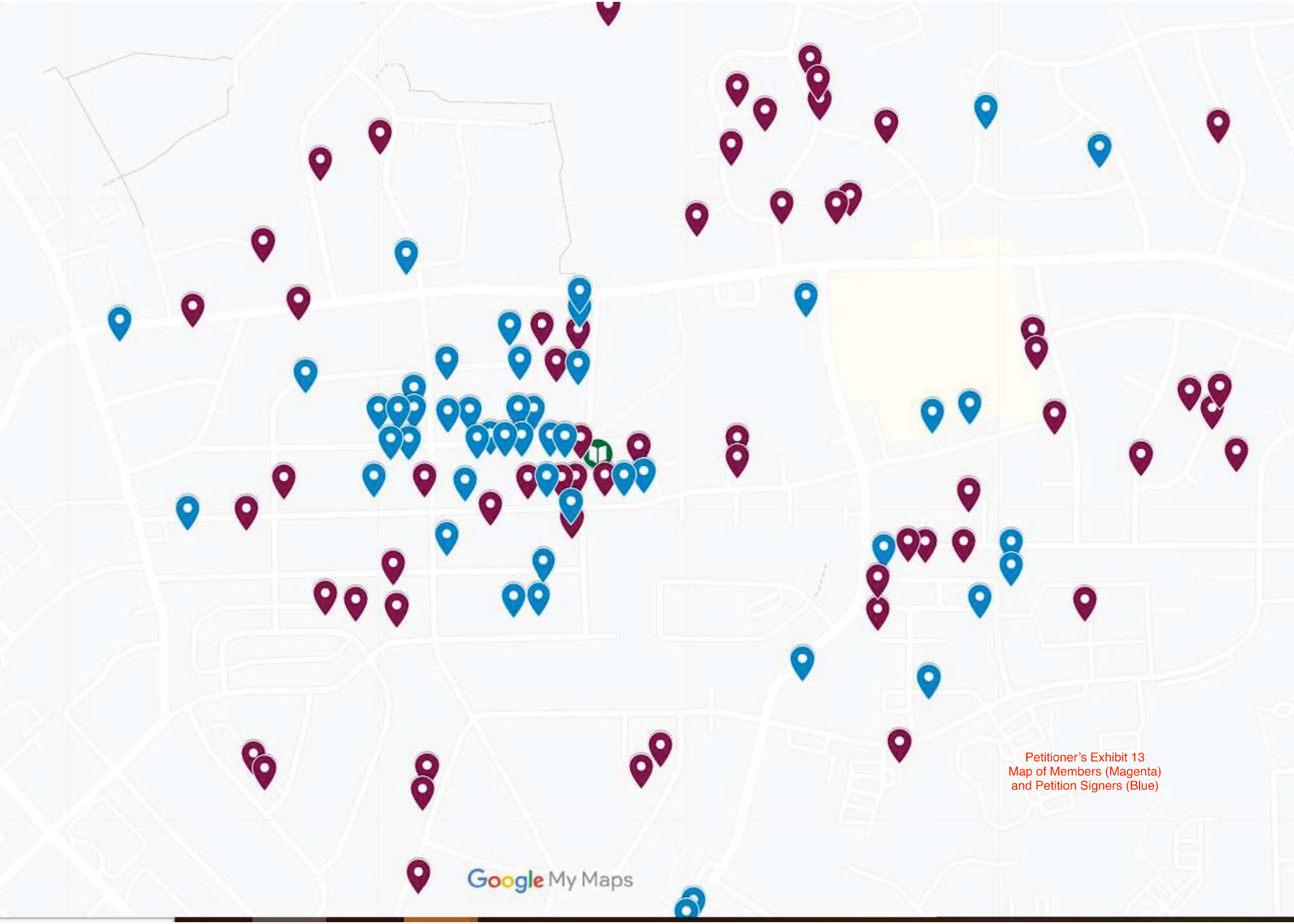
| Subdivision | Status | Date |
|---|---|---|
| Ballard Garden | PCTA | 4/28/52 |
| Charlesmont - Sect 1&2 (Belsford & Kimberly) | TA | 4/13/53 |
| Charlesmont - Sect 3 | Old Regs ok, typical 40' rear + 10' sides shown (tent approv) | 12/8/54 |
| Charlesmont - Sect 4&5 | Typ. 50' rear + 15' side | |
| Eastwood - Sect 3 20/88 | Old Regs ok, 10' side, 40' rear | 6/20/51 |
| Eastwood - Sect 4 21/36 | 15' side, 50' rear | 6/20/51 |
| Eastwood Heights 21/4 20/83 20/84 22/43 | use 45' regs, rear 40', side 10 tent. | 11/18/54 |
| Hawthorne - Sects 1-5 | PCTA | 1/9/52 |
| Holly Neck Estates | (A+B Res) Tentative | 4/20/53 |
| Liddleborough | Tentative | 5/25/66 |
| Middlesex | Tentative | 1/21/53 |
| Northbrook | PC | 3/5/52 |
| North Point Village 19/113 20/60 | PCTA, 25' rear yd | 12/2/53 |
| North Point Village 22/12 22/130 22/142 | Ex - 40' rear, Ex - 10' side, Use 25' rear | '54 |
| Victory Villa 22/111 22/112 22/109 PER WCR 12/19/01 | 1945 Regs | |
| Wiltshire | PCFA | 3/17/50 |

PLANNING COMMISSION/BOARD APPROVED SUBDIVISIONS
(To Determine Zoning Regulations Applicable)

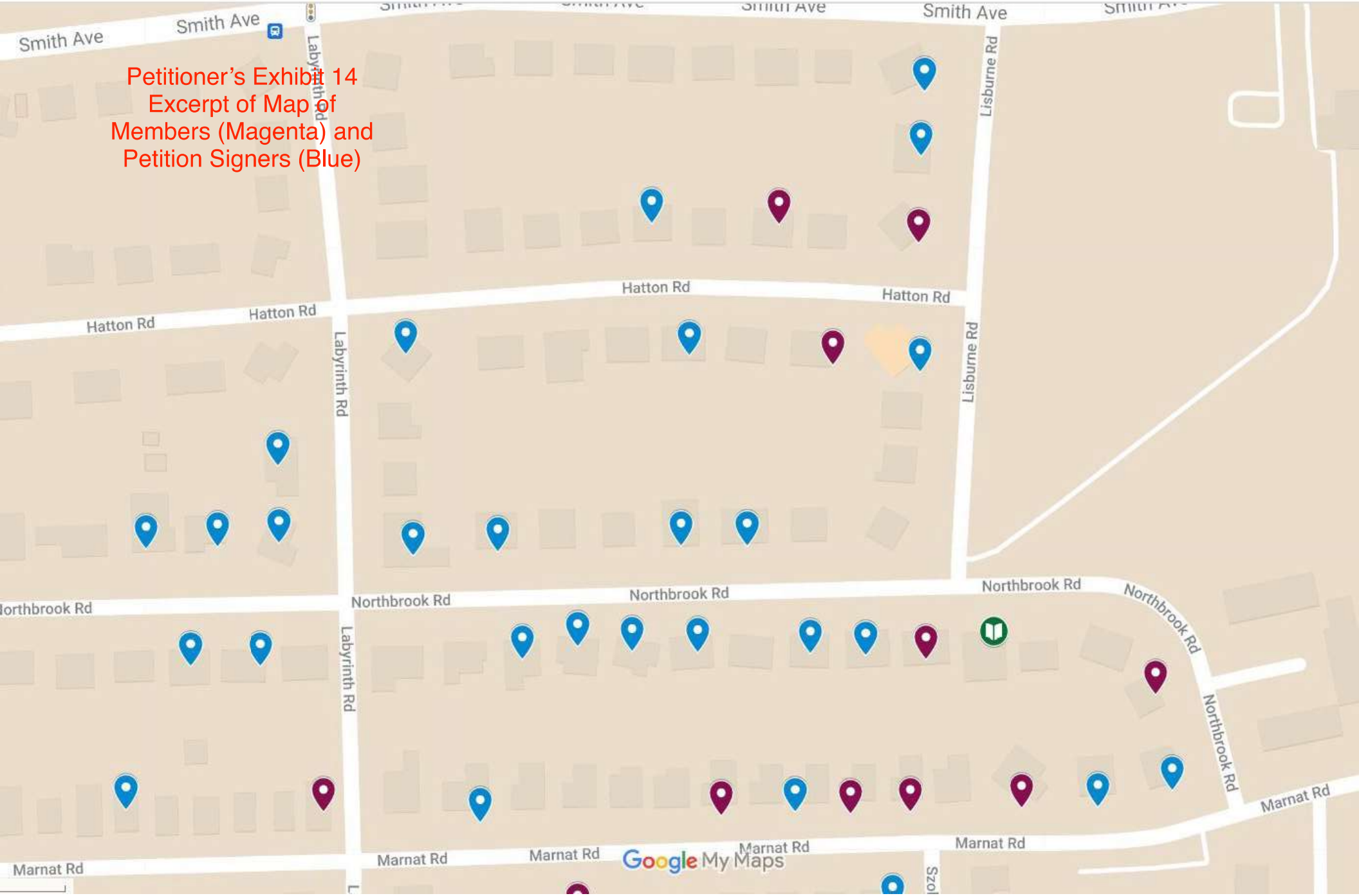
15th District

| Subdivision | Status | Date |
|---|---|---|
| Ballard Garden | PCTA | 4/28/52 |
| Charlesmont - Sect 1&2 (Belsford & Kimberly) | TA | 4/13/53 |
| Charlesmont - Sect 3 | Old Regs ok, typical 40' rear + 10' sides shown (tent approv) | 12/8/54 |
| Charlesmont - Sect 4&5 | Typ. 50' rear + 15' side | |
| Eastwood - Sect 3 20/88 | Old Regs ok, 10' side, 40' rear | 6/20/51 |
| Eastwood - Sect 4 21/36 | 15' side, 50' rear | 6/20/51 |
| Eastwood Heights 21/4 20/83 20/84 22/43 | use 45' regs, rear 40', side 10 tent. | 11/18/54 |
| Hawthorne - Sects 1-5 | PCTA | 1/9/52 |
| Neck Estates | (A+B Res) Tentative | 4/20/53 |
| Middleborough | Tentative | 5/25/66 |
| Middlesex | Tentative | 1/21/53 |
| Northbrook | PC | 3/5/52 |
| North Point Village 19/113 20/60 | PCTA, 25' rear yd | 12/2/53 |
| North Point Village 22/12 22/130 22/142 | Ex - 40' rear, Ex - 10' side, Use 25' rear | '54 |
| Victory Villa 22/111 22/112 22/109 AER WCR 12/19/01 | 1945 Regs | |
| Wiltshire | PCFA | 3/17/50 |

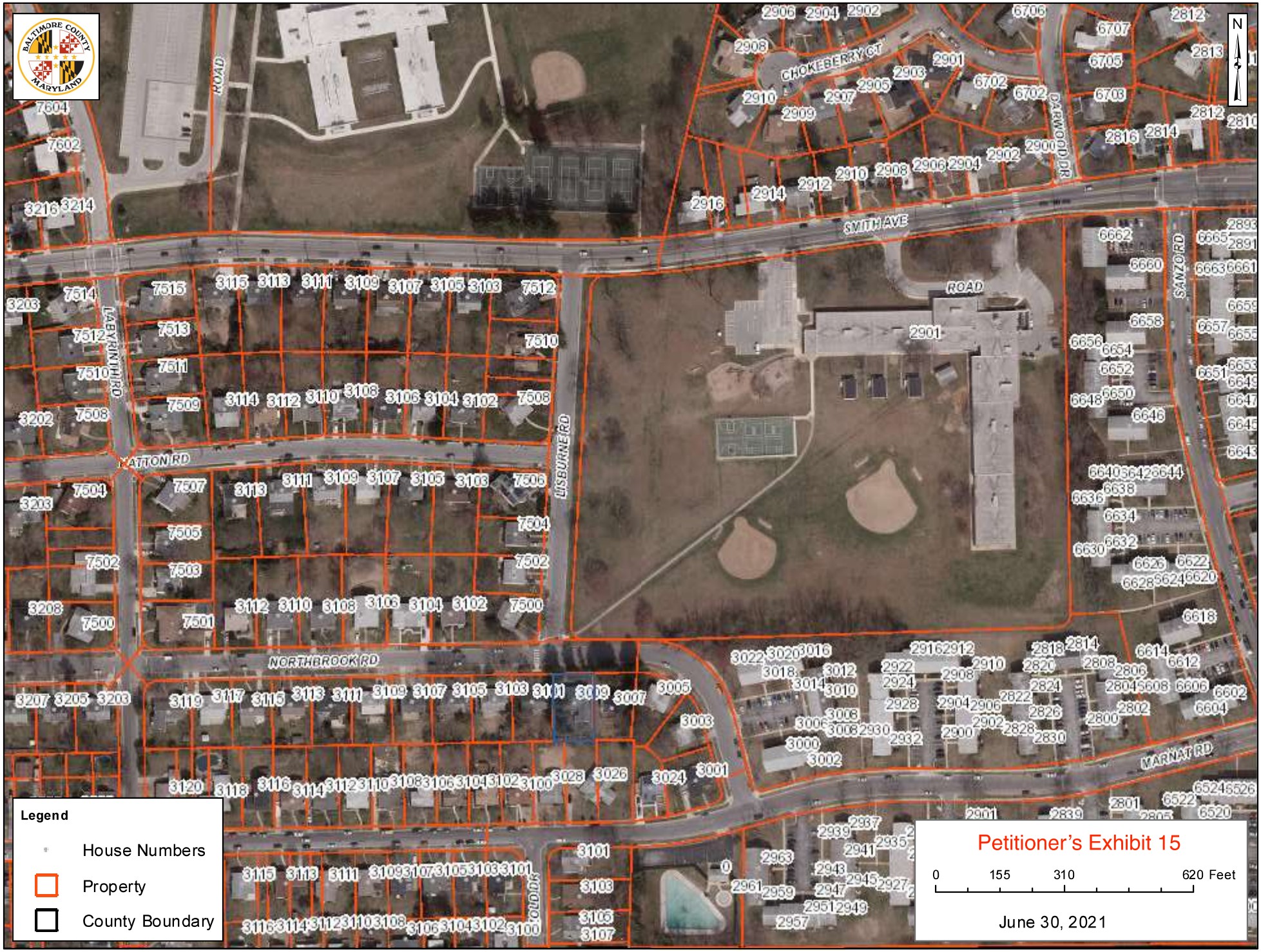
Petitioner's Exhibit 12
Exhibit 5




Petitioner's Exhibit 13
Map of Members (Magenta)
and Petition Signers (Blue)


Petitioner's Exhibit 14
Excerpt of Map of
Members (Magenta) and
Petition Signers (Blue)
Smith Ave
Smith Ave
Smith Ave
Smith Ave
Labyrinth Rd
Lisburne Rd
Hatton Rd
Hatton Rd
Hatton Rd
Hatton Rd
Labyrinth Rd
Lisburne Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Labyrinth Rd
Marnat Rd
Marnat Rd
Marnat Rd
Marnat Rd
Marnat Rd
Google My Maps

# 3009 Northbrook Road & Vicinity



Event ID: 761

## Event Details

**Organization***

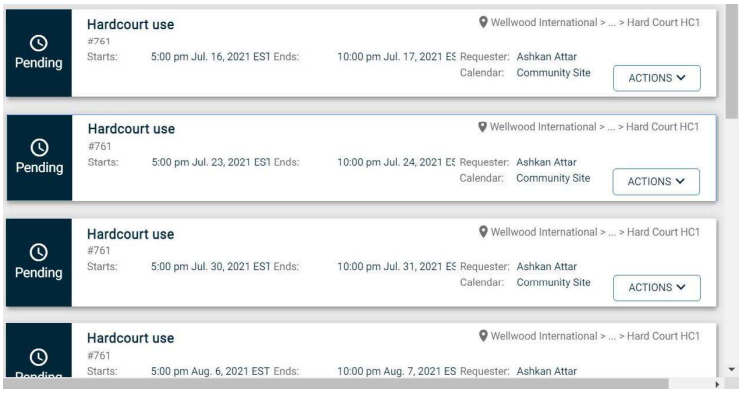
Ahavat Shalom Congregation

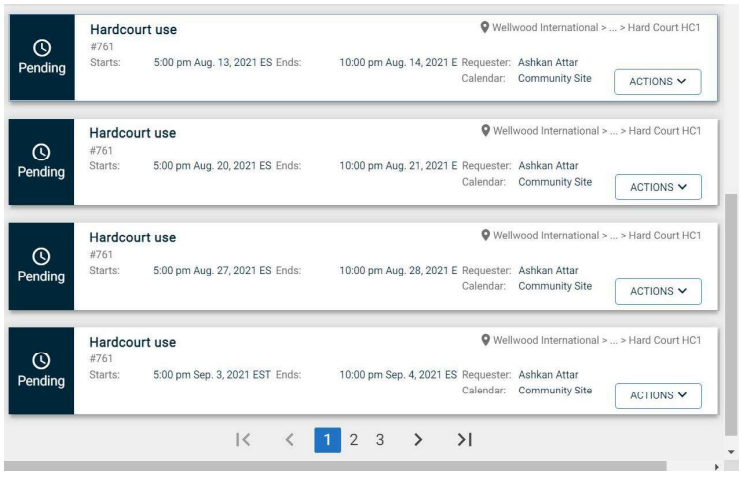
**Event Name***

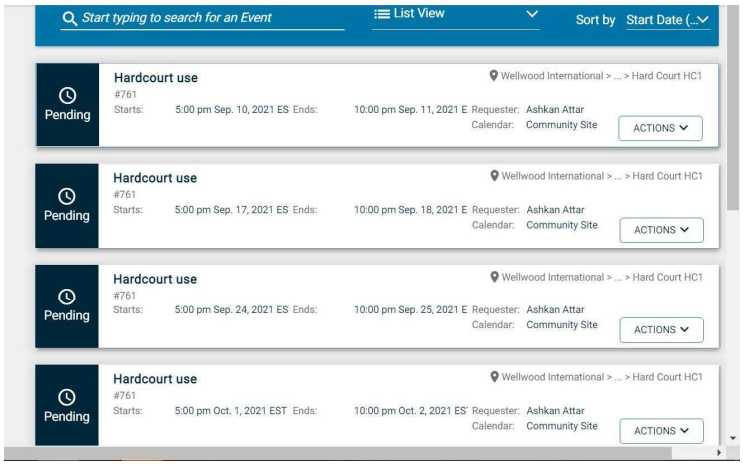
Hardcourt use

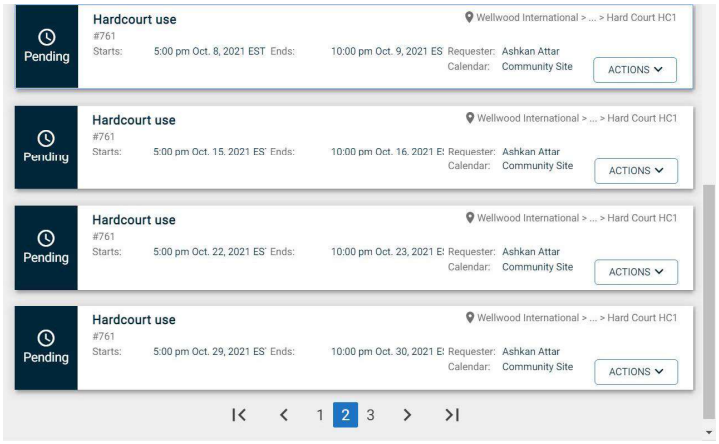
**Summary***

to rent one basketball court with access to parking lot parking.




Petitioner's Exhibit 16

3:46 41%

Petitioner's Exhibit 17

# Community Site Event Approved Notification

Community Site
to Me
Today, 3:33 PM

Unable to read this email? Click here to open in your browser

Community Site
## Event Approved Notification

This is an event approved notification for Community Site.

Your event Hardcourt use on Starting: Friday, Jul 16, 2021 5:00 PM (ET) Ending: Saturday, Jul 17, 2021 10:00 PM (ET) has been approved.

Additional Date: Starting: Friday, Jul 23, 2021 5:00 PM (ET) Ending: Saturday, Jul 24, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Jul 30, 2021 5:00 PM (ET) Ending: Saturday, Jul 31, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 6, 2021 5:00 PM (ET) Ending: Saturday, Aug 7, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 13, 2021 5:00 PM (ET) Ending: Saturday, Aug 14, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 20, 2021 5:00 PM (ET) Ending: Saturday, Aug 21, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 27, 2021 5:00 PM (ET) Ending: Saturday, Aug 28, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 3, 2021 5:00 PM (ET) Ending: Saturday, Sep 4, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 10, 2021 5:00 PM (ET) Ending: Saturday, Sep 11, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 17, 2021 5:00 PM (ET) Ending: Saturday, Sep 18, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 24, 2021 5:00 PM (ET) Ending: Saturday, Sep 25, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Oct 1, 2021 5:00 PM (ET) Ending: Saturday, Oct 2, 2021 10:00 PM (ET)

Delete Archive Move Forward More

Petitioner's Exhibit 18

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Avraham Golfeiz<br>Date: 6/28/21<br>Address: 3303 Lee Ct.<br>Pikesville, MD 21208 | Signature: |
| Name (printed): Benyamin Falkfeld<br>Date: 6/28/2021<br>Address: 3101 Marnat R.D<br>Baltimore MD 21208 | Signature: Benyamin Falkfeld |
| Name (printed): Farsad<br>Date: 6/28/2021<br>Address: 3104 Marnat R.D 21208 | Signature: |
| Name (printed): Hersal Gholian<br>Date: 6/28/2021<br>Address: 3106 Bonnie Rd 21208 | Signature: |
| Name (printed): Charles Goldman<br>Date: 06/28/2021<br>Address: 3024 Marnat Road Baltimore MD | Signature: Charles Goldman |
| Name (printed): Daniel Chernoff<br>Date:<br>Address: 3118 Marnat RR | Signature: Daniel Chernoff |

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| | |
|---|---|
| Name (printed): Binyamin Ramintar<br>Date: 6/19/21<br>Address: 6500 gardenwick Rd<br>Baltimore, MD. 21209 | Signature: |
| Name (printed): Armin Boutehsaz<br>Date: 6/19/21<br>Address: 3314 Fallstaff road<br>Baltimore MD 21215 | Signature: |
| Name (printed): Rivkah Sacidian<br>Date: 6/19/21<br>Address: 6301 Wellwood Crt<br>Baltimore Maryland | Signature: |
| Name (printed): Shaneze Mahgerefteh<br>Date: 6/19/21<br>Address: 8805 damywood dr<br>baltimore md 21209 | Signature: |
| Name (printed): Ronda Cooperstein<br>Date: 3105 Northbrook Road<br>Address: 21208<br>June 22, 2021 | Signature: Ronda Cooperstein |
| Name (printed): Gary Kaplowitz<br>Date: 6/22/21<br>Address: 3109 Northbrook Rd. | Signature: Verbal agreement. |

Petition in Support of Congregation Ahavat Shalom
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| | |
|---|---|
| Name (printed): [illegible]<br>Date: 6/16/21<br>Address: 3104 Northbrook rd | Signature: |
| Name (printed): Martin Hochheimer<br>Date: 6/22/2021<br>Address: 3113 Northbrook rd | Signature: |
| Name (printed): Martin Kurland<br>Date: 6/22/21<br>Address: 3112 Northbrook | Signature: |
| Name (printed): BERNARD FELLIVER<br>Date: June 22, 2021<br>Address: 3111 Northbrook Road | Signature: |
| Name (printed): DANIEL GOLTZ<br>Date: 6-22-2021<br>Address: 3106 NORTHBROOK RD. | Signature: |
| Name (printed): [illegible]<br>Date: 6/23/2021<br>Address: 3107 HATTOD RD | Signature: |

BALTO, MD 21208

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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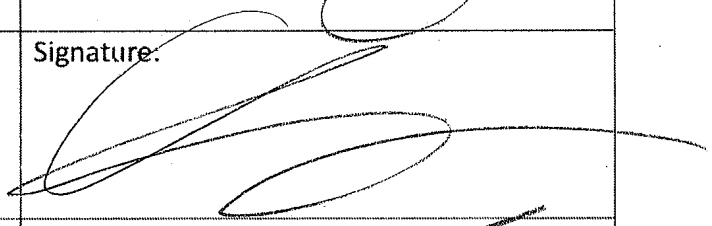
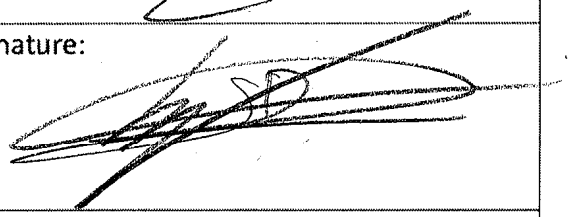
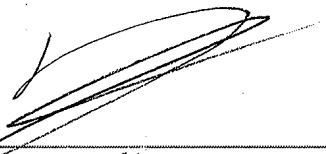
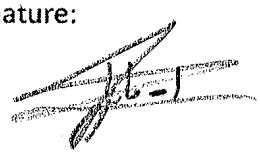
| | |
|---|---|
| Name (printed): Orahn Gelfer<br>Date: 6/12/2021<br>Address: 2901 Perry Drive Apt #B 21209 | Signature: |
| Name (printed): Elisha Lalayan<br>Date: 6/12/2021<br>Address: 617 Carla Rd | Signature:  |
| Name (printed): Salomon Bemuru<br>Date: 6/12/21<br>Address: 3026 marnat rd Baltimore MD 21208 | Signature:  |
| Name (printed): Brian Escidero<br>Date: 6/18/21<br>Address: 2711 Jeffery Ct Apt F Baltimore MD 21209 | Signature:  |
| Name (printed): Jacob Miller<br>Date: 6/20/21<br>Address: 7506 Lisburne Rd Pikesville, MD 21208 | Signature: |
| Name (printed): Amin Pourjavadi<br>Date: 6/19/2021<br>Address: 3214 SOUTH AVE MD 21208 | Signature:  |

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| | |
|---|---|
| Name (printed): Moshe C. Gholian<br>Date: 6-24-2021<br>Address: 2901 oakton Ct.<br>Balt MD. 21209 | Signature: |
| Name (printed): Yaakov Horowitz<br>Date: 6/24 2021<br>Address: 3208 Northbrook Rd<br>Balt 21208 | Signature: |
| Name (printed): Elliot Pepper<br>Date: 6/24/2021<br>Address: 7500 Labyrinth Road<br>Baltimore, MD 21208 | Signature: |
| Name (printed): Allyson Lerner<br>Date:<br>Address: 3205 Northbrook<br>Balt MD 21208 | Signature: |
| Name (printed): Noach Lurman<br>Date:<br>Address: 3210 Northbrook RD | Signature: |
| Name (printed): Shaul Tsemach<br>Date:<br>Address: 3207 Northbrook | Signature: |

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| | |
|---|---|
| Name (printed): Ben Berkowitz<br>Date:<br>Address: 3402 Mernot RD Baltimore MD | Signature: |
| Name (printed): Afshin Attar<br>Date: 2/25/21<br>Address: 2610 Willow Glen Drive Balt. MD 21209 | Signature: |
| Name (printed): ISRAEL GAMLIEL<br>Date: 6/13/21<br>Address: 3211 Hatton Rd Baltimore 21208 | Signature: |
| Name (printed): Daniel Khavi<br>Date: 6/13/21<br>Address: 3317 Marnat Rd Baltimore MD 21208 | Signature: |
| Name (printed): Babak Zarabian<br>Date: 6-16-21<br>Address: 6502 Steerforth Court Baltimore, MD 21209 | Signature: |
| Name (printed): Moshe Afil<br>Date: 6/21/21<br>Address: 2906 Oakton ct. Baltimore, MD 21209 | Signature: |

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| | |
|---|---|
| Name (printed): Chaim Wolfish<br>Date: 6/26/21<br>Address: 3108 Hatton Ave<br>Pikesville, MD 21208 | Signature: |
| Name (printed): Shimon Herridan<br>Date: 6/26/21<br>Address: 6713 Darwood<br>Baltimore MD 21209 | Signature: |
| Name (printed): Yitzhak Laghaei<br>Date: 6/26/21<br>Address:<br>3100 Shelburne RD<br>Baltimore MD 21208 | Signature: |
| Name (printed): Jonah Abraham<br>Date: 6/26/21<br>Address:<br>6711 Westbrook Rd<br>Baltimore MD 21215 | Signature: |
| Name (printed): Solomon Khalilian<br>Date: June 26 2021<br>Address:<br>6709 Darwood Dr 21209 | Signature: |
| Name (printed): Eli E. Hakkakian<br>Date: June. 26. 2021<br>Address: 3101 Northbrook rd.<br>Baltimore MD 21208 | Signature: |

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| | |
|---|---|
| Name (printed): Yosef Mehdizadeh<br>Date: 2/21/21<br>Address: 6404 Elray Dr Apt E<br>Baltimore MD 21209 | Signature: |
| Name (printed): Barry Diamond<br>Date: 2/21/21<br>Address: 7104 Boxford Rd<br>Balt. MD 21215 | Signature: |
| Name (printed): Eliyahu Nourmand<br>Date: 2/21/21<br>Address: 2532 Farringdon RD<br>Baltimore MD 21209 | Signature: |
| Name (printed): Meir Hakimi<br>Date: 2/2/21<br>Address: 2814 damascus ct #C<br>Baltimore, MD 21209 | Signature: Meir Hakimi |
| Name (printed): David Attar<br>Date: 2/21/2021<br>Address: 3317 Smith Ave<br>Baltimore MD 21208 | Signature: |
| Name (printed): ~~[illegible] [illegible]~~ Ashkan Attar<br>Date:<br>Address: 3103 Hatton Rd<br>Baltimore MD 21208 | Signature: |

Petition in Support of Congregation Ahavat Shalom
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| | |
|---|---|
| Name (printed): Pedram Nourmand<br>Date:<br>Address: 6608 Wikfield Ln | Signature: |
| Name (printed): Eliur Samimi<br>Date:<br>Address: 2904 Mornat rd | Signature: |
| Name (printed): Barochel Yousefzadeh<br>Date: 2/19/21<br>Address: 2824 Damascus ct Apt E Baltimore MD 21209 | Signature: |
| Name (printed): Joshua Gabbay<br>Date: 2/19/21<br>Address: 2904 Mornat Rd Apt C Baltimore MD 21209 | Signature: |
| Name (printed): Daniel Kalibra<br>Date: 2/19/21<br>Address: 2701 woodlawn Rd Balt, MD 21209 | Signature: OK |
| Name (printed): David Rowshandel<br>Date: 2/19/21<br>Address: 3041 fallstaff # 303 Balto MD 21209 | Signature: |

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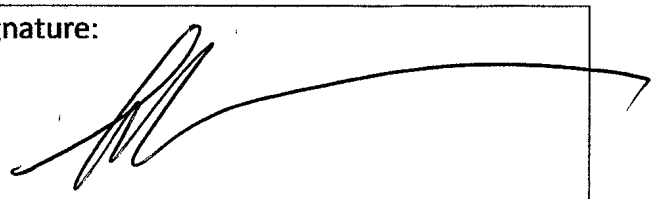
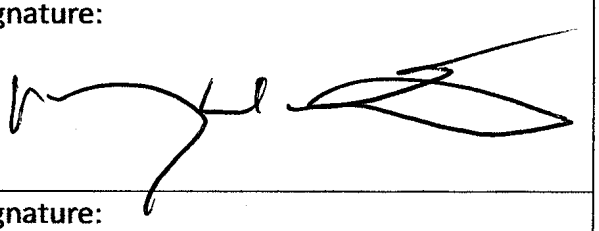
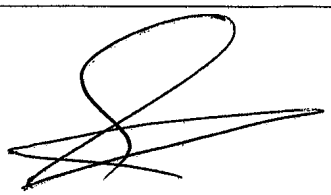
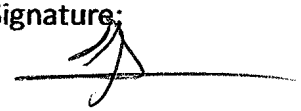
| | |
|---|---|
| Name (printed): SAMAN RADMARAM<br>Date:<br>Address: 6521 Cardenwick RD<br>Baltimore MD 21209 | Signature:  |
| Name (printed): Wesley Merville<br>Date: Feb 20, 21<br>Address: 2700 Jenner Dr Apt A<br>Baltimore MD 21209 | Signature:  |
| Name (printed): David Klugh<br>Date: Feb 20 21<br>Address: 6523 Cardenwick Rd<br>Baltimore MD 21209 | Signature: |
| Name (printed): Omid Rahmanfar<br>Date: Feb/19/21<br>Address: 3305 marnat rd 21208 | Signature:  |
| Name (printed): Iman Fakhri<br>Date: 3-19-2021<br>Address: 3501 Fallstaff Rd<br>baltimore, MD 21215 | Signature: |
| Name (printed): Levi Attanasio<br>Date: Feb 20, 2021<br>Address: 3312 Fallstaff Rd<br>Balto MD 21215 | Signature:  |

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| | |
|---|---|
| Name (printed): Eliyahu Lavaddan<br>Date: 2/20/2021<br>Address: 3104 Marnat Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): Ephraim Eshaghian<br>Date: 2/23/2021<br>Address:<br>2700 Jeremy ct. # F<br>Baltimore md. 21209 | Signature: |
| Name (printed): Daniel Levy<br>Date: 2/23/21<br>Address:<br>6412 Elray Drive #F<br>Balt. MD 21209 | Signature: |
| Name (printed): mosh parizad<br>Date: feb/23/21<br>Address: 6405 Doral Drive #C<br>Baltimore, MD 21209 | Signature: |
| Name (printed): Solomon Khalili<br>Date: Feb. 23 2021<br>Address:<br>6707 Darwood Dr. Baltimore<br>MD 21209 | Signature: |
| Name (printed): David Yasharpour<br>Date: Feb. 23 2021<br>Address: 6806 cherokee Dr. Baltimore<br>MD 21209 | Signature: |

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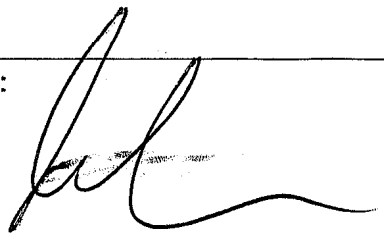
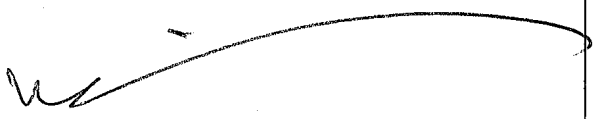
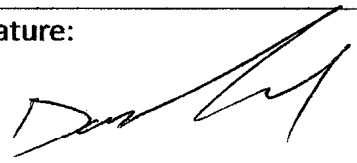
| | |
|---|---|
| Name (printed): Ravi Neumann<br>Date:<br>Address: 6510 Garlenwick Rd<br>Baltimore MD 21209 | Signature:  |
| Name (printed): [illegible]<br>Date:<br>Address: 3115 Moravia Rd<br>21208 | Signature:  |
| Name (printed): David Frye<br>Date: 2/20/21<br>Address: 3108 Marriot Rd<br>Baltimore MD 21208 | Signature:  |
| Name (printed): Eliezer Kohansion<br>Date: Feb 20, 2021<br>Address: 3104 Hatton Rd<br>Balt. MD 21208 | Signature: |
| Name (printed): Ebrahim Nemay<br>Date: 2/20/2021<br>Address: 6506 Glenwick Ct<br>Baltimore MD 21209 | Signature: |
| Name (printed): Allen Reyha<br>Date: 6/9/21<br>Address: 3012 Lightfoot Dr<br>Baltimore MD 21208 | Signature: |

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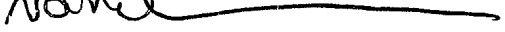
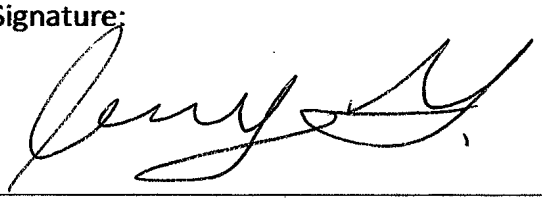
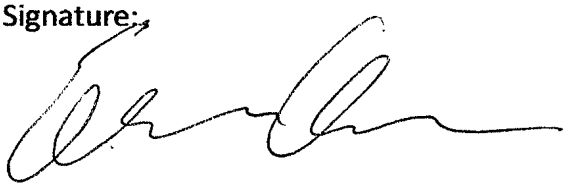
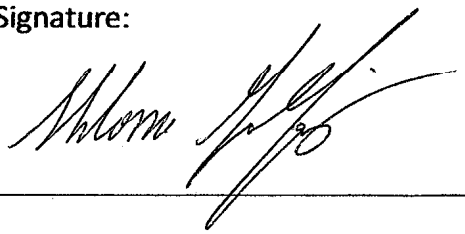
| | |
|---|---|
| Name (printed): Aviel Abaei<br>Date: 02/23/2021<br>Address: 3322 clarks lane BA, MD 21215 #D | Signature: |
| Name (printed): Aviel Mokhtar<br>Date: 02/23/2021<br>Address: 2810 Damascus Ct. Apt F Baltimore, MD 21209 | Signature: |
| Name (printed): Navid Bantavizadeh<br>Date: Feb/23/21<br>Address: 3209 Nevak RD Baltimore MD 21209 | Signature:  |
| Name (printed): Ben Cohalili<br>Date: 2/23/21<br>Address: 2814 Damascus Court Baltimore, MD. | Signature:  |
| Name (printed): Elisha Cohen<br>Date: 2/23/21<br>Address: 7617 Carla RD Baltimore MD | Signature:  |
| Name (printed): Shlomo Golfeiz<br>Date: 2/23/21<br>Address: 6815 Timberlane Rd Balt. MD 21209 | Signature:  |

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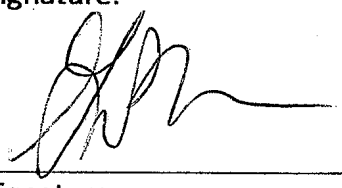
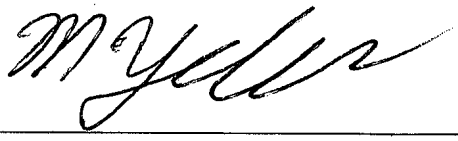
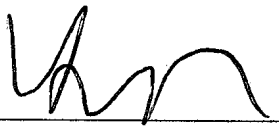
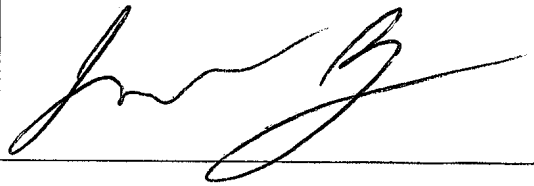
| | |
|---|---|
| Name (printed): Michael Saghizadeh<br>Date: 2/23/21<br>Address: 3012 Fallstaff Road<br>Baltimore MD 21209 | Signature: |
| Name (printed): Gawren Bradford<br>Date: 2/23/2021<br>Address: 3210 Nerak Rd<br>Baltimore md 21208 | Signature:  |
| Name (printed): Matt Yashar<br>Date: 2/22/21<br>Address: 6640 Sanzo Rd<br>Baltimore, MD 21209 | Signature:  |
| Name (printed): Yitzchak Mazor<br>Date: 2/22/21<br>Address:<br>2824 Damascus Ct.<br>Baltimore, MD 21209 | Signature: |
| Name (printed): Yedidyah Nutes<br>Date: 2/22 2021<br>Address: 2811 Laurelwood ct Baltimore<br>21209 | Signature:  |
| Name (printed): Yehoshua Zaglu<br>Date: 2/22/2021<br>Address: 3318 Clarks Lane apt<br>baltimore MD 21215 | Signature:  |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Daniel Reihani<br>Date: 02/25/21<br>Address: 2905 Chokeberry ct<br>Baltimore MD 21209 | Signature: |
| Name (printed): Steven Chamama<br>Date: 3319 Clarks lane<br>Address: 02/25/21 | Signature: |
| Name (printed): Shmuel Mahgereftela<br>Date: Feb. 25, 2021<br>Address: 6404 Apollo Dr. #F<br>Baltimore, MD | Signature: |
| Name (printed): Netanel Berelyahou<br>Date: Feb 25<br>Address: 6502 Shelbrick | Signature: |
| Name (printed): Shmuel Hakaleon<br>Date: 2/25/21<br>Address: 2703 Jerry Ct<br>Baltimore, MD 21209 | Signature: |
| Name (printed): MAICA Hakaleon<br>Date: 2/25/21<br>Address: 3209 Shelburne Rd<br>Balty MD 21209 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Nouriel M. Eshaghian<br>Date: Feb. - 25 - 2021<br>Address: 7102 Boxford Rd.<br>Baltimore, MD 21215 | Signature: |
| Name (printed): ~~Khosrow Rezhani~~<br>Date: Feb 25 2021<br>Address: 3228 Marnat Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): ~~Rodney Haltimi~~<br>Date: 2/28/21<br>Address: 2809 Laurelwood Court<br>Baltimore MD 21209 | Signature: |
| Name (printed): David Shamah<br>Date: 2/25/21<br>Address: 6015 Ballwood Ave<br>Baltimore MD 21209 | Signature: |
| Name (printed): Ezra Brown<br>Date: 2/25/2021<br>Address: 6011 Ballwood Ave<br>Baltimore MD 21209 | Signature: |
| Name (printed): [illegible]<br>Date: Feb 25 2021<br>Address: 3314 Clarks Lane, Apt. B<br>Baltimore, MD, 21215 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Orna Attar<br>Date: 2/25/21<br>Address: 6612 Wickfield Rd Balt. MD 21209 | Signature: |
| Name (printed): DAVID NAFKI<br>Date: 6/10/21<br>Address: 7506 Lisburn Rd Baltimore MD 21208 | Signature: |
| Name (printed): Daniel Ribakow<br>Date: 6/15/21<br>Address: 3001 Northbrook Rd. Baltimore, MD. 21209 | Signature: |
| Name (printed): Shmuel Moinzadeh<br>Date: 6/16/21<br>Address: 2718 woodcourt Rd Balt, MD 21209 | Signature: |
| Name (printed): Binyomin Rachmani<br>Date: 06/16/21<br>Address: 7618 Labrom Rd Baltimore MD 21208 | Signature: |
| Name (printed): Shlomo Ezratpour<br>Date: 6/16/2021<br>Address: 2712 Woodcourt Rd Balto MD 21209 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Doron Rafiga<br>Date: 6/16/21<br>Address: 3100 Marnat | Signature: |
| Name (printed): Farzad Levin<br>Date: 6/17/21<br>Address: 6707 Chokeberry Rd 21209 | Signature: |
| Name (printed): Marcela Murrieta<br>Date: 6/23/21<br>Address: 7502 Labyrinth | Signature: |
| Name (printed): Stacey Baron<br>Date:<br>Address: 3115 Northbrook Rd. 21208 | Signature: |
| Name (printed): Arnold Goldberg<br>Date: 6/23/2021<br>Address: 7510 Lisburne Rd 21208 | Signature: |
| Name (printed): sharon fakheri<br>Date: 6/27/21<br>Address: 3305 Smith ave 21208 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Ephraim Liebes<br>Date: 6/27/21<br>Address: 7507 Labyrinth Road<br>Baltimore, MD 21208 | Signature: |
| Name (printed): Jacob Molayem<br>Date: 6/27/21<br>Address: 3215 Smith Ave<br>Pikesville MD 21208 | Signature: |
| Name (printed): Brian Silberberg<br>Date: 06/27/21<br>Address: 7512 Lisburne Rd<br>Pikesville MD 21208 | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |

Exhibit 19 A

Exhibit 19 B

Petitioner's Ex. 20

# USE PERMIT

**IT IS ORDERED** by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 15th day of October, 2021, that Ahavat Shalom Congregation (Individual or business name) located at 3009 Northbrook Rd. (Street address) should be and the same is hereby granted permission to operate a: Synagogue from 10/15/2021 thru 10/16/2021 (Friday thru Saturday)

210858
**Permit (or Receipt) Number**

**Director, Permits, Approvals and Inspections**

Planner's Initials MR

Revised 10/17/11

# Baltimore County, Maryland
# Department of Permits, Approvals, and Inspections

**CERTIFICATE OF OCCUPANCY**

Petitioner's Exhibit 21

**Permit Number:** COO22-0242

Permission is hereby granted to:

Name: Saman Radparvar
Address: 3009 North Brook Road
Occupant/Tenant:

To use and occupy the land and/or buildings as described and approved on Building Permit Number: COO22-0242

Location of Property: 3009 NORTHBROOK RD

Lot Number:

Proposed Use: Assembly/synagogue

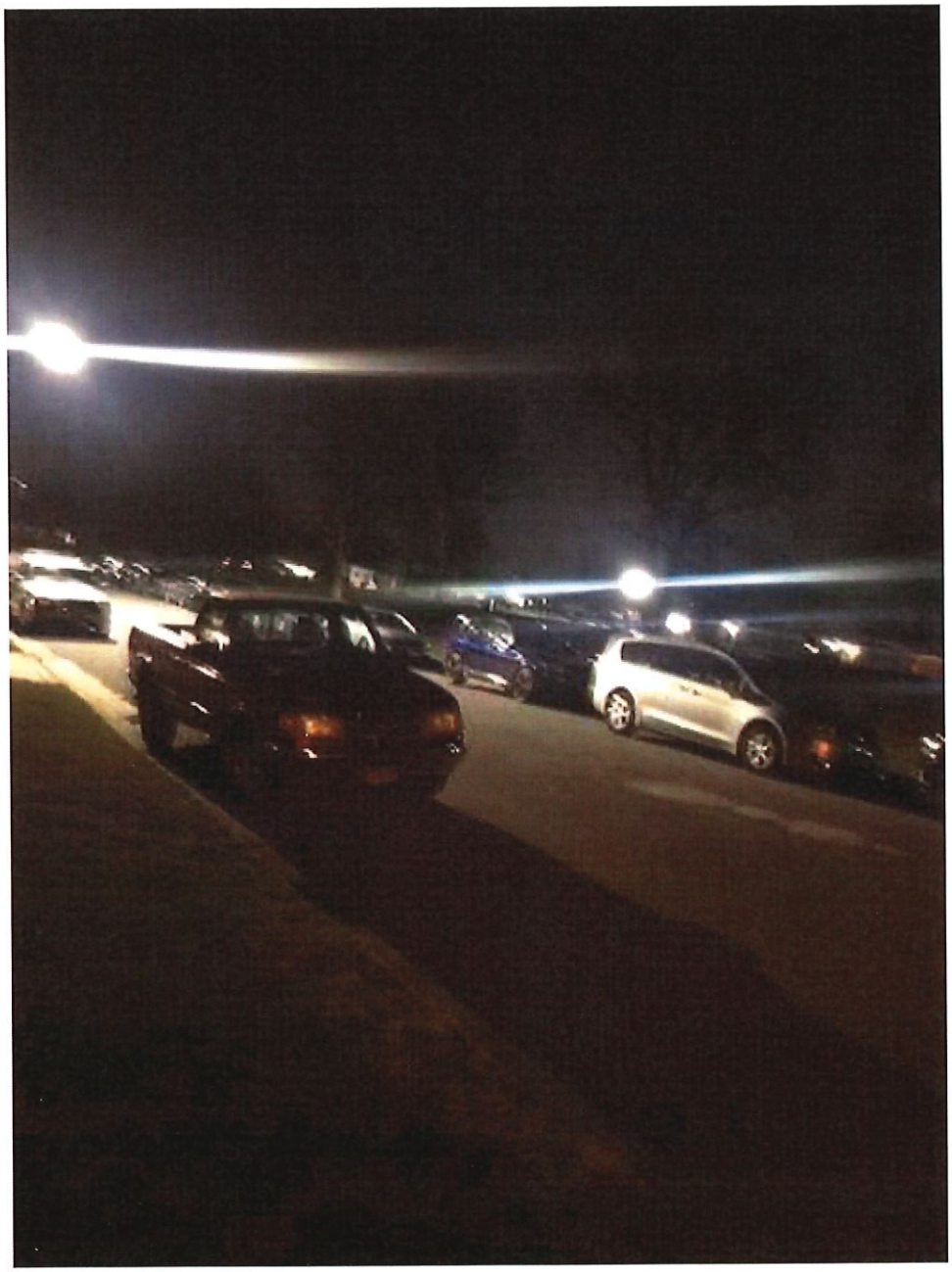
**Date: 03/22/2022**

**Fees Paid:**

C. Pete Gutwald, AICP, Director

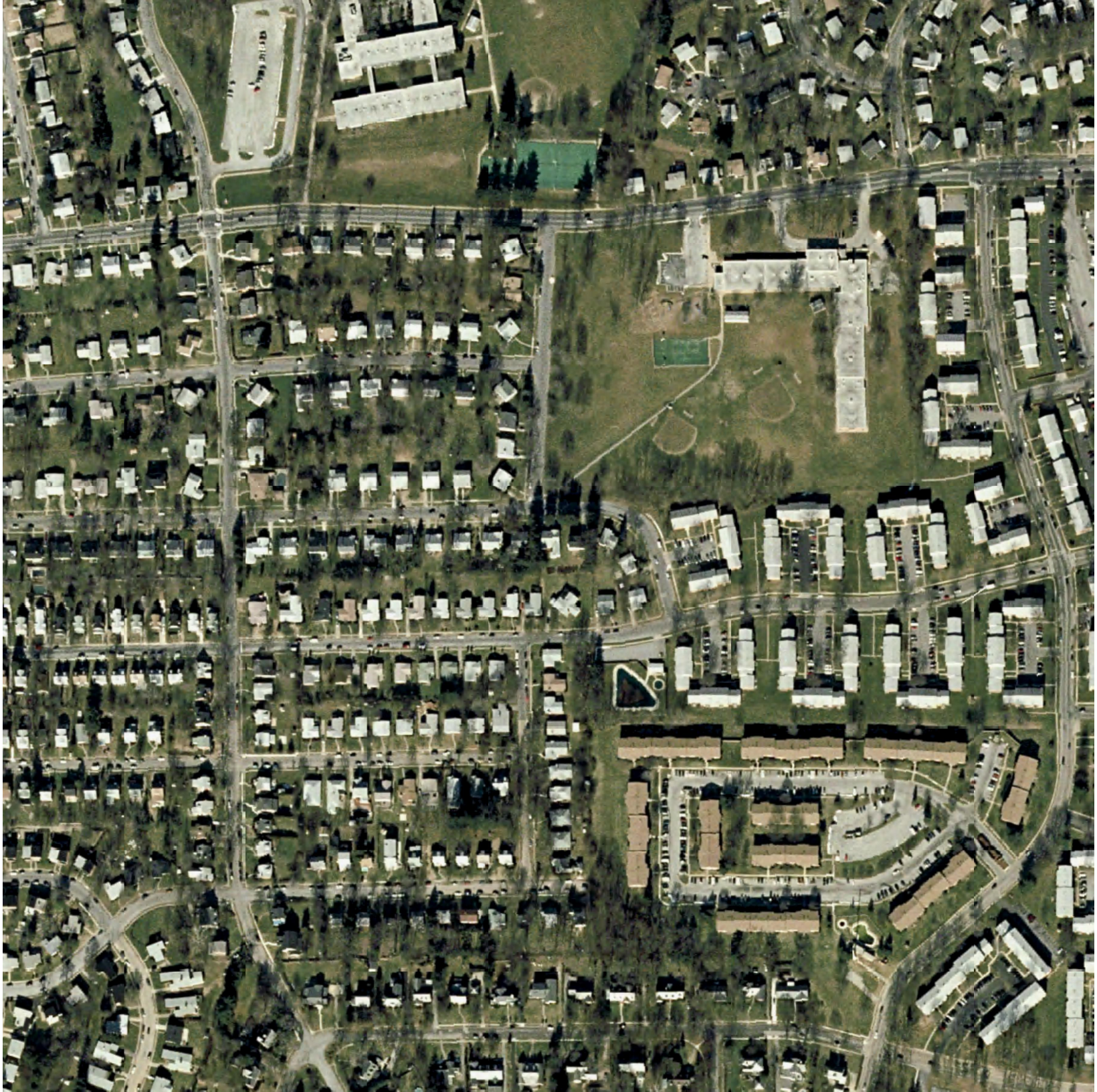
E. John Bryan, Building Engineer

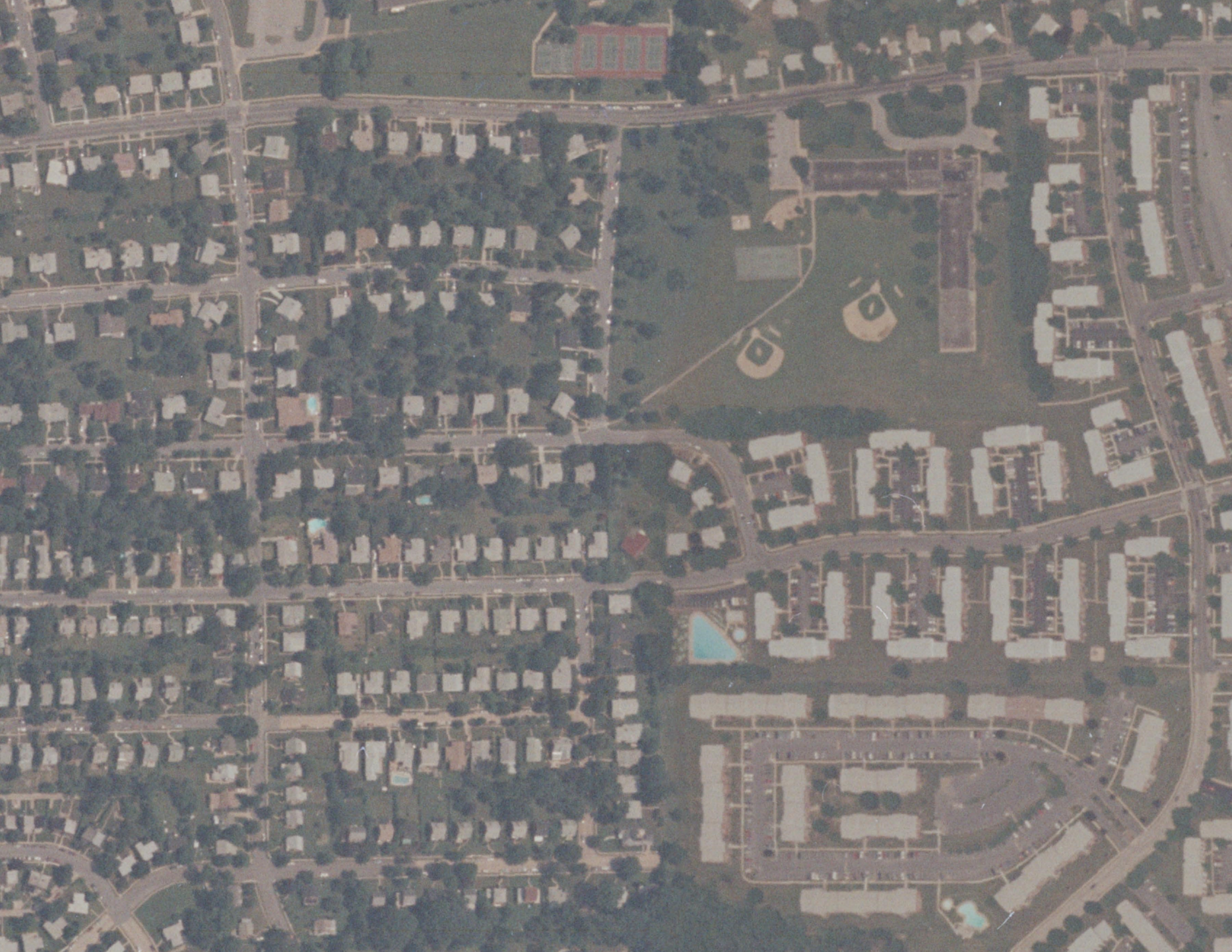
***Please log into your online Permit Account to get up-to-date information regarding the permit process.**

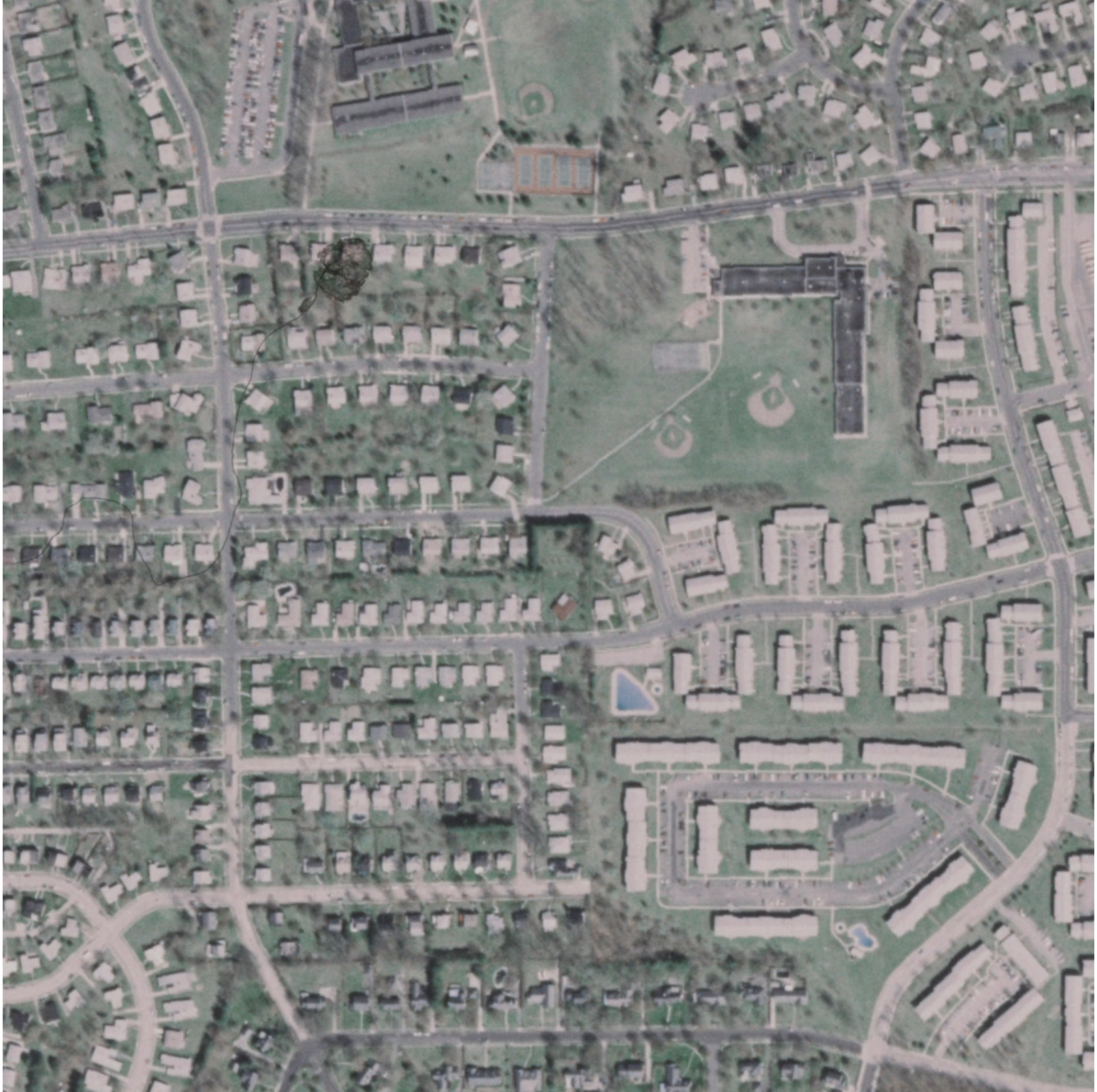


12/22/21

6/24/21







## Michael McCann

**From:** Paul Mayhew <pmayhew@baltimorecountymd.gov>
**Sent:** Tuesday, January 25, 2022 5:10 PM
**To:** Michael McCann; Matt F. Gawel
**Cc:** Dino La Fiandra; Jeffrey N Perlow; Robyn C Clark; Adam Whitlock; Peter Gutwald
**Subject:** RE: 3009 Northbrook Road (Case no. 2020-0299-SPHA)

All:
It is my understanding that a *temporary* Use Permit was issued under Pete Gutwald's authority for that one weekend in October, and then he grudgingly agreed to extend it one more weekend upon assurances from Mr. LaFiandra that the Use and Occupancy Permit process was virtually complete.
That temporary Use Permit did *not* allow the Shul to continue to operate past those two weekends as it has evidently chosen to do.
I Ordered the congregation to immediately apply for *and obtain* a valid Use and Occupancy Permit before "any further use of the premises." I did so because I was, and am still, concerned about fire safety and other safety issues.
Every day one hears news reports of fatal fires this time of year. It is arguable whether the lodging of an appeal in this case stays the Order I issued. However, if the congregation takes the position that my Order remains in force during the pendency of the appeal then at a minimum they must understand that they are *bound* by each and every term and condition of the Order.

*Paul M. Mayhew*
*Managing Administrative Law Judge*
*105 West Chesapeake Ave., Suite 103*
*Towson, Maryland 21204*
*410-887-3868*
pmayhew@baltimorecountymd.gov

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Monday, January 24, 2022 12:00 PM
**To:** Matt F. Gawel <mgawel@baltimorecountymd.gov>
**Cc:** Paul Mayhew <pmayhew@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Robyn C Clark <rcclark@baltimorecountymd.gov>; Adam Whitlock <awhitlock@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>
**Subject:** RE: 3009 Northbrook Road (Case no. 2020-0299-SPHA)

**CAUTION:** This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Mr. Gawal: Please see the attached response to Mr. LaFiandra's recent letter.

Thank you.

Michael

**Michael R. McCann**
*Michael R. McCann, PA*
*118 W. Pennsylvania Avenue*
*Towson, Maryland 21204*
*(p) 410-825-2150*

*(f) 410-825-2149*

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**From:** Dino La Fiandra [mailto:dcl@lafiandralaw.com]
**Sent:** Tuesday, January 18, 2022 5:11 PM
**To:** Matt F. Gawel <mgawel@baltimorecountymd.gov>
**Cc:** Paul Mayhew <pmayhew@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>; Robyn C Clark <rcclark@baltimorecountymd.gov>; Adam Whitlock <awhitlock@baltimorecountymd.gov>; Peter Gutwald <cpgutwald@baltimorecountymd.gov>
**Subject:** Re: 3009 Northbrook Road (Case no. 2020-0299-SPHA)

Good afternoon,

Please see the attached letter to Mr. Gawel.

Regards,
Dino

On Wed, Jan 12, 2022 at 2:58 PM Dino La Fiandra <dcl@lafiandralaw.com> wrote:

Good afternoon,

As you know, I represent the synagogue in this matter. I received Michael McCann's email yesterday afternoon, as well as Judge' Mayhew's email and Mr. Gawel's email this afternoon. I would like an opportunity to respond. I called Mr. Whitlock and Ms. Clark today to advise them that I have had long standing plans to be out of state beginning this evening through Sunday, and that I would respond to Mr. McCann's letter next week upon my return to Maryland.

Regards,
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Tel: 443-204-3473

LaFiandralaw.com
vCard

On Wed, Jan 12, 2022 at 1:41 PM Matt F. Gawel <mgawel@baltimorecountymd.gov> wrote:

Paul,

We will look into this. I am familiar with this property as I actually investigated the illegal use last year. I will have to coordinate the Adam Whitlock as they have the ability to conduct inspections on the weekends.

**Matthew Gawel**
Baltimore County
Chief Building Inspector

(410) 887-3953 Work
mgawel@baltimorecountymd.gov

**From:** Paul Mayhew <pmayhew@baltimorecountymd.gov>
**Sent:** Wednesday, January 12, 2022 1:31 PM
**To:** Matt F. Gawel <mgawel@baltimorecountymd.gov>
**Cc:** Dino La Fiandra <dcl@lafiandralaw.com>; Michael McCann <michael@mmccannlaw.net>; Jeffrey N Perlow <JPerlow@baltimorecountymd.gov>
**Subject:** FW: 3009 Northbrook Road (Case no. 2020-0299-SPHA)

Matt:

Jeff Perlow told me that as head of the Buildings Inspection Offce you are the person I should contact about the situation described in the attached letter.

Back in October I granted certain zoning relief to allow the conversion of a residence to a synagogue at this location in Pikesville. One of the conditions I placed in the Order was that the Petitioner must obtain a Change of Occupancy Permit before conducting any further services. I did so because I was concerned about fire safety, among other things (they have also moved some interior walls, etc.).

According the attached letter from Mr. McCann – the attorney for some of the neighbors- the synagogue has continued to operate without obtaining the Change of Occupancy permit. Can you please have one of your inspectors look into this situation?

The case has been appealed to the Board of Appeals but that does not excuse the synagogue from complying with my Order if they choose to continue to operate under the terms of my Order while the case is on appeal. I am still concerned about fire safety and other issues there.

Thank you and please acknowledge receipt of this email.

*Paul M. Mayhew*

*Managing Administrative Law Judge*

*105 West Chesapeake Ave., Suite 103*

*Towson, Maryland 21204*

*410-887-3868*

pmayhew@baltimorecountymd.gov

**From:** Michael McCann <michael@mmccannlaw.net>
**Sent:** Tuesday, January 11, 2022 9:32 AM
**To:** Adam Whitlock <awhitlock@baltimorecountymd.gov>; Robyn C Clark <rcclark@baltimorecountymd.gov>
**Cc:** Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Paul Mayhew <pmayhew@baltimorecountymd.gov>
**Subject:** 3009 Northbrook Road (Case no. 2020-0299-SPHA)

CAUTION: This message from michael@mmccannlaw.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning Adam. Please see the attached letter.

Thank you.

Michael

**Michael R. McCann**

*Michael R. McCann, PA*

*118 W. Pennsylvania Avenue*

*Towson, Maryland 21204*

*(p) 410-825-2150*

*(f) 410-825-2149*

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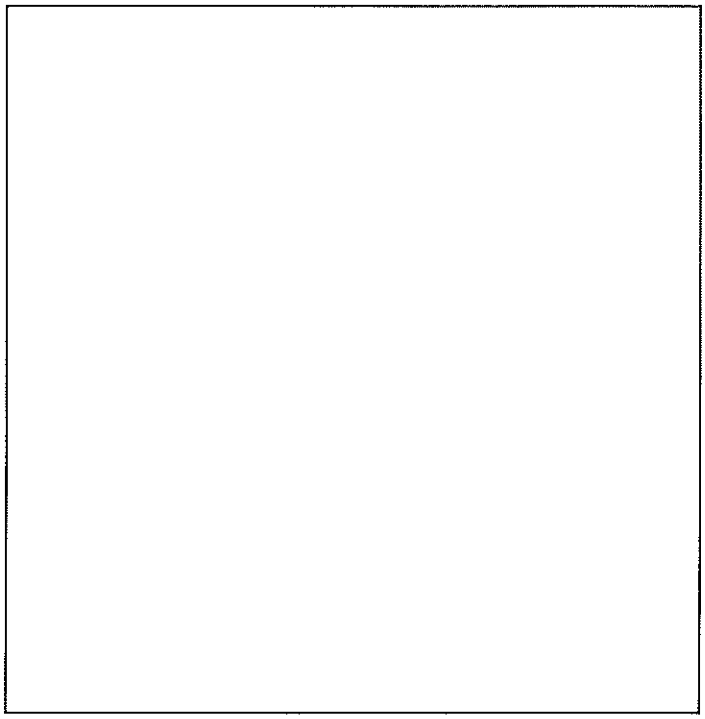


**Get your COVID-19 vaccine today.**

**CONNECT WITH BALTIMORE COUNTY**

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

January 11, 2022

Adam Whitlock, Chief
Code Enforcement, Room 216
111 W. Chesapeake Avenue
Towson, MD 21204

*Via* Email & US Mail

Re: 3009 Northbrook Road
Case No. 2020-0299-SPHA

Dear Mr. Whitlock:

I represent the Protestants in the matter and write to make you aware of the illegal activities that have taken place and continue to take place at this property.

By way of background, in October 2020, your office issued a Correction Notice to the property owner informing him that the use of the property as a synagogue was illegal and "must cease," and could not continue "without *first*" obtaining the necessary zoning approvals. The use of the property as a synagogue did not cease and in April 2021, your office issued a Citation indicating again that the "continuing use" of the property for religious gatherings and services was illegal and could not continue "without *first*" obtaining all approvals. A hearing was scheduled for May 27, 2021. ).

In the meantime, the property owner and his contract purchaser, the Ahavat Shalom Congregation (collectively, the "Congregation"), filed a petition for special hearing with the Office of Administrative Hearings finally seeking, among other things, approval to convert the existing single family home to a synagogue. A hearing on that petition was not held until July 2021. .For reasons that were unknown to us, the County did not require the Congregation to attend the code enforcement hearing in May 2021 and allowed the Congregation to instead continue operating illegally.

During the hearing in July before Judge Mayhew, the Congregation's representatives repeatedly stated that vehicular traffic to and from the property would be minimal because its congregants walk to the synagogue and promised that they would use a parking lot available to them, by agreement, with nearby Wellwood Elementary School. We challenged those representations with contemporaneous evidence (the synagogue was

still operating, after all), demonstrating that the traffic generated by the synagogue was indeed substantial and presented safety hazards to pedestrians and motorists on this small neighborhood street.

On October 5, 2021, Judge Mayhew issued an Opinion granting the petition for special hearing filed by the Congregation. In his Opinion, Judge Mayhew stated that he understood my clients' concerns about traffic safety and parking, but noted the Congregation's representations during the hearing that its members would primarily be walking and the arrangements made by the Congregation to use the Elementary School for parking. Importantly, Judge Mayhew imposed as a condition of his decision that the Congregation must "limit the on-street parking for use of the synagogue." While my client's appreciated the condition imposed by Judge Mayhew, we filed an appeal of his decision on November 3, 2021.

It should come as no surprise that, despite the appeal, the Congregation has continued to operate its synagogue. This is illegal, not only because of the still pending Correction Notice but also because the Congregation does not have final approval to use the property as a synagogue. As you know, the appeal to the Board of Appeals is a *de novo* proceeding and until the Board grants the relief requested, the Congregation cannot use the property in this manner.

To add insult to injury, the Congregation has completely disregarded the conditions imposed by Judge Mayhew and its own representations during the hearing. Specifically:

1) **The Congregation has not been limiting their on-street parking as directed in Judge Mayhew's order (per the incorporated DOP ZAC comment).** As Judge Mayhew noted in his decision, the Congregation represented at hearing that few people would be driving to the synagogue, and that, to the extent that attendees might drive, the synagogue had made a formal arrangement with Baltimore County Public Schools to use a lot at Wellwood International School for off-street parking during the Sabbath (from sundown on Fridays to sundown on Saturdays). They stated that, therefore, their use of the subject property would not incur significant on-street parking.

   In fact, though, on each Sabbath since Judge Mayhew's order there has been heavy on-street parking in the neighborhood by incoming Congregation attendees, particularly on the eastern side of Lisburne Rd. Typically, Congregation-associated vehicles numbering in the teens, and on at least one occasion 20, park there on Friday evening and remain for over 24 hours. Frequently this line of parked Congregation vehicles extends northward up the mere 300 feet of Lisburne's length, almost to Smith Avenue. At the same time <u>zero</u> people park at Wellwood and walk to the Congregation and we have photographic evidence of this. Therefore, they are not limiting their on-street parking and are not following the parking plan.

In addition, since November the Congregation has had gatherings at the subject property almost every night, including weeknights (5 – 7 nights each week). Parking conditions have been similar at those times, although more variable; on some nights there are 5 or 6 Congregation members' cars parked on the east side of Lisburne, but more often there are 12 – 18. At times this parking spills over onto the western side of Lisburne and onto the portion of Northbrook west of its intersection with Lisburne.

Notably, Congregation attendees rarely park in the on-site parking spaces shown, in the Congregation's parking plan, in the driveway of the subject property. Instead, they usually use that area as a drop-off point for passengers, then back out, make essentially a three-point turn in the intersection of Lisburne and Northbrook, and proceed to park on the street on Lisburne. Again, they are not even minimally limiting on-street parking, as required by Judge Mayhew.

2) **The Congregation is placing traffic cones along parking areas in the roadway, effectively doing the opposite of limiting their on-street parking as ordered.** The Congregation has been placing orange traffic cones in the Lisburne Rd. roadway, approximately 3 – 4 feet from the eastern curb. The number of cones varies from 2 to 4; they begin just north of a crosswalk across Lisburne at the intersection with Northbrook and extend northwards, spaced an estimated 10 – 12 feet apart. The long line of Congregation-affiliated cars begins immediately north of the cones they place in the street. These traffic cones are privately owned objects placed in a public roadway, blocking a significant amount of space there. In fact, by placing them in that location, The Congregation are extending their physical presence about 80 – 100 feet from their own property. In addition to appropriating space in the street, this creates an institutional appearance that is incompatible with the neighborhood's well-established residential character.

3) **The Congregation has not obtained a Change in Occupancy permit as Judge Mayhew ordered.** In his Order, Judge Mayhew required the Congregation to "immediately apply for and obtain a Change in Occupancy permit before any further use of the premises." The Congregation has not applied for or obtained the permit, but nevertheless continues to use the property as it always has, in at least one instance with attendance exceeding 100. The Congregation has not obtained the requisite Occupancy Certificate from the Fire Marshal's Office.

In sum, the Congregation has wholly failed to comply with the Correction Notice issued long ago and continues to violate that Notice, as well as Judge Mayhew's order.

In my recent conversation with Robyn Clark of your office, I questioned why the County is allowing the Congregation to continue operating when there is a *de novo* appeal pending before the Board of Appeals. In my opinion, because the hearing is *de*

*novo*, the Congregation has no right to use the property as a synagogue and should be prohibited from doing so until the Board rules. Ms. Clark indicated that, as a practical matter, your office does not require parties who were successful before the ALJ to wait to operate, or cease to operate, during the pendency of an appeal. I do not believe the County has the legal authority to allow this to happen, but I understand your position.

Here, however, the circumstances are different. The Congregation operated illegally for many months, was issued a Correction Notice, failed to comply with that Notice, was then issued a Citation and fined. The Congregation did not pay the fines or attend a code enforcement hearing to avoid paying the fines. It eventually filed a petition for special hearing but continued operating illegally over the many months before Judge Mayhew granted its petition. And now, while we wait for the Board to hold a hearing and rule on its petition, the Congregation continues to operate illegally, both because it does not have final zoning approval and because it has not complied with the conditions in Judge Mayhew's Order.

Under these circumstances, which are not ordinary, we believe the County should take action and order the Congregation to immediately stop operating unless and until the Board of Appeals grants its petition. If the Congregation does not stop operating, then fines should be reinstated and assessed for every day it is in violation. If the County does not proceed in this manner, under these unique circumstances, then its correction notices and citations and the orders of its administrative law judges mean very little.

Thank you for your consideration. Please contact me if you have any questions.

Regards,

Michael R. McCann

cc: Paul Mayhew, Managing ALJ (*via* email only)
Dino LaFiandra, Esq. (*via* email only)
Robyn Clark (*via* email only)

The Law Office of Dino C. La Fiandra, LLC

100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

January 18, 2021

**VIA Email: mgawel@baltimorecountymd.gov**
Matthew Gawel, Chief Building Inspector
Baltimore County Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Ahavat Shalom Congregation, Inc.; 3009 Northbrook Avenue
Judge Mayhew's Email of January 12, 2022

Dear Mr. Gawel:

As perhaps you know, I represent Ahavat Shalom Congregation, Inc. ("Ahavat Shalom"). Ahavat Shalom was issued a zoning approval by Judge Mayhew to operate a shul at 3009 Northbrook Road on October 5, 2021. See Case 2021-299-SPHXA. This case is presently on appeal to the Board of Appeals and will be heard by the Board in March, 2022. I received a copy of an email from Judge Mayhew to you dated January 12, 2022 regarding a condition that Judge Mayhew placed on that zoning approval, namely that Ahavat Shalom "immediately apply for and obtain a Change of Occupancy Permit before any further use of the premises." In response to the judge's email, you indicated you would investigate. I am writing to provide background on this matter that might not otherwise be apparent to you.

Ahavat Shalom applied for a Change of Occupancy Permit on October 5, 2021 to convert 3009 Northbrook Road from a residence to a synagogue. See, Permit B987841. As of today, all but one agency has signed off on the permit, and Ahavat Shalom continues to work on having the permit released.

Like any shul, Ahavat Shalom has weekly services. The zoning approval is dated October 5 and the Change of Occupancy Permit was applied for that same date. But, when it appeared that the permit could not be issued before the next Sabbath, and indeed it likely would take much longer due to the process these permits require, Ahavat Shalom sought a temporary Change of Occupancy Permit on an expedited basis from Director Gutwald. This was necessary because Ahavat Shalom does not have any other venue to hold services and would need to shut down. Director Gutwald explained that a temporary Change of Use Permit is not possible, but he suggested a Use Permit instead. Accordingly, on October 7, 2021, Jeff Perlow, under the direction of Director Gutwald, issued Use Permit No. 210585 authorizing the use of 3009 Northbrook Road as a synagogue, under authority of the Director of Permits, Approvals and Inspections.

Sincerely,

Dino C. La Fiandra

C: Hon. Paul M. Mayhew
Director Pete Gutwald
Jeff Perlow, Zoning Supervisor
Adam Whitlock, Code Enforcement
Robin Clark, Code Enforcement
Michael McCann, Esquire

**Michael R. McCann, P.A.**
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

January 24, 2022

Matthew Gawel, Chief Building Inspector
Baltimore County Dept. of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

*Via* Email & US Mail

Re: 3009 Northbrook Road
Case No. 2020-0299-SPHA

Dear Mr. Gawel:

Thank you for your continued review of this matter.

I am in receipt of Dino LaFiandra's letter dated January 18, 2022 and, frankly, it only adds to the significant concerns my clients have regarding the Congregation's conduct and how this case has been handled.

In his October 5, 2021 ruling, Judge Mayhew ordered that the Congregation "shall immediately apply for *and obtain* a Change in Occupancy Permit *before any further use of the premises.*" While it appears from Mr. LaFiandra's letter that the Congregation timely applied for a Change of Occupancy Permit, it did not obtain and still has not obtained that permit. Nevertheless, as is now its modus operandi, the Congregation has continued since October 5, 2021 to hold services and otherwise operate an illegal synagogue at this property. This is inexcusable and, combined with the long history of the Congregation's conduct since the Fall of 2020, warrants a serious penalty. We ask that a fine be issued against the Congregation in the amount of $200.00 for every day since October 5, 2021 that it has been operating in violation of Judge Mayhew's Order. This is the amount of the fine first issued, but never assessed, against the Congregation for the many months it operated illegally before Judge Mayhew's ruling in October 2021.

In his letter, Mr. LaFiandra explains that "when it appeared that the permit could not be issued before the next Sabbath," the Congregation sought a "temporary Change of Occupancy Permit... on an expedited basis" from Director Gutwald. According to Mr. LaFiandra, "this was necessary because [the Congregation] does not have any other venue to hold services and would need to shut down." Mr. LaFiandra's rather obvious

purpose in this explanation is to invoke your sympathy and suggest that, if the County did not grant a temporary permit, it would have been violating the religious freedoms of the Congregation and its members. This is misguided. The Congregation does not have the right, as he presupposes, to operate a synagogue without any preconditions or without complying with the rulings of Judge Mayhew. Like any other citizen in this County, the Congregation must follow the law. Moreover, the Congregation would not have needed to shut down. There are numerous venues throughout Pikesville and elsewhere in the County where the Congregation could have held services until the County agencies completed their review of its application and issued the permit. Indeed, before it moved to the subject property, the Congregation leased space at other locations in the Pikesville area.

Finally, the "use permit" apparently issued by Mr. Perlow "under the direction of Director Gutwald" is not the Change of Occupancy permit required by Judge Mayhew's Order. Mr. Perlow represents only the Zoning Office and assumedly did not conduct the review or undertake the inspections that the County agencies conduct in their processing of a Change of Occupancy permit. This is troubling, particularly in light of the fire, structural and safety concerns raised at the hearing about the use of this relatively small house for this Congregation, concerns echoed by Judge Mayhew in his Opinion and recent correspondence.

In addition to the issuance of fines, we ask once again that the County order the Congregation to immediately stop operating. In my prior letter, I explained why we believe the Congregation has no right to operate a synagogue unless and until the Board of Appeals grants its petition. [Notably, Mr. LaFiandra did not respond to this request]. At a bare minimum, the Congregation should not be permitted to operate until it complies with the precondition in Judge Mayhew's Order and a Change in Occupancy Permit is issued.

Thank you for your consideration. Please contact me if you have any questions.

Regards,

Michael R. McCann

cc: Paul Mayhew, Managing ALJ (*via* email only)
Dino LaFiandra, Esq. (*via* email only)
Peter Gutwald, Director (*via* email only)
Jeff Perlow, Zoning Office (*via* email only)
Adam Whitlock (*via* email only)
Robyn Clark (*via* email only)

# Baltimore County, Maryland
# Department of Permits, Approvals, and Inspections
# BUILDING PERMIT

**Permit Number:** C22-02158

**Permit Type:** Commercial Addition

**Sub Type:**

**Date Issued:** 03/01/2022

**Expiration Date:** 02/28/2023

| *Property Information* | *Lot Size and Setbacks* |
|---|---|
| **Property Address:** 3009 NORTHBROOK RD | **Size:** 125.00 |
| **City, State, Zip:** BALTIMORE, MD, 21209 | **Set Backs - Front Yard:** 23.00 |
| **Tax ID:** 0319065178 | **Set Backs - Rear Yard:** 35.00 |
| **District:** 03 | **Set Backs - Right Side Yard:** 17.00 |
| **Existing Use:** Other | **Set Backs - Left Side Yard:** 10.00 |
| **Proposed Use:** A | |
| **Is this property located in a Floodplain:** NO | |
| **Sprinkler to be Installed?:** | |
| **Plumbing Work?:** | |
| **Electrical Work?:** | |

## *Owner Information*

**Owner:** Saman Radparvar

**Owner Address:** 3009 Northbrook Road, Baltimore, MD, 21208

**Tenant:**

**Applicant:** Stuart Macklin

C. Pete Gutwald, AICP, Director

E. John Bryan, Building Engineer

*Please log into your account to get up-to-date information regarding the permit process and related inspections. Refer to the Permit Number when making inquires.

# Baltimore County, Maryland
# Department of Permits, Approvals, and Inspections
# BUILDING PERMIT

**Permit Number:** C22-02158

**Permit Type:** Commercial Addition

**Sub Type:**

**Date Issued:** 03/01/2022

**Expiration Date:** 02/28/2023

## *Building Permit Contractor*

**Name of Contractor:**

**Phone Number:**

**Address:**

**City, State, Zip:** , ,

**Is Owner Contractor?:**

## *Building Permit Information*

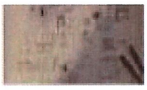
**Description of Work:** Construct new handicapped ramp at front of existing building per plans. Separate permit required for any additional work.

C. Pete Gutwald, AICP, Director

E. John Bryan, Building Engineer

*Please log into your account to get up-to-date information regarding the permit process and related inspections. Refer to the Permit Number when making inquires.

DONNY
ANKRI
ARCHITECTS



**Proposed Synagogue**
Baltimore, Maryland

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DONNY
ANKRI
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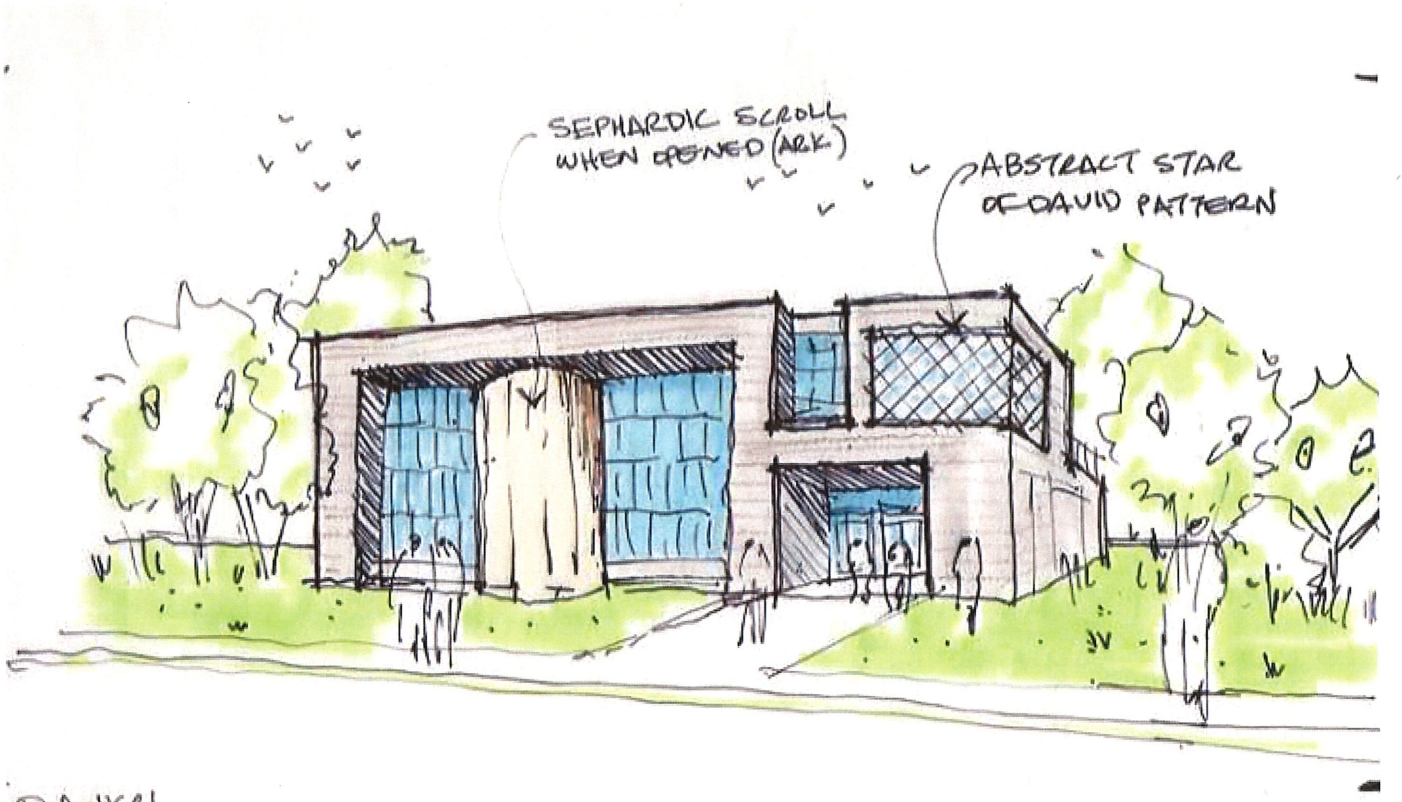

**Proposed Synagogue**
Baltimore, Maryland

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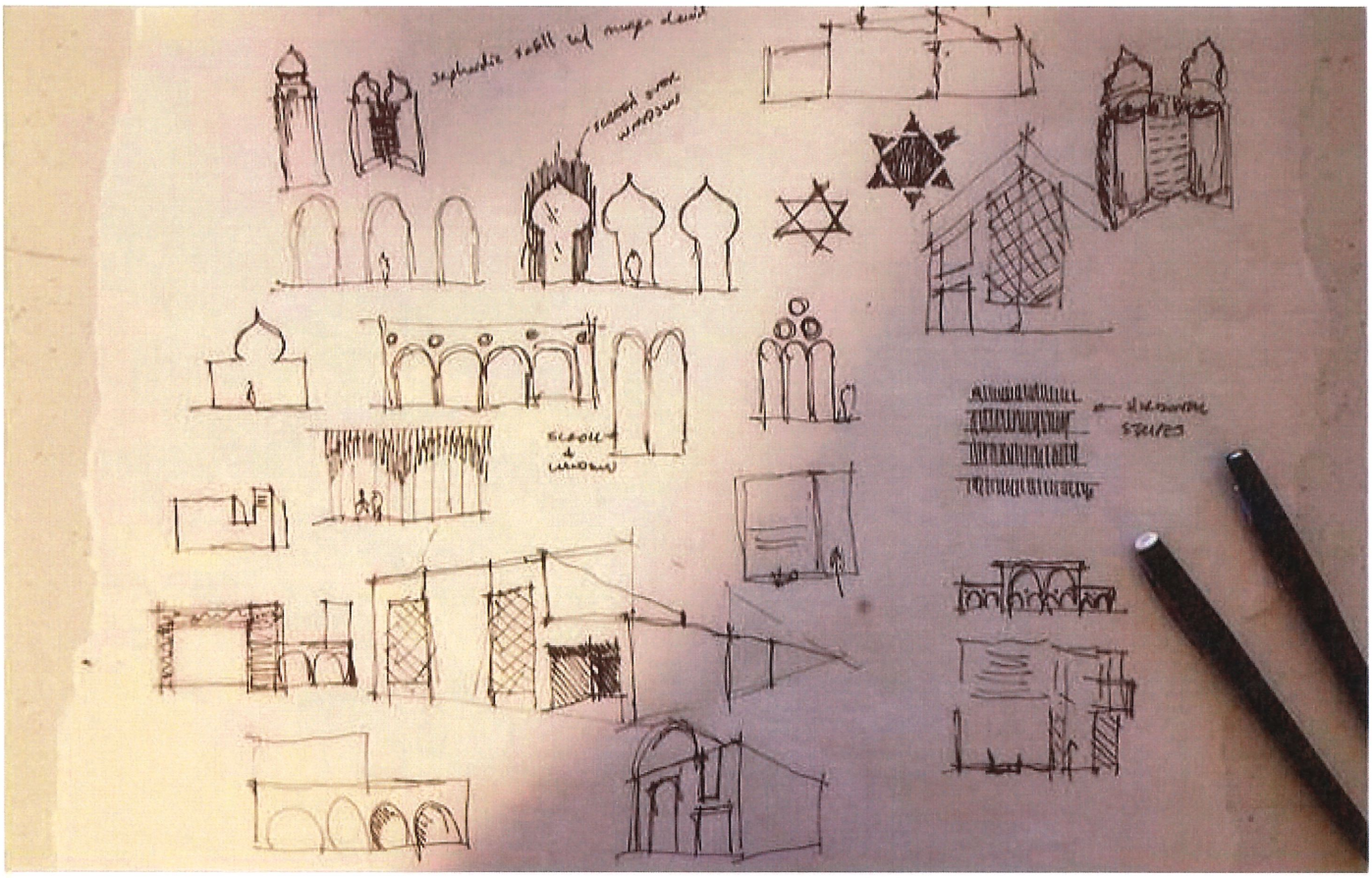

**Proposed Synagogue**
Baltimore, Maryland

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CONGREGATION DARCHEI TZEDEK

Home Contact Us Davening Info Audio Libraries

# me to Darchei Tzedek

974, Darchei Tzedek has had many homes. 615 Seven Mile Lane or 7124 Park Heights ven in the old Wagners Pharmacy or now our ion we remain a vibrant shul with an active community.

v Horowitz
abbi Yehudah Oratz
r. Ovadiah Yudkowsky
ator: Ms. Debby Weintraub
r Coordinator: Mr. Aryeh Leib Katz

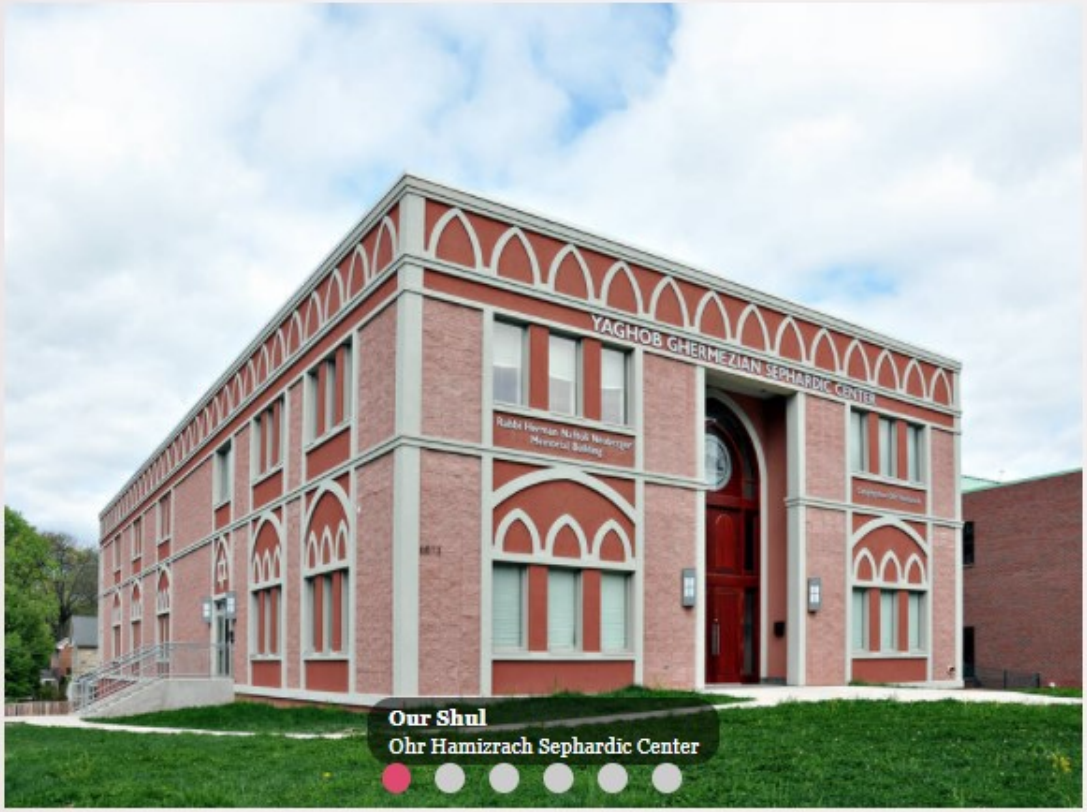
*Thu, March 10 2022*

**7 Adar II 5782**

ohr hamizrach



# WELCOME TO OHR HAMIZRACH




We are collecting email addresses for members. To create an account, please email your name and email address to Office@OhrHamizrach.org.

Thu, March 10 2022
7 Adar II 5782

## EVENTS

Hachnasat Sefer Torah
March 5th 2:00PM

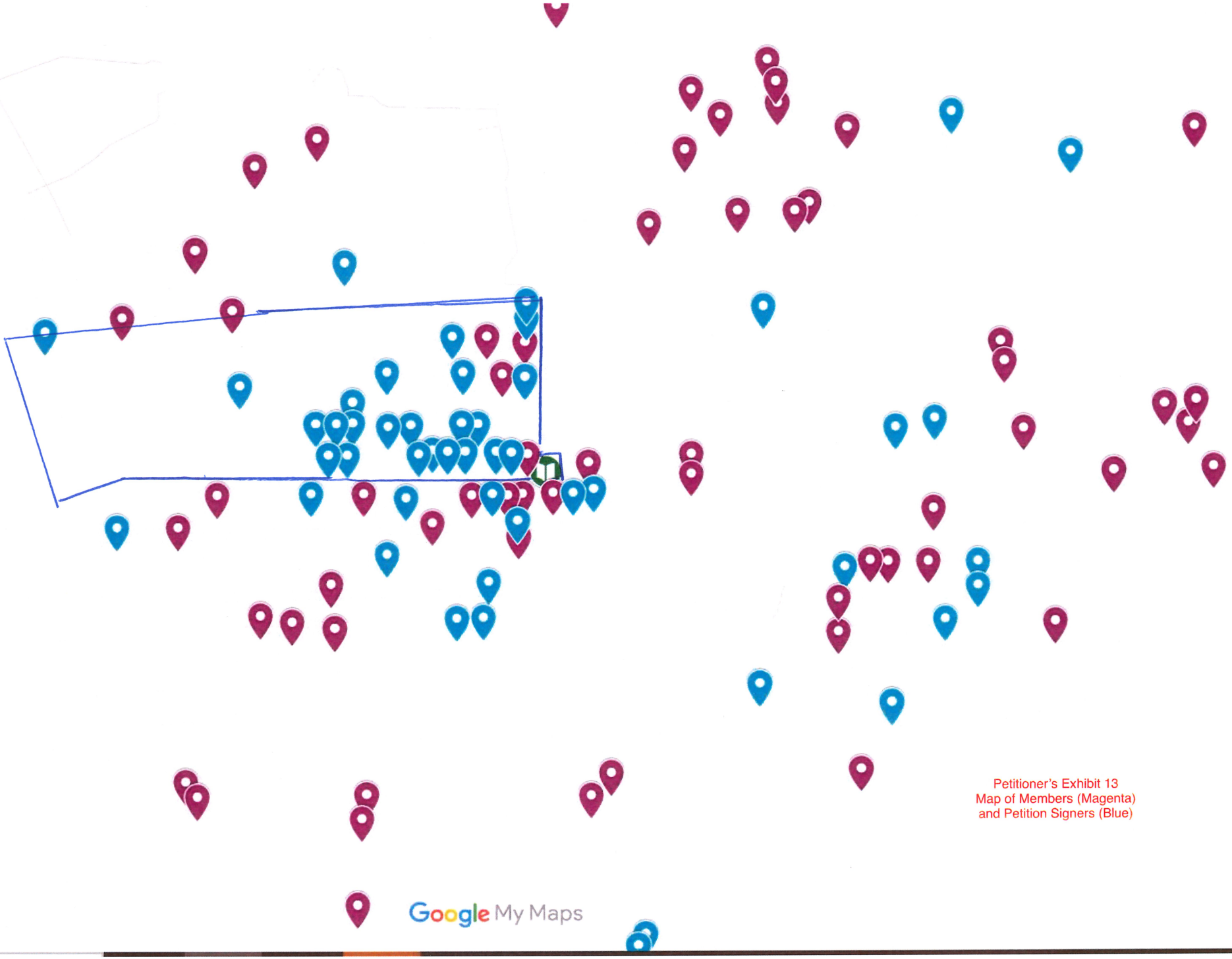
## JOIN OUR MAILING LIST

Your email address

## ZMANIM

| | |
|---|---|
| Alot Hashahar | 5:07am |
| Earliest Talit - Tefilin | 5:38am |
| Sunrise | 6:27am |
| Latest Shema | 9:21am |
| Zman Tefillah | 10:20am |
| Hatsot (Mid-Day) | 12:17pm |
| Minha Gedola | 12:47pm |
| Minha Ketana | 3:42pm |
| Plag HaMincha | 4:55pm |
| Sunset | 6:08pm |
| Nightfall | 6:48pm |

More >>




Petitioner's Exhibit 13
Map of Members (Magenta)
and Petition Signers (Blue)

| | | | |
|---|---|---|---|
| **Date** | **Description** | **Exit counts** | **Entering and Exiting** |
| 1/1/2021 | Friday Evening | 55 | |
| 1/2/2021 | Saturday evening | AL 88 | |
| 2/19/2021 | Friday Evening | 52 | |
| 2/20/2021 | Saturday Morning | 64 | |
| 2/20/2021 | Saturday Evening | 43 | |
| 4/2/2021 | Friday Evening | 44 | |
| 4/3/2021 | Saturday evening | 45 | |
| 4/23/2021 | Friday Evening | AL 45 | |
| 4/24/2021 | Saturday Morning | AL 52 | |
| 4/24/2021 | Saturday Afternoon | 30 | |
| 4/24/2021 | Saturday Evening | 65 | |
| 4/30/2021 | Friday Evening | AL 54 | |
| 5/7/2021 | Friday Evening | AL 56 | |
| 5/14/2021 | Friday Evening | | 104 |
| 5/8/2021 | Saturday Morning | | 214 |
| 5/14/2021 | Friday Evening | 57 | |
| 5/15/2021 | Saturday morning | | 117 |
| 5/15/2021 | Saturday Evening | AL 91 | |
| 5/16/2021 | Shavuot Sunday Evening Services | AL 55 | |

| | | | |
|---|---|---|---|
| **Date** | **Description** | **Exit counts** | **Entering and Exiting** |
| 5/17/2021 | Shavuot Monday Evening Services | AL 79 | |
| 5/18/2021 | Shavuot Tuesday Morning Services | AL 82 | |
| 5/21/2021 | Friday evening | 59 | |
| 5/28/2021 | Friday evening | AL 75 | |
| 6/5/2021 | Saturday morning | AL 79 | |
| 6/12/2021 | Saturday Morning | AL 74 | |
| 6/18/2021 | Friday evening | AL 49 | |
| 6/19/2021 | Saturday Morning | AL 71 | |
| 6/19/2021 | Saturday evening | AL 67 | |
| 7/2/2021 | Friday evening | AL 61 | |
| 7/3/2021 | Saturday Morning | AL 79 | |
| 7/9/2021 | Friday evening | AL 66 | |
| 7/10/2021 | Saturday Morning | AL 71 | |
| 7/10/2021 | Saturday evening | AL 76 | |

| |
|---|
| **Comments** |
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| |
| 214 people plus 8 baby carriages counted entering or leaving Northbrook shul house Saturday May 8, 2021 between about 10:45 AM and 1:30 PM, COUNTED FROM VIDEO. |
| |
| people counted entering or exiting the Northbrook shul house between 11 AM and 1 PM on 5/15/2021, with an estimated 80 unique attendees. In addition, not included in that count, when we began counting at 11, there were 7 women congregated on the public sidewalk in front of the shul, each with a baby carriage, with numerous children running around the front lawn and sidewalk. These women stayed there between 5 and 15 minutes, respectively, until their (presumed) husbands came out. Over the next 2 hours, 13 more women with baby carriages, some also with walking children, came, congregating and waiting there. Sarah also reports that, while she was sitting outside on our front porch, groups of people who were congregated in front of the shul were staring at her with hostile expressions and obviously talking about her, making her feel uncomfortable at her own house. |
| between 6:18 PM and 9:40 PM on 5/15/2021. 33 exited between 6:18 and about 7:45, and 42 between about 9:15 and 9:40. The remainder exited between about 8:00 and 8:45. There were also many people entering the house most of the evening. |
| |

| |
|---|
| **Comments** |
| (including 10 before video started and one after video ended). People congregating in front of the shul and in middle of street near blind curve. People flowing in and out of Northbrook shul house afternoon and evening Monday 5/17. Two women sitting on curb in front of the shul for about 25 minutes, two other people joined them to talk, standing in street. Around same time 8-10 people congregating in Zalman's driveway for about 15 minutes. Men davening outside house in evening |
| This does not include many children who were too numerous and active to count, or women who were previously waiting on the sidewalk in front of the shul with baby carriages. |
| |
| A number of people who exited then went into 3101 Northbrook and several people were going in and out and walking between the two houses |
| A number of baby carriages/strollers not counted because the number of babies inside not visible. |
| Many people congregating outside |
| People congregating in front of the shul and on public sidewalk, standing in street conversing, and walking in street, including around blind curve. |
| |
| People congregating in front of the shul house, walking in street. At one point multiple cars came to pick congregants up and were blocking intersection of Lisburne and Northbrook. Also people coming and going to/from shul all afternoon and evening. |
| |
| |
| People walking in street, including group of men walking around blind curve dressed all in black at dusk. Before services cars stopping in north lane of Northbrook to let children out to cross to shul, and one car crossed from north lane to south curb (i.e. pointing wrong way) to let people out. |
| not including a number of children too difficult to count. |
| People walking in street. One congregant almost stepped off south curb of Northbrook into oncoming vehicle. Also many people streaming in and out of shul from mid-afternoon into evening, particularly in early evening. |

AHEAD

# CERTIFICATE OF POSTING

**2020-0299-SPHA**

**RE: Case No.:** _____

**Petitioner/Developer:** _____
**Ahavat Shalom Congregation, Inc.**
**Saman Radparvar**

**March 3, 2021**

**Date of Hearing/Closing:** _____

**Baltimore County Department of**
**Permits, Approvals and Inspections**
**County Office Building, Room 111**
**111 West Chesapeake Avenue**
**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

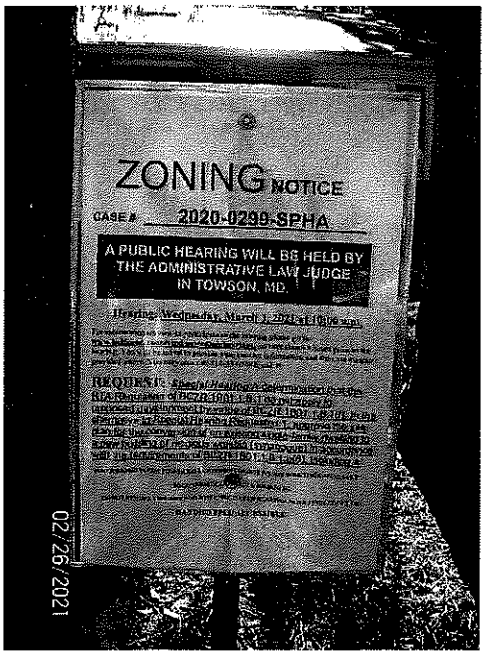
**Ladies and Gentlemen:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:** _____

**3009 Northbrook Road** **SIGN 1 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**




**Sincerely,**

**February 26, 2021**
**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**
**(Print Name)**

**1508 Leslie Road**
**(Address)**

**Dundalk, Maryland 21222**
**(City, State, Zip Code)**

**(410) 282-7940**
**(Telephone Number)**

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**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

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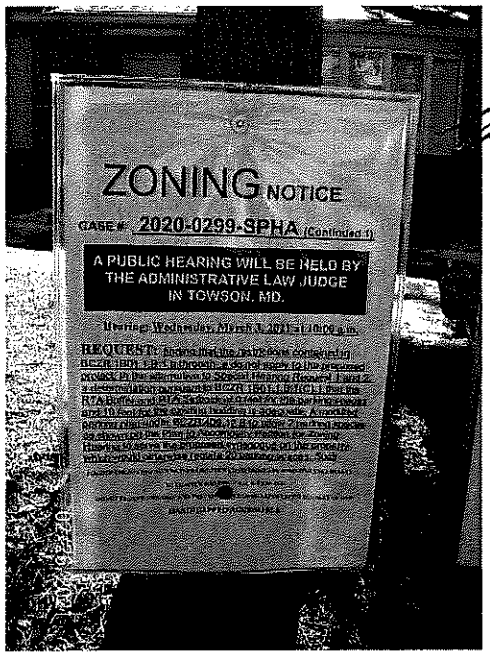
**3009 Northbrook Road** **SIGN 2 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**




**Sincerely,**

**February 26, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

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**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

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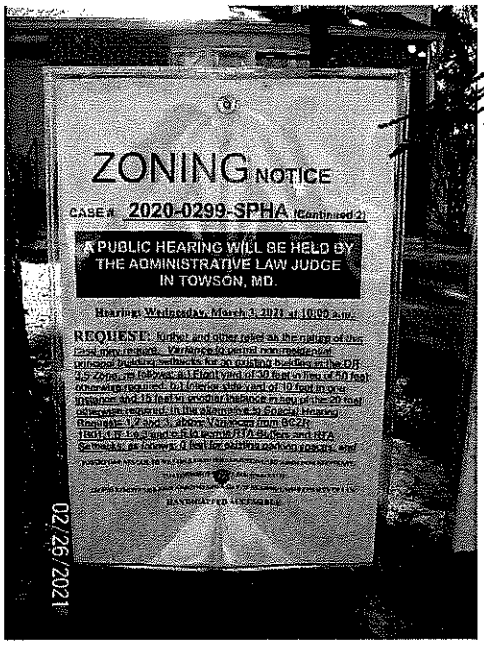
**3009 Northbrook Road** **SIGN 3 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**




**Sincerely,**

**February 26, 2021**

_____ _____
**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

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Petitioner/Developer: Ahavat Shalom Congregation, Inc.
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

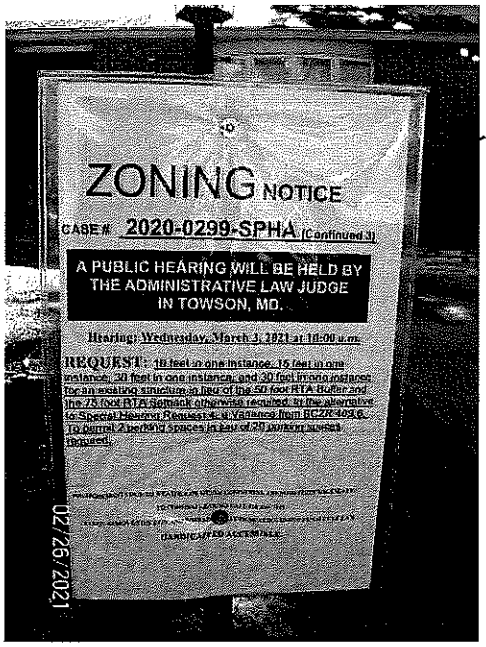
Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3009 Northbrook Road **SIGN 4 Recertification**

The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 26, 2021
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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Petitioner/Developer: Ahavat Shalom Congregation, Inc.
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

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County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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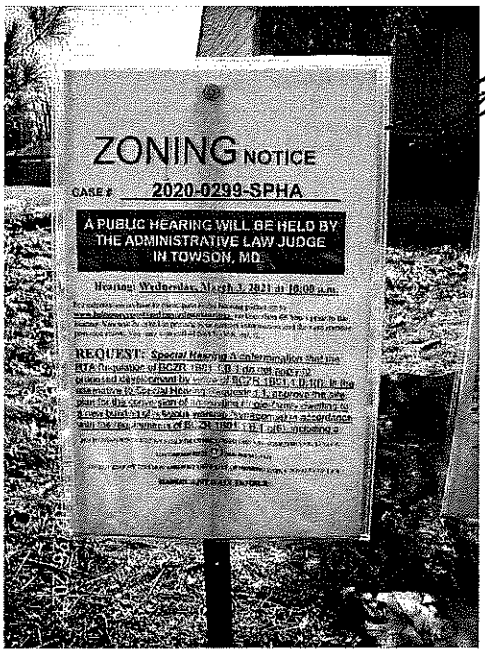
The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 26, 2021

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

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**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

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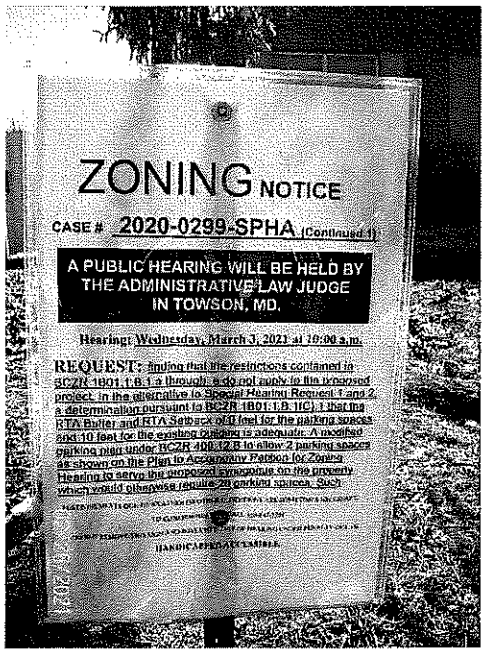
**3009 Northbrook Road** **SIGN 6 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**




**Sincerely,**

**February 26, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

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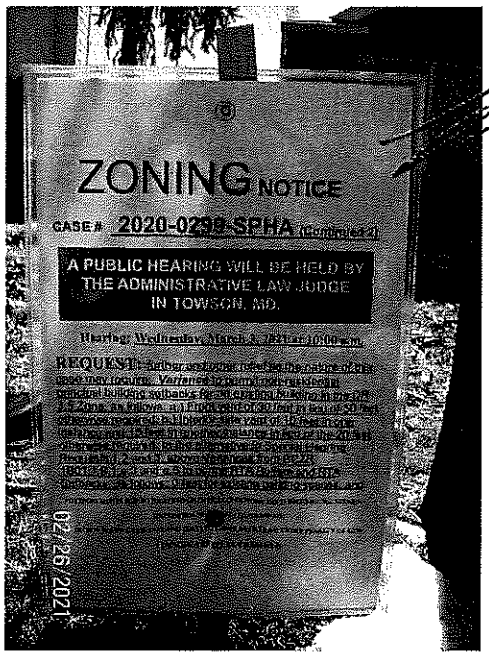
The sign(s) were posted on February 9, 2021
(Month, Day, Year)

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February 26, 2021
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

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(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

# CERTIFICATE OF POSTING

**2020-0299-SPHA**

**RE: Case No.:** _____

**Petitioner/Developer:** _____
**Ahavat Shalom Congregation, Inc.**
**Saman Radparvar**

**March 3, 2021**

**Date of Hearing/Closing:** _____

**Baltimore County Department of**
**Permits, Approvals and Inspections**
**County Office Building, Room 111**
**111 West Chesapeake Avenue**
**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

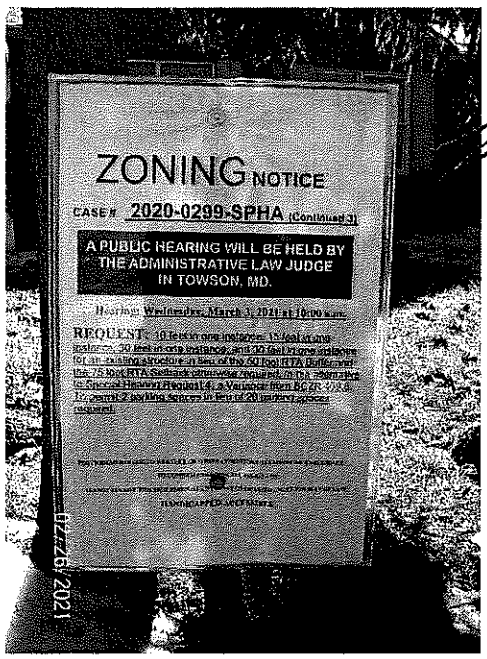
**Ladies and Gentlemen:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:** _____

**3009 Northbrook Road** **SIGN 8 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**




**Sincerely,**

**February 26, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

# CERTIFICATE OF POSTING

**2020-0299-SPHA**

**RE: Case No.:** _____

**Petitioner/Developer:** _____
**Ahavat Shalom Congregation, Inc.**
**Saman Radparvar**

**March 3, 2021**

**Date of Hearing/Closing:** _____

**Baltimore County Department of**
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**County Office Building, Room 111**
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**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

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**3009 Northbrook Road** **Groups 1 & 2 Recertification**

**February 9, 2021**

**The sign(s) were posted on** _____
**(Month, Day, Year)**

**Sincerely,**

**February 26, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

MM 3-3-21
10 AM

**Donna Mignon**

**From:** Maureen E Murphy
**Sent:** Thursday, February 25, 2021 8:40 AM
**To:** Debra Wiley; Donna Mignon
**Subject:** Fw: Case 2020-299-SPHA - Hearing Date: March 3, 2021 - Request for Postponement

Here is Dino's request for postponement that Paul sent me and my response.

*Maureen E. Murphy*
*Administrative Law Judge*
*105 West Chesapeake Ave., Suite 103*
*Towson, Maryland 21204*
*410-887-3868*
mmurphy@baltimorecountymd.gov

---

**From:** Maureen E Murphy
**Sent:** Wednesday, February 24, 2021 6:28 PM
**To:** Paul Mayhew
**Cc:** Dino La Fiandra
**Subject:** Re: Case 2020-299-SPHA - Hearing Date: March 3, 2021 - Request for Postponement

Given that more time is needed to address an unresolved issue, I believe a postponement would be appropriate.

*Maureen E. Murphy*
*Administrative Law Judge*
*105 West Chesapeake Ave., Suite 103*
*Towson, Maryland 21204*
*410-887-3868*
mmurphy@baltimorecountymd.gov

---

**From:** Paul Mayhew
**Sent:** Wednesday, February 24, 2021 12:17 PM
**To:** Maureen E Murphy
**Cc:** Dino La Fiandra
**Subject:** FW: Case 2020-299-SPHA - Hearing Date: March 3, 2021 - Request for Postponement

Maureen,
I am forwarding a postponement request from Mr. LaFiandra for a case you are handling on March 3, 2021.

*Paul M. Mayhew*
*Managing Administrative Law Judge*
*105 West Chesapeake Ave., Suite 103*

*Towson, Maryland 21204*
*410-887-3868*
pmayhew@baltimorecountymd.gov

**From:** Dino La Fiandra <dcl@lafiandralaw.com>
**Sent:** Wednesday, February 24, 2021 12:08 PM
**To:** Paul Mayhew <pmayhew@baltimorecountymd.gov>
**Subject:** Case 2020-299-SPHA - Hearing Date: March 3, 2021 - Request for Postponement

**CAUTION:** This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Paul M. Mayhew, Managing Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Case 2020-299-SPHA - 3009 Northbrook Road
Request for Postponement

Dear Judge Mayhew:

The above-referenced matter is scheduled for hearing on March 3, 2021. As the zoning petition reflects, the case involves the request of my client, Ahavat Shalom Congregation, Inc., an orthodox Jewish congregation, to convert an existing dwelling to a synagogue in the DR 5.5 zone. Among the items of relief sought in the zoning petition are approval of a site plan as part of an exemption of RTA, as well a modified parking plan to allow a reduction in on-site parking.

The case originated in response to a code enforcement matter which was brought to my client's attention in late 2020. On behalf of my client, I filed the zoning petition on November 25, 2020. Since that date (and even before), my client and I have been searching for a workable solution to provide off-site parking for the congregation's members in light of the limited on-site parking at 3009 Northbrook Road. Obviously, an off-site parking agreement is also important for my client's request for approval of a modified parking plan. My client and I have gotten very close with several potential parking solutions, however to date nothing has worked out. Most recently, we found out just yesterday morning that a party with whom we were negotiating for 15 to 20 parking spaces located about 500 feet from my client's property would not be able to allow my client to use the spaces due to insurance reasons. This is obviously a very significant setback for our zoning case so close to the hearing next week. There are other potential parking solutions that we have been working on, however with so little time remaining before the hearing it is unlikely that any such potential solutions can work out between now and the hearing date. We would like more time to continue working on a solution before proceeding with the zoning hearing.

Against this backdrop, I respectfully ask for a postponement of the March 3, 2021 hearing. Good cause for postponement is shown in that: 1) My client and I have been preparing diligently for our hearing since November 2020; 2) We have investigated numerous off-site parking solutions to mitigate the effect of the modified parking plan of which we seek approval; 3) We have been negotiating in good faith with a third party for a specific off-site parking solution which showed particular promise; 3) As recently as late last week it seemed as though we would reach agreement for the parking spaces but just yesterday morning we learned an agreement was not possible for reasons outside the control of either party; 4) Throughout yesterday and last evening, we prevailed upon the party with whom we had been negotiating for the parking spaces to continue to work together in an effort to secure a suitable parking agreement that would enable us to move forward with the

hearing next week; 5) All such efforts have failed to produce any results; 6) This request is not made for purposes of delay.

If you are inclined to grant the request for postponement, I would ask that we proceed in the following manner. The hearing has been advertised and the property has been posted as required by law at considerable expense to my client. I would ask that we open the hearing on March 3, 2021 at 10 a.m. and postpone the hearing on the record so that any interested party who comes to the hearing has notice of the postponement and will also receive notice of the new hearing date in the future when it is rescheduled. In the past, such procedures have obviated the need to re-advertise and re-post the property in similar cases, and we would ask for the same consideration in this case as well in order to save my client the expense of re-posting and re-advertising.

With the exception of Peoples' Counsel, I am unaware of any parties who have entered their appearance in this case.

Thank you very much for your consideration. I look forward to your response.

Respectfully submitted,
Dino La Fiandra

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

February 22, 2021

Dino C La Fiandra,
25 S. Charles Street, 21st Floor
Towson MD 21204

RE: Case Number: 2020-0299-SPHA, 7732, 7734 Wise Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning 0Review, Department of Permits, Approvals, and Inspection (PAI) on December 15, 2020. 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,

Jeffrey Perlow

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: People's Counsel

January 4, 2021

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2020-0299-SPHA

Saman Radparvar
3009 Northbrook Rd.

If there are any questions, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@mdot.maryland.gov.

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

MM 3-3-21
10 AM

# BALTIMORE COUNTY, MARYLAND
## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

**DATE:** 2/25/2021

**FROM:** Steve Lafferty
Director, Department of Planning

**SUBJECT:** **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-299

**INFORMATION:**
**Property Address:** 3009 Northbrook Road
**Petitioner:** Saman Radparvar
**Zoning:** DR 3.5, DR 5.5
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for Special Hearing and Variance to determine whether or not the Administrative Law Judge should permit the following relief:

*Special Hearing*

1. A determination that the RTA Regulations of BCZR § 1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1 (f).
2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR § 1B01.1.B.1.a through .e do not apply to the proposed project.
3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR § 1B01.1.B.1 (c).1 that the RTA Buffer and RTA Setback of zero (0) feet for the parking spaces and 10 feet for the existing building is adequate.
4. A modified parking plan under BCZR § 409.12.B to allow 2 parking spaces as shown on the Plan to accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.
5. Such further and other relief as the nature of this case may require.

*Variances*

1. BCZR § 1B01.2.C.1 (a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:
   a. Front yard of 30 feet in lieu of 50 feet otherwise required.
   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.
2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR § 1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing request 4, a Variance from BCZR § 409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

A site visit was conducted on December 29, 2020. The area is residential with the Wellwood International School to the north of the subject property. The petitioner is proposing to add onto the existing dwelling and convert the building into a synagogue. Places of Worship are permitted in residential zones but Residential Transition Areas (RTA) should be applied, to the fullest extent possible.

Although the petition states that two (2) parking spaces are shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for those parking spaces. The parking arrangement should be confirmed with the Administrative Law Judge.

No lighting is shown on the site plan, therefore it is assumed none is proposed. If any lighting is to be proposed, a landscape and lighting plan is required. The plan should be submitted to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.

The Department of Planning has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting pan to the Baltimore County Landscape Architect for review and approval.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. Limit the on-street parking for use of the synagogue.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

**Prepared by:**

Krystle Patchak

**Division Chief:**

Jenifer G. Nugent

SL/JGN/KP/

c: Bill Skibinski
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Dino C. La Fiandra, Esq. The law Office of Dino C. La Fiandra, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

# The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com


**Order #:** 11966028
**Case #:** 2020-0299-SPHA
**Description:**

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0299-SPHA

## PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

2/11/2021

Darlene Miller

**Darlene Miller, Public Notice Coordinator**
(Representative Signature)

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**Baltimore County**

**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 virtual hearing on the property identified herein as follows:

**CASE NUMBER: 2020-0299-SPHA**

3009 Northbrook Road

South side of Northbrook Road across from intersection of Northbrook and Lisbure Roads

3rd Election District - 2nd Councilmanic District

Legal Owners: Saman Radparvar

Contract Purchaser/Lessee: Ahavat Shalom Congregation, Inc.

Special Hearing A determination that the RTA Regulation of BCZR 1B01.1.B.1 do not apply to proposed development by virtue of BCZR 1B01.1.B.1(f). In the alternative to Special Hearing Requested 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR 1B01.1.B.1.a through .e do not apply to the proposed project. In the alternative to Special Hearing Request 1 and 2, a determination pursuant to BCZR 1B01.1.B.1(C).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate. A modified parking plan under BCZR 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces. Such further and other relief as the nature of this case may require. Variance to permit non-residential principal building setbacks for an existing building in the DR 3.5 Zone, as follows a.) Front yard of 30 feet in lieu of 50 feet otherwise required. b.) Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required. In the alternative to Special Hearing Requests 1,2 and 3, above Variances from BCZR 1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks, as follows 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required. In the alternative to Special Hearing Request 4, a Variance from BCZR 409.6. To permit 2 parking spaces in lieu of 20 parking spaces required.

Hearing: Wednesday, March 3, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

f11

# CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

**RE: Case No.: 2020-0299-SPHA**

**Petitioner/Developer: Ahavat Shalom Congregation, Inc.**
**Saman Radparvar**

**Date of Hearing/Closing: March 3, 2021**

**Baltimore County Department of**
**Permits, Approvals and Inspections**
**County Office Building, Room 111**
**111 West Chesapeake Avenue**
**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:**

**3009 Northbrook Road** **SIGN Groups 1 & 2**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**

**Sincerely,**

**February 9, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

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**County Office Building, Room 111**
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**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

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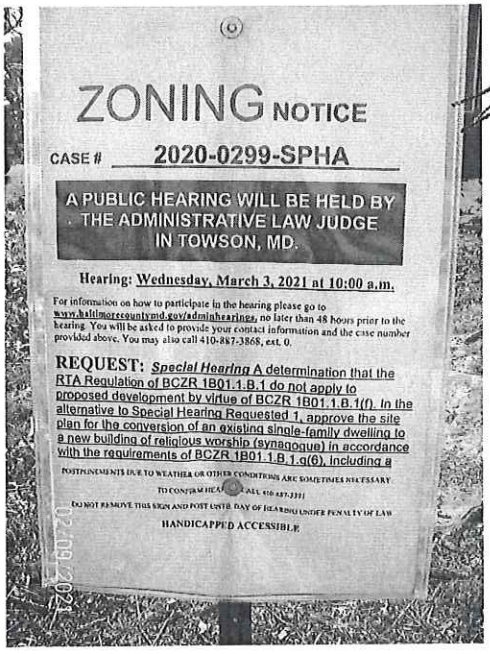
**3009 Northbrook Road** **SIGN 1**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**
**(Print Name)**

**1508 Leslie Road**
**(Address)**

**Dundalk, Maryland 21222**
**(City, State, Zip Code)**

**(410) 282-7940**
**(Telephone Number)**

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**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

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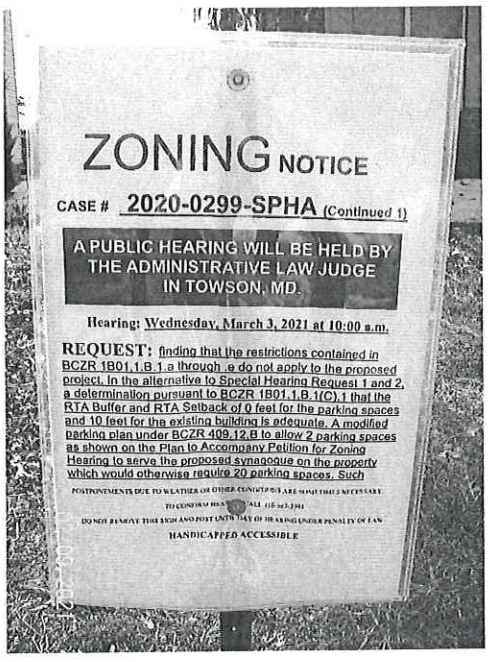
**3009 Northbrook Road** **SIGN 2**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

**(City, State, Zip Code)**

**(410) 282-7940**

**(Telephone Number)**

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*County Executive*

CHRISTOPHER GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

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**Date of Hearing/Closing: March 3, 2021**

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**Towson, Maryland 21204**

**Attn: Kristen Lewis:**

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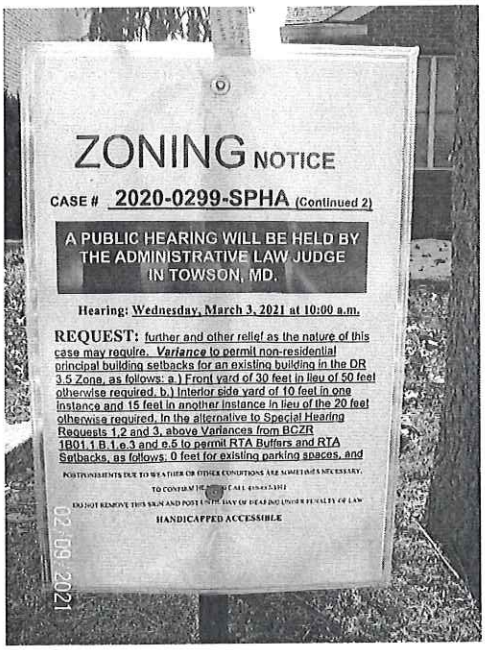
**3009 Northbrook Road** **SIGN 3**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**

**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**

**(Print Name)**

**1508 Leslie Road**

**(Address)**

**Dundalk, Maryland 21222**

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*Department of Permits, Approvals & Inspections*

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**Saman Radparvar**

**Date of Hearing/Closing: March 3, 2021**

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**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

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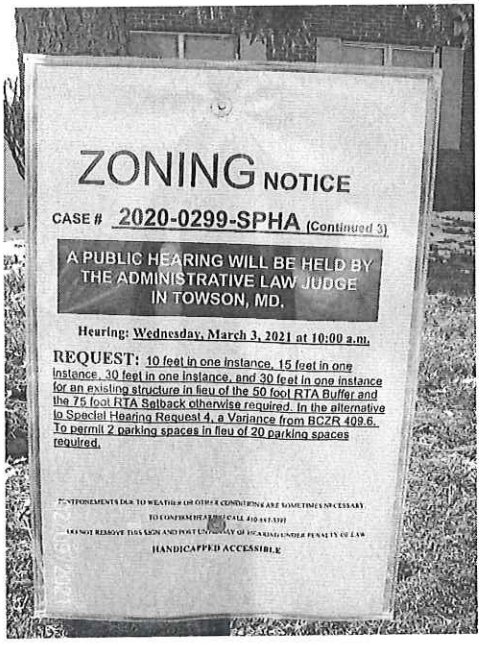
**3009 Northbrook Road** **SIGN 4**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**
**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**
**(Print Name)**

**1508 Leslie Road**
**(Address)**

**Dundalk, Maryland 21222**
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Petitioner/Developer: Ahavat Shalom Congregation, Inc.
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

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Permits, Approvals and Inspections
County Office Building, Room 111
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Towson, Maryland 21204

Attn: Kristen Lewis:

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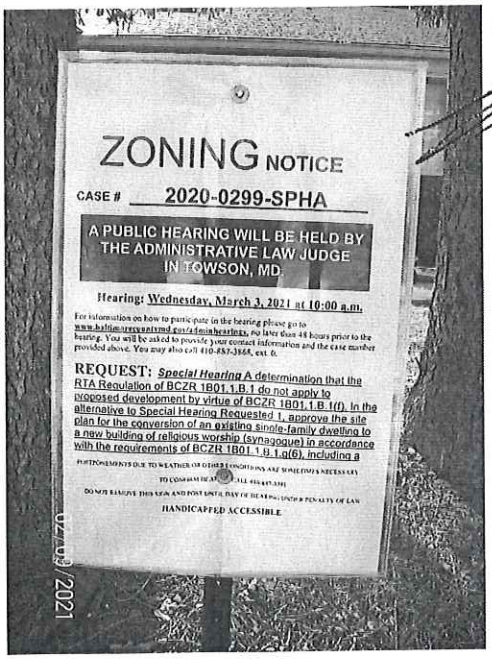
3009 Northbrook Road SIGN 5

The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 9, 2021

(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

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**Attn: Kristen Lewis:**

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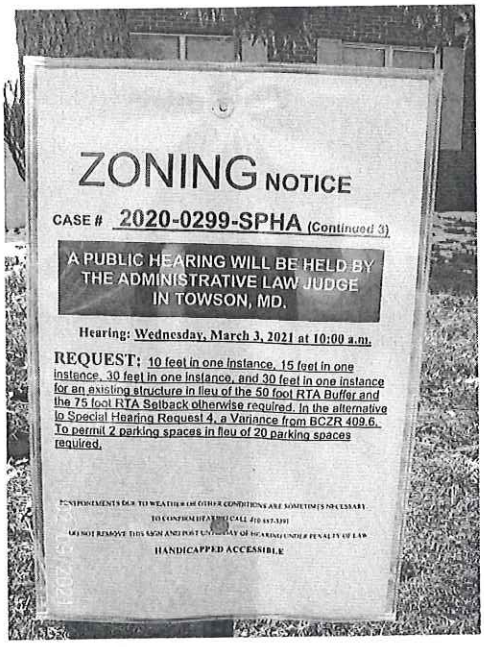
**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:**

**3009 Northbrook Road** **SIGN 4**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**
**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**
**(Print Name)**

**1508 Leslie Road**
**(Address)**

**Dundalk, Maryland 21222**
**(City, State, Zip Code)**

**(410) 282-7940**
**(Telephone Number)**

# CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
*County Executive*

PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

RE: Case No.: 2020-0299-SPHA

Petitioner/Developer: Ahavat Shalom Congregation, Inc.
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

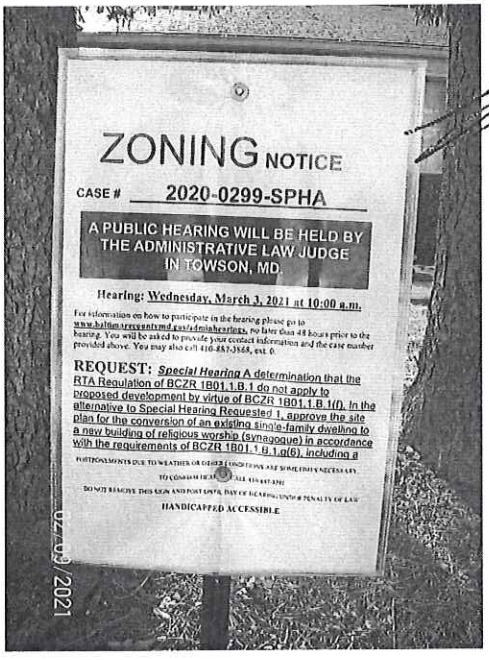
Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3009 Northbrook Road SIGN 5

The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 9, 2021
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

# CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

RE: Case No.: 2020-0299-SPHA

Petitioner/Developer: Ahavat Shalom Congregation, Inc.
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

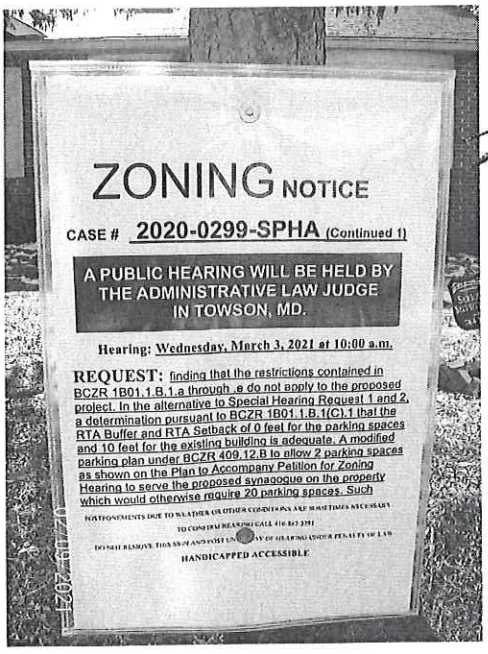
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3009 Northbrook Road

SIGN 6

The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 9, 2021

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

# CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

RE: Case No.: 2020-0299-SPHA

Petitioner/Developer: Ahavat Shalom Congregation, Inc
Saman Radparvar

Date of Hearing/Closing: March 3, 2021

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

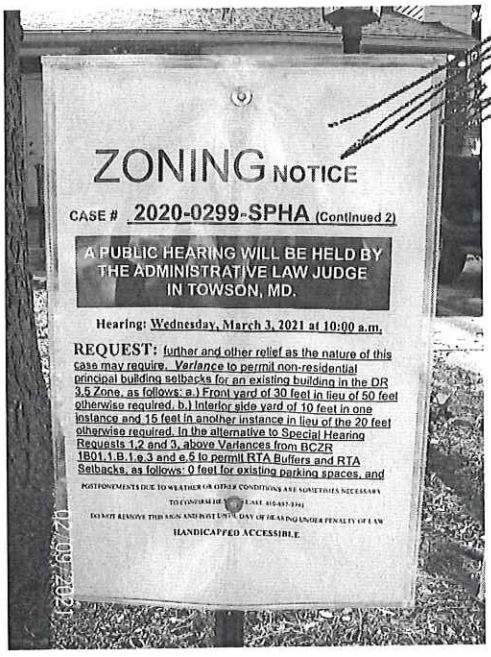
Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3009 Northbrook Road SIGN 7

The sign(s) were posted on February 9, 2021
(Month, Day, Year)




Sincerely,

February 9, 2021

(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

# CERTIFICATE OF POSTING

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP, *Director*
*Department of Permits, Approvals & Inspections*

**RE: Case No.: 2020-0299-SPHA**

**Petitioner/Developer: Ahavat Shalom Congregation, Inc**
**Saman Radparvar**

**Date of Hearing/Closing: March 3, 2021**

**Baltimore County Department of**
**Permits, Approvals and Inspections**
**County Office Building, Room 111**
**111 West Chesapeake Avenue**
**Towson, Maryland 21204**

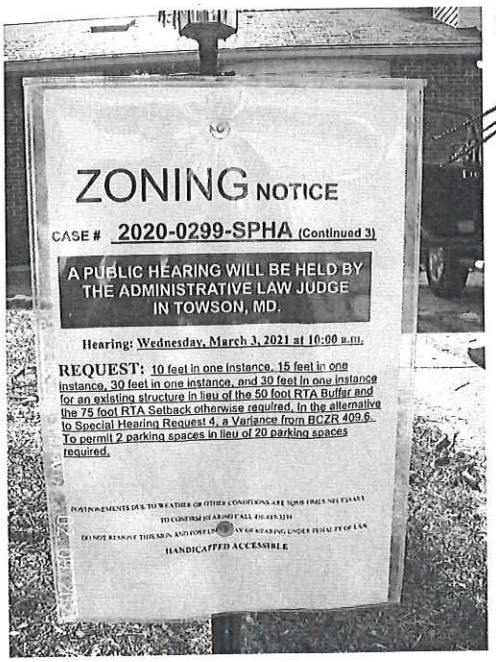
**Attn: Kristen Lewis:**

**Ladies and Gentlemen:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:**

**3009 Northbrook Road** **SIGN 8**

**The sign(s) were posted on February 9, 2021**
**(Month, Day, Year)**




**Sincerely,**

**February 9, 2021**
**(Signature of Sign Poster)** **(Date)**

**SSG Robert Black**
**(Print Name)**

**1508 Leslie Road**
**(Address)**

**Dundalk, Maryland 21222**
**(City, State, Zip Code)**

**(410) 282-7940**
**(Telephone Number)**

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
# ZONING REVIEW OFFICE

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:**

Case Number: 2020-0299-SPHA

Property Address: 3009 Northbrook Road

Property Description: 0.22 Acres on the south side of Northbrook Road at Lisburne Road

Legal Owners (Petitioners): Saman Radparvar

Contract Purchaser/Lessee: Ahavat Shalom Congregation, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

Company/Firm (if applicable): The Law Office of Dino C. La Fiandra, LLC

Address: 100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Telephone Number: 443-204-3473

Revised 7/9/2015

# ZAC AGENDA

**Case Number:** 2020-0299-SPHA **Reviewer:** Aaron Tsui
**Existng Use:** RESIDENTIAL **Proposed Use:** RESIDENTIAL
**Type:** SPECIAL HEARING, VARIANCE
**Legal Owner:** Saman Radparvar
**Contract Purchaser:** Ahavat Shalom Congregation Inc,

**Critical Area:** No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

**Property Address:** 3009 NORTHBROOK RD
**Location:** South side of Northbrook Road across from the intersection of Northbrook Road and Lisbure Road.

**Existing Zoning:** DR 3.5 **Area:** 9.375 SQ FT
**Proposed Zoning:**
SPECIAL HEARING:
A determination that the RTA Regulation of BCZR 1B01.1.B.1 do not apply to proposed development by virtue of BCZR 1B01.1.B.1(f).
In the alternative to Special Hearing Requested 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR 1B01.1.B.1.g (6), including a finding that the restrictions contained in BCZR 1B01.1.B.1.a through .e do not apply to the proposed project.
In the alternative to Special Hearing Request 1 and 2, a determination pursuant to BCZR 1B01.1.B.1(C).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.
A modified parking plan under BCZR 409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.
Such further and other relief as the nature of this case may require.

VARIANCE:
BCZR 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 Zone, as follows:
a.) Front yard of 30 feet in lieu of 50 feet otherwise required.
b.) Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.
In the alternative to Special Hearing Requests 1,2 and 3, above Variances from BCZR 1B01.1.B.1.e.3 and e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.
In the alternative to Special Hearing Request 4, a Variance from BCZR 409.6 To permit 2 parking spaces in lieu of 20 parking spaces required.
**Attorney:** Dino C. La Fiandra
**Prior Zoning Cases:** None
**Concurrent Cases:** None
**Violation Cases:** None
**Closing Date:**

**Miscellaneous Notes:**

Real Property Data Search

Search Result for BALTIMORE COUNTY

| View Map | View GroundRent Redemption | View GroundRent Registration |
|---|---|---|

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319065178

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | RADPARVAR SAMAN | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6521 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /39754/ 00228 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3009 NORTHBROOK RD<br>BALTIMORE 21209-2405 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 11 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1993 | 2,370 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | SIDING/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2020 | As of 07/01/2021 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 300,800 | 306,100 | | |
| **Total:** | 384,700 | 390,000 | 386,467 | 388,233 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** DREDZE MARK HAREL | **Date:** 12/18/2017 | **Price:** $485,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /39754/ 00228 | **Deed2:** |
| **Seller:** NABOZNY ARIE S | **Date:** 01/23/2012 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /31634/ 00378 | **Deed2:** |
| **Seller:** LINWAY DEVELOPME NT INC | **Date:** 06/24/1992 | **Price:** $80,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09245/ 00105 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

# 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** 3009 Northbrook Road **which is presently zoned** DR 3.5 & DR 5.5

Deed References: 39754/228 10 Digit Tax Account # 0319065178

Property Owner(s) Printed Name(s) Saman Radparvar

**(SELECT THE HEARING(S) BY MARKING X 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 continuation sheet.

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

3. ✔ **a Variance** from Section(s)

See continuation sheet.

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 shown at 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:**

Ahavat Shalom Congregation, Inc.
Name- Type or Print

Rev. Eli F. Hakkakian, Rabbi
Signature

3009 Northbrook Road, Baltimore, MD
Mailing Address City State

21209 / / 
Zip Code Telephone # Email Address

**Legal Owners (Petitioners):**

Saman Radparvar /
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

6521 Gardenwick Road, Baltimore, MD
Mailing Address City State

21209 / / 
Zip Code Telephone # Email Address

**Attorney for Petitioner:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name- Type or Print

Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**Representative to be contacted:**

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name – Type or Print

Signature

100 W. Pennsylvania Avenue,Suite 305
Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

**CASE NUMBER** 2020-0299-SPHA **Filing Date** 12/15/20 **Do Not Schedule Dates:** ____ **Reviewer** AT

REV. 10/4/11

Petition for Zoning Hearing
Continuation Sheet
3009 Northbrook Road

The Petitioner seeks:

✓ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should approve:

1. A determination that the RTA Regulations of BCZR §1B01.1.B.1 do not apply to the proposed development by virtue of BCZR § 1B01.1.B.1(f).

2. In the alternative to Special Hearing Request 1, approve the site plan for the conversion of an existing single-family dwelling to a new building of religious worship (synagogue) in accordance with the requirements of BCZR § 1B01.1.B.1.g(6), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.

3. In the alternative to Special Hearing Requests 1 and 2, a determination pursuant to BCZR §1B01.1.B.1(c).1 that the RTA Buffer and RTA Setback of 0 feet for the parking spaces and 10 feet for the existing building is adequate.

4. A modified parking plan under BCZR §409.12.B to allow 2 parking spaces as shown on the Plan to Accompany Petition for Zoning Hearing to serve the proposed synagogue on the property which would otherwise require 20 parking spaces.

5. Such further and other relief as the nature of this case may require.

✓ Variance from:

1. BCZR § 1B01.2.C.1(a) to permit non-residential principal building setbacks for an existing building in the DR 3.5 zone, as follows:

   a. Front yard of 30 feet in lieu of 50 feet otherwise required.

   b. Interior side yard of 10 feet in one instance and 15 feet in another instance in lieu of the 20 feet otherwise required.

2. In the alternative to Special Hearing Requests 1, 2 and 3, above, Variances from BCZR §1B01.1.B.1.e.3 and .e.5 to permit RTA Buffers and RTA Setbacks, as follows: 0 feet for existing parking spaces, and 10 feet in one instance, 15 feet in one instance, 30 feet in one instance, and 30 feet in one instance for an existing structure in lieu of the 50 foot RTA Buffer and the 75 foot RTA Setback otherwise required.

3. In the alternative to Special Hearing Request 4, a Variance from BCZR §409.6 to permit 2 parking spaces in lieu of 20 parking spaces required.

2020-0299-SPHA

**Richardson Engineering, LLC**

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING PROPERTY DESCRIPTION FOR**
**3009 NORTHBROOK ROAD**
**3rd ELECTION DISTRICT**
**2nd COUNCILMANIC DISTRICT**
**BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point directly across from the intersection of Northbrook Road and Lisburne Road then the following bearings and distances (1) South 88 degrees 42 minutes 2 seconds West 75 feet, (2) North 1 degrees 17 minutes 58 seconds West 125 feet, (3) North 88 degrees 42 minutes 2 seconds East 75 feet, (4) South 1 degrees 17 minutes 58 seconds West 125 feet to the point of beginning. Being lot #11 on Section 4 of Green Spring Manor Plat Book GLB 21 p.77.

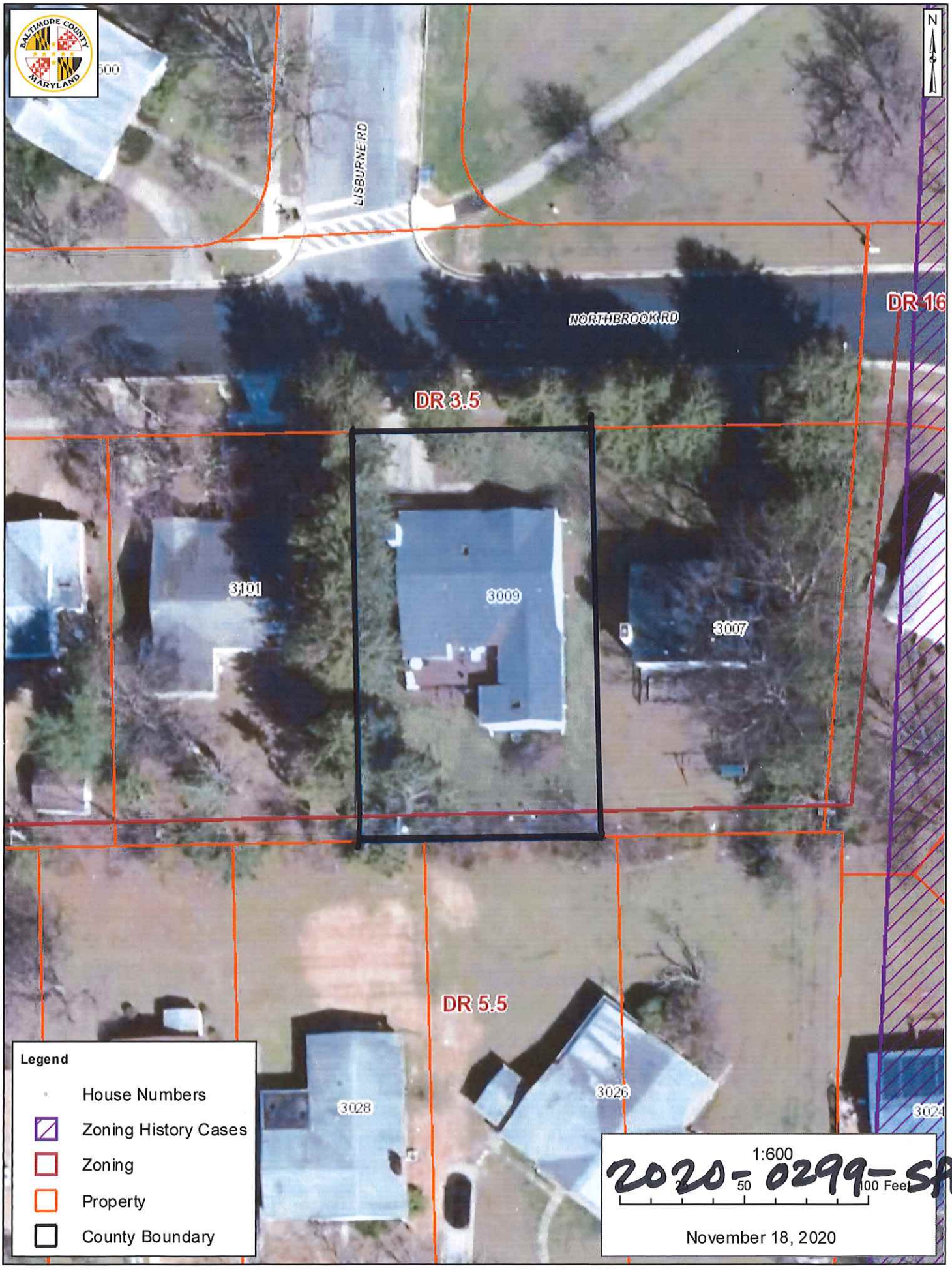
Containing a net area of 9,375 square feet or 0.22 acres +/-.

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021

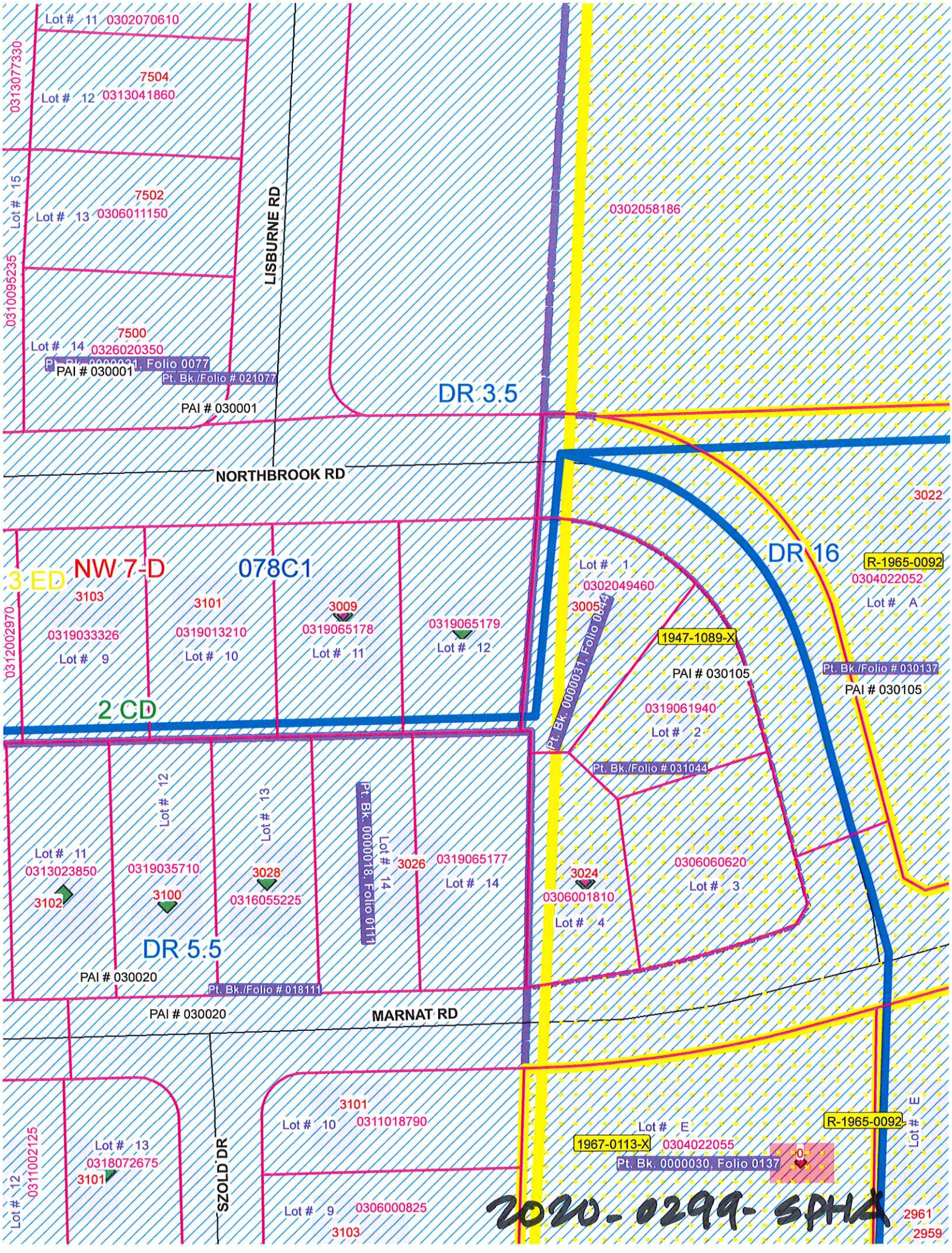
11/24/20

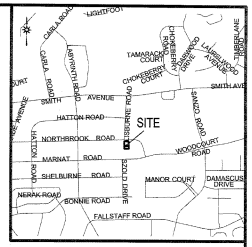
2020-0299-SPHA

# 3009 Northbrook Road




2020-0299-SPHA


Lot # 11 0302070610
7504
Lot # 12 0313041860
0313077330
Lot # 15
7502
Lot # 13 0306011150
0310095235
LISBURNE RD
0302058186
7500
Lot # 14 0326020350
Pt. Bk. 0000021, Folio 0077
PAI # 030001
Pt. Bk./Folio # 021077
PAI # 030001
DR 3.5
NORTHBROOK RD
3022
DR 16
R-1965-0092
0304022052
Lot # A
3 ED
NW 7-D
078C1
3103
0319033326
Lot # 9
3101
0319013210
Lot # 10
3009
0319065178
Lot # 11
0319065179
Lot # 12
0312002970
Lot # 1
0302049460
3005
Pt. Bk. 0000031, Folio 0044
1947-1089-X
PAI # 030105
Pt. Bk./Folio # 030137
PAI # 030105
0319061940
Lot # 2
2 CD
Pt. Bk./Folio # 031044
Lot # 12
Lot # 13
Pt. Bk. 0000018, Folio 0111
Lot # 14
3026
0319065177
Lot # 14
3024
0306001810
Lot # 4
0306060620
Lot # 3
Lot # 11
0313023850
3102
0319035710
3100
3028
0316055225
DR 5.5
PAI # 030020
Pt. Bk./Folio # 018111
PAI # 030020
MARNAT RD
3101
Lot # 10
0311018790
Lot # E
1967-0113-X
0304022055
Pt. Bk. 0000030, Folio 0137
R-1965-0092
Lot # E
Lot # 13
0318072675
3101
Lot # 12
0311002125
SZOLD DR
Lot # 9
0306000825
3103
2961
2959
2020-0299-SPHA




LOCATION MAP

SCALE: 1" = 1000'

## GENERAL NOTES:

1. 1. OWNER: SAMAN RADPARVAR
   6521 GARDENWICK ROAD
   BALTIMORE MD 21209
2. SITE AREA:
   NET: 9,375 SF OR 0.22 Ac.±
   GROSS: 11,625 SF OR 0.27 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: SYNAGOGUE
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 39754/228
6. TAX ACCOUNT: 0319085178
7. PLAT REF: SECTION 4 GREEN SPRING MANOR 21/77, LOT #11 BLOCK G
8. ZONING: DR 3.5
   (PER 1"=200' ZONING MAP 078C1)
9. TAX MAP: 78
   GRID: 5
   PARCEL: 447
10. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100380F DATED SEPTEMBER 26, 2008.
11. PREVIOUS ZONING CASES: NONE ON FILE.
12. PREVIOUS PERMITS: B1324409 CONSTRUCT SINGLE FAMILY DWELLING.
13. SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
14. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
15. SETBACKS FOR DR 3.5 NON RESIDENTIAL

| | REQUIRED | PROVIDED |
|---|---|---|
| FRONT* | 40' | 30'± |
| SIDE | 20' | 10'± |
| REAR | 30' | 30'± |

* AVG 50+31/2 = 40'

16. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2401003B5F, DATED SEPTEMBER 26, 2008.
17. BASIC SERVICE MAPS
    THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS AS SHOWN ON THE BASIC SERVICES MAPS PASSED BY THE BALTIMORE COUNTY COUNCIL ON MAY 4, 2020 IN BILL 30-20.
18. PARKING
    REQUIRED: 1 PARKING SPACE PER 4 SEATS IN THE MAIN SANCTUARY
    SEATING CAPACITY/4 SPACES: 80/4= 20 SPACES REQUIRED
    PROVIDED: 2 SPACES RELIEF REQUESTED
19. BUILDING HEIGHT: THE HEIGHT OF THE BUILDING WILL NOT EXCEED THE REQUIREMENTS OF BCZR § 300.2.
20. ALL SIGNS TO CONFORM TO BCZR SECTION 450, OR VARIANCES WILL BE REQUESTED

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021

STATE OF MARYLAND — RICHARDSON — NO. 16597 — REGISTERED PROFESSIONAL ENGINEER


*Richardson Engineering, LLC*

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
rich@richardsonengineering.net


PLAN TO ACCOMPANY ZONING PETITION
FOR

# AHAVAT SHALOM

## 3009 NORTHBROOK ROAD

BALTIMORE COUNTY 3RD ELECTION DISTRICT — MARYLAND 2ND COUNCILMANIC DISTRICT

| REVISIONS | DRAWN BY: | CHECKED BY: | SCALE: |
|---|---|---|---|
| | LNR | PCR | 1" = 20' |
| | DATE: 10-31-20 | JOB NO.: 20151 | SHEET NO.: 1 OF 1 |

2020-0299-SPHA

Zoning Case 2020-299-SPHX
3009 Northbrook Road
Hearing Date: July 2, 2021
Exhibit List

1. Richardson CV
2. Redlined Zoning Plan
3. Radparvar Deed
4. Plat 21/77
5. Shuls within 15 Minute Walk
6. Photo Array 1
7. Photo Array 2
8. Petition of Support
9. Map of Members & Petition Signers
10. Excerpt of Map of Members and Petition Signers
11. Hard Court and Parking Lot Reservations - Wellwood School
12. Aerial Photo - 3009 Northbrook Road & Vicinity
13. Approved Parking Notification from BCPS

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

Patrick C. Richardson, Jr., PE

## EDUCATION

BSCE University of Delaware, 1982
Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

## WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC
Owner of engineering firm specializing in Commericial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Cockeysville Elementary School PAL Center, Soukup Arena Recreation Center in Honeygo, Club House for Roland Run Club, Pizza Hut Stores in Baltimore and Anne Arundel Counties, Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County, Elkridge Crossing mixed use development in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC
Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City. Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

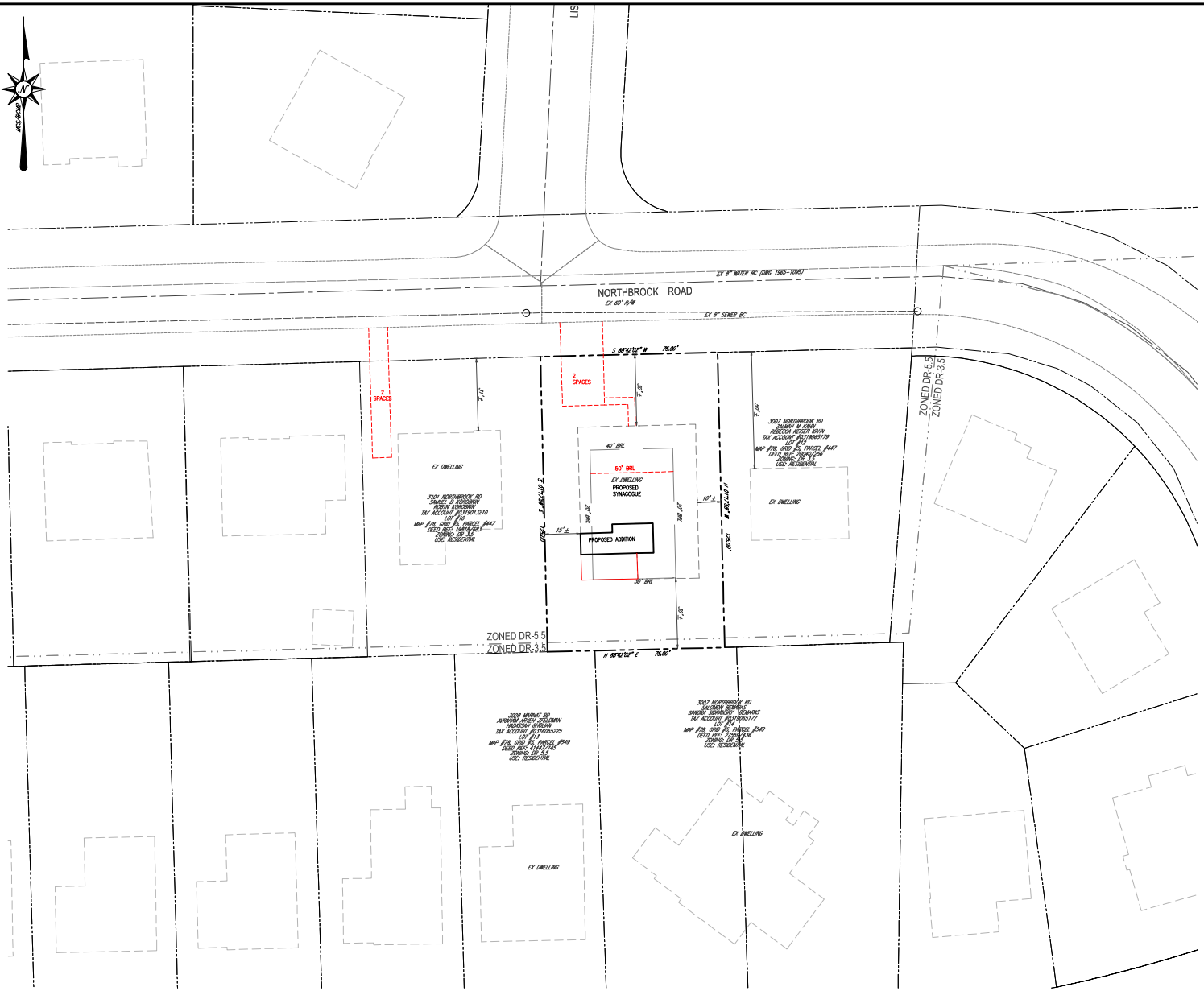
February 1997 to June 1999, William Monk, Inc.
Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.
Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

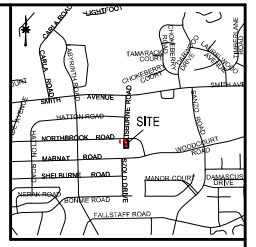
April 1986 to Jan. 1997, STV Incorporated
Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.
Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extention of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in

Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild' Belvedere and York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1986, Spellman, Larson and Associates
Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries
Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.




LOCATION MAP

SCALE: 1" = 1000'

## GENERAL NOTES:

1. 1. OWNER: SAMAN RADPARVAR
   6521 GARDENWICK ROAD
   BALTIMORE MD 21209
2. SITE AREA:
   NET: 9,375 SF OR 0.22 Ac.±0
   GROSS: 11,625 SF OR 0.27 AC.±
3. USE:
   EXISTING: 1 RESIDENTIAL DWELLING
   PROPOSED: SYNAGOGUE
4. UTILITIES: PUBLIC WATER AND SEWER
5. DEED REF: 39754/228
6. TAX ACCOUNT: 0319065178
7. PLAT REF: SECTION 4 GREEN SPRING MANOR 21/77, LOT #11 BLOCK G
8. ZONING: DR 3.5
   (PER 1"=200' ZONING MAP 078C1)
9. TAX MAP: 78
   GRID: 5
   PARCEL: 447
10. LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100380F DATED SEPTEMBER 26, 2008.
11. PREVIOUS ZONING CASES: NONE ON FILE.
12. PREVIOUS PERMITS: B132409 CONSTRUCT SINGLE FAMILY DWELLING.
13. SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
14. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
15. SETBACKS FOR DR 3.5 NON RESIDENTIAL

| | REQUIRED | PROVIDED |
|---|---|---|
| FRONT* | 50'40' | 30'± |
| SIDE | 20' | 10'± |
| REAR | 30' | 30'± |

* AVG 50+31/2 = 40'

16. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2401003B5F, DATED SEPTEMBER 26, 2008.
17. BASIC SERVICE MAPS
    THE SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREAS AS SHOWN ON THE BASIC SERVICES MAPS PASSED BY THE BALTIMORE COUNTY COUNCIL ON MAY 4, 2020 IN BILL 30-20.
18. PARKING
    REQUIRED: 1 PARKING SPACE PER 4 SEATS IN THE MAIN SANCTUARY
    SEATING CAPACITY/4 SPACES: 80/4= 20 SPACES REQUIRED
    PROVIDED: 2 SPACES RELIEF REQUESTED
19. BUILDING HEIGHT: THE HEIGHT OF THE BUILDING WILL NOT EXCEED THE REQUIREMENTS OF BCZR § 300.2.
20. ALL SIGNS TO CONFORM TO BCZR SECTION 450, OR VARIANCES WILL BE REQUESTED

Exhibit 2

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 NUMBER 16597, EXPIRATION DATE: 08-15-2021

STATE OF MARYLAND — RICHARDSON — 16597 — PROFESSIONAL ENGINEER

4/21/21

*Richardson Engineering, LLC*
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR

# AHAVAT SHALOM

## 3009 NORTHBROOK ROAD

BALTIMORE COUNTY MARYLAND
3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT

REVISIONS
REV 6/28/21

| DRAWN BY: | CHECKED BY: | SCALE: |
|---|---|---|
| LNR | PCR | 1" = 20' |
| DATE: | JOB NO.: | SHEET NO.: |
| 04-21-21 | 20151 | 1 OF 1 |

Exhibit 3

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0228, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

Tax I.D. No.: 03-0319065178
Title Insurer: Old Republic National Title Insurance Company

AFTER RECORDING RETURN TO:
Commerce Title Company, Inc.
1777 Reisterstown Road
Suite 200 West
Baltimore, MD 21208
File No.: 761076

PAID RECEIPT

| DATE | TIME |
|---|---|
| 12/18/2017 | 08:34:19 |
| TAX ID: 0319065178 | |
| CO. TR TAX | $7,275.00 |
| RECORDATION TAX | $2,425.00 |
| JS | Baltimore County, Maryland |

Baltimore County Cir Crt

| | |
|---|---|
| IMP FD SURE | $40.00 |
| RECORDING FEE | $20.00 |
| TR TAX STATE | $2,425.00 |
| TOTAL | $2,485.00 |
| JLE SLF | |
| Dec 18, 2017 | 08:55 am |

# DEED

THIS DEED, made this December 05, 2017, by and between Mark Harel Dredze and Megan Chava Evans, parties of the first part, and Saman Radparvar, party of the second part.

WITNESSETH, that in consideration of the sum of Four Hundred Eighty Five Thousand Dollars and No Cents ($485,000.00); and other goods and valuable consideration, the receipt of which is hereby acknowledged, the said parties of the first part do grant and convey unto the party of the second part as sole owner, in fee simple all that property situate in Baltimore County, State of Maryland, known as 3009 Northbrook Road, and described as follows, that is to say:

SEE EXHIBIT "A" ATTACHED HERETO

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD said described lot of ground and premises to the said party of the second part as sole owner, in fee simple.

AND the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, that they will warrant specially the property hereby conveyed, and that they will execute such further assurances of the same as may be requisite or necessary.

WITNESS, the hand and seal of said Grantor(s).

WITNESS:

GRANTOR(S):

Mark H Dredze (Seal)
Mark Harel Dredze

Megan Chava Evans (Seal)
Megan Chava Evans

(Seal)

(Seal)

State of Maryland, City/County of Montgomery, to wit;

I hereby certify that on this 4 day of December, 2017, before me, the subscriber, personally appeared Mark Harel Dredze and Megan Chava Evans, known to me or satisfactorily proven to be the person(s) whose name is subscribed to the within instrument, who signed the same in my presence and acknowledged that he/she/they executed the same for the purposes therein contained.

WITNESS MY HAND AND NOTARIAL SEAL.

LOUNA CHOUTE HILL
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES APRIL 25, 2018

Notary Public

My Commission Expires: 04/25/2018

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY, THE UNDERSIGNED ATTORNEY.

Eli J. Newman, Esquire



BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0229, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0230, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

## EXHIBIT "A"
## LEGAL DESCRIPTION

Beginning for the same on the south side of Northbrook Road as laid out 60 feet wide at the distance of 765.00 feet measured easterly from the intersection of the south side of Northbrook Road and the east side of Labyrinth Road as laid out 50 feet wide said beginning being at the dividing line between Lots Nos. 10 and 11, Block "G", as shown on Plat of Section 4 Green Spring Manor, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 21, folio 77, and running thence and binding on the south side of Northbrook Road, and referring the courses of this description to the True Meridian as adopted by the Baltimore County Survey Control System, north 88 degrees 42 minutes 02 seconds east 75.00 feet to the dividing line between Lots Nos. 11 and 12, " Block G" , as shown on said Plat thence with said dividing line south 1 degree 17 minutes 58 seconds east 125.00 feet to the end thereof, thence south 88 degrees 42 minutes 02 seconds west 75.00 feet to the dividing line between Lots Nos. 10 and 11 herein referred to, and thence with said dividing line north 1 degree 17 minutes 58 seconds west 125 feet to the place of beginning.
Subject to a 10 foot drainage easement along the third line of the lot herein described.
Being and Compromising all of Lot No. 11, Block "G", Section 4 Green Spring Manor. The improvements thereon being known as NO. 3009 Northbrook Road.

BEING THE SAME property which by deed dated January 19, 2012 and recorded among the Land Records of Baltimore County, Maryland in Liber 31634, Folio 378 was granted and conveyed by Arie S. Nabozny and Ida Nabozny, by Arie S. Nabozny, her attorney in fact, unto Mark Harel Dredze and Megan Chava Evans.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0231, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.

MARYLAND FORM **WH-AR**

# Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2017

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

**1. Transferor Information**

Name of Transferor

Mark Harel Dredze and Megan Chava Evans

**2. Reasons for Exemption**

**Resident Status**

☒ I, Transferor, am a resident of the State of Maryland.

☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal Residence**

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

**Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.**

**3a. Individual Transferors**

Witness

Mark Harel Dredze

Name

Signature

Witness

Megan Chava Evans

Name

Signature

**3b. Entity Transferors**

Witness/Attest

Name of Entity

By

Name

Title

File No.: 761076
MD Affidavit of Principal Residence BP
17-49

# State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

*Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.*

**(Type or Print in Black Ink Only-All Copies Must Be Legible)**

**1 Type(s) of Instruments** (☐ Check Box if addendum Intake Form is Attached.)

| | | | |
|---|---|---|---|
| ☑ Deed | ☐ Mortgage | ☐ Other _____ | ☐ Other _____ |
| ☑ Deed of Trust | ☐ Lease | ☐ _____ | ☐ _____ |

**2 Conveyance Type** Checkbox

| | | | |
|---|---|---|---|
| ☑ Improved Sale Arms-Length | ☐ Unimproved Sale Arms-Length | ☐ Multiple Accounts Arms-Length | ☐ Not an Arms-Length Sale |

**3 Tax Exemptions** (if applicable) Cite or Explain Authority

| | |
|---|---|
| **Recordation** | |
| **State Transfer** | |
| **County Transfer** | |

**4 Consideration and Tax Calculations**

| Consideration Amount | | Finance Office Use Only Transfer and Recordation Tax Consideration | |
|---|---|---|---|
| Purchase Price/Consideration | $485,000.00 | Transfer Tax Consideration | $ |
| Any New Mortgage | $388,000.00 | X ( )% = | $ |
| Balance of Existing Mortgage | $ | Less Exemption Amount - | $ |
| Other: | $ | Total Transfer Tax = | $ |
| | | Recordation Tax Consideration | $ |
| Other: | $ | X ( )% per $500 = | $ |
| Full Cash Value: | $ | TOTAL DUE | $ |

**5 Fees**

| Amount of Fees | Doc. 1 | Doc. 2 |
|---|---|---|
| Recording Charge | $20.00 | $75.00 |
| Surcharge | $40.00 | $40.00 |
| State Recordation Tax | $2,425.00 | $ |
| State Transfer Tax | $2,425.00 | $ |
| County Transfer Tax | $7,275.00 | $ |
| Other | $ | $ |
| Other | $ | $ |

Agent:

Tax Bill: Real Property

C.B. Credit PAID

Ag. Tax/Other

**6 Description of Property**

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

| District | Property Tax ID No. (1) | Grantor Liber/Folio | Map | Parcel No. | Var. LOG |
|---|---|---|---|---|---|
| | 03-0319065178 | | | | ☐ (5) |

| Subdivision Name | Lot (3a) | Block(3b) | Sect/AR (3c) | Plat Ref. | SqFt/Acreage (4) |
|---|---|---|---|---|---|
| | | | | | |

**Location/Address of Property Being Conveyed (2)**

3009 Northbrook Road, Baltimore, MD 21209

| Other Property Identifiers (if applicable) | Water Meter Account No. |
|---|---|
| | |

**Residential** ☑ **or Non-Residential** ☐ **Fee Simple** ☑ **or Ground Rent** ☐ **Amount:**

**Partial Conveyance?** ☐ Yes ☐ No Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

**7 Transferred From**

| Doc. 1 - Grantor(s) Name(s) | Doc. 2 - Grantor(s) Names (s) |
|---|---|
| Mark Harel Dredze and Megan Chava Evans | Saman Radparvar |
| **Doc. 1 - Owner(s) of Record, if Different from Grantor(s)** | **Doc. 2 - Owner(s) of Record, if Different from Grantor(s)** |
| | |

**8 Transferred To**

| Doc. 1 - Grantee(s) Name(s) | Doc. 2 - Grantee(s) Name(s) |
|---|---|
| Saman Radparvar | Academy Mortgage Corporation ISAOA |

**New Owner's (Grantee) Mailing Address**

6521 Gardenwick Rd, Baltimore, MD 21209

**9 Other Names to Be Indexed**

| Doc. 1 - Additional Names to be Indexed (Optional) | Doc. 2 - Additional Names to be Indexed (Optional) |
|---|---|
| | |

**10 Contact/Mail Information**

**Instrument Submitted By or Contact Person**

Name: Menucha Prince

Firm: Commerce Title Company, Inc.

Address: 1777 Reisterstown Road, Suite 200 West, Baltimore, MD 21208

Phone: (410) 653-4004

☐ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

**11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER**

**Assessment Information**

☐ Yes ☑ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☑ No Does transfer include personal property? If yes, identify: _____

☐ Yes ☑ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

**Assessment Use Only - Do Not Write Below This Line**

Terminal Verification . Agricultural Verification . Whole . Part . Tran. Process Verification

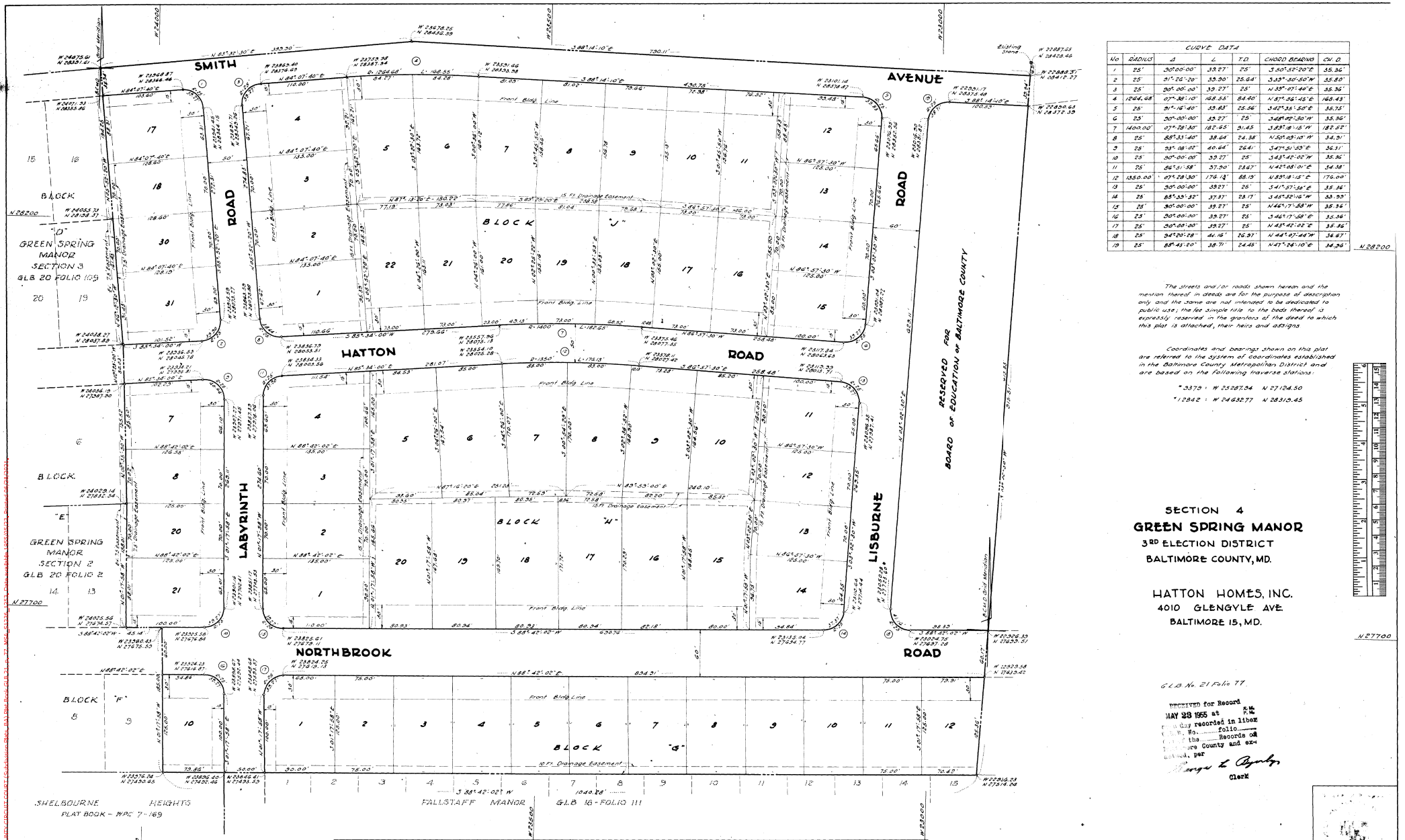
Transfer Number Date Received: Deed Reference: Assigned Property No.:

| | | | | | | |
|---|---|---|---|---|---|---|
| Year | 20 | 20 | Geo. | Map | Sub | Block |
| Land | | | Zoning | Grid | Plat | Lot |
| Buildings | | | Use | Parcel | Section | Occ. Cd. |
| Total | | | Town Cd. | Ex. St. | Ex. Cd. | |

REMARKS:

AOC-CC-300 (5/2007) **Submit 4 copies**

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 39754, p. 0232, MSA_CE62_39611. Date available 12/19/2017. Printed 06/28/2021.




| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| No | RADIUS | Δ | L | T.D. | CHORD BEARING | CH. D. |
| 1 | 25' | 90°-00'-00" | 39.27' | 25' | S 50°-52'-20" E | 35.36' |
| 2 | 25' | 81°-24'-20" | 35.50' | 25.64' | S 39°-50'-50" W | 32.80' |
| 3 | 25' | 90°-00'-00" | 39.27' | 25' | N 39°-07'-40" E | 35.36' |
| 4 | 1264.68' | 07°-38'-10" | 168.55' | 84.40' | N 87°-36'-45" E | 168.43' |
| 5 | 25' | 91°-16'-40" | 39.83' | 25.56' | S 42°-35'-50" E | 35.75' |
| 6 | 25' | 90°-00'-00" | 39.27' | 25' | S 46°-52'-10" W | 35.36' |
| 7 | 1400.00' | 07°-28'-30" | 182.65' | 91.45' | S 89°-18'-15" W | 182.52' |
| 8 | 25' | 88°-33'-40" | 38.64' | 24.38' | N 50°-05'-10" W | 34.91' |
| 9 | 25' | 93°-08'-02" | 40.64' | 26.01' | S 47°-51'-03" E | 36.31' |
| 10 | 25' | 90°-00'-00" | 39.27' | 25' | S 43°-42'-02" W | 35.36' |
| 11 | 25' | 86°-51'-58" | 37.90' | 23.67' | N 42°-08'-01" E | 34.38' |
| 12 | 1350.00' | 07°-28'-30" | 176.13' | 88.15' | N 89°-18'-15" E | 176.00' |
| 13 | 25' | 90°-00'-00" | 39.27' | 25' | S 41°-37'-30" E | 35.36' |
| 14 | 25' | 88°-35'-32" | 37.27' | 23.17' | S 45°-52'-16" W | 33.70' |
| 15 | 25' | 90°-00'-00" | 39.27' | 25' | N 46°-17'-58" W | 35.36' |
| 16 | 25' | 90°-00'-00" | 39.27' | 25' | S 46°-17'-58" E | 35.36' |
| 17 | 25' | 90°-00'-00" | 39.27' | 25' | N 43°-42'-02" E | 35.36' |
| 18 | 25' | 94°-20'-28" | 41.16' | 26.97' | N 44°-07'-44" W | 36.67' |
| 19 | 25' | 88°-43'-20" | 38.71' | 24.46' | N 47°-24'-10" E | 34.96' |

The streets and/or roads shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

"3379 : N 27124.50 W 23287.34

"1284 2 : N 28313.45 W 24632.77

SECTION 4
GREEN SPRING MANOR
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD.

HATTON HOMES, INC.
4010 GLENGYLE AVE.
BALTIMORE 15, MD.

G.L.B. No. 21 Folio 77.

RECEIVED for Record
MAY 23 1955 at
day recorded in Liber
folio
Records of
County and ex-
per
Clerk

APPROVED:
May 17, 1955 — Director of Planning Commission

APPROVED:
May 17 1955 — William N. J. Warthen, M.D. — Deputy State and County Health Officer

APPROVED:
May 20 1955 — Richard J. Fogle — County Roads Engineer

OWNER'S CERTIFICATE
HATTON HOMES, INC.
Walter E. Erisman Pres.

SURVEYOR'S CERTIFICATE
Albert C. Pohmer

PL. HGW May 2, 1955

1" = 50' — May 2, 1955

Exhibit 4

MSA S334 1236-1353

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Avraham Golfeiz<br>Date: 6/28/21<br>Address: 3303 Lee Ct.<br>Pikesville, MD 21208 | Signature: |
| Name (printed): Benyamin Falkeet<br>Date: 6/28/2021<br>Address: 3101 Marnat R.D<br>Baltimore MD 21208 | Signature: Benyamin Falkeet |
| Name (printed): Farsad<br>Date: 6/28/2021<br>Address: 3104 Marnat R.D<br>21208 | Signature: Farsad |
| Name (printed): Hersal Gholian<br>Date: 6/28/2021<br>Address: 3106 Bonnie Rd<br>21205 | Signature: |
| Name (printed): Charles Goldman<br>Date: 06/28/2021<br>Address: 3024 Marnat Road<br>Baltimore MD | Signature: Charles Goldman |
| Name (printed): Daniel Chernoff<br>Date:<br>Address: 3118 marnat RR | Signature: Daniel Chernoff |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Binyamin Ramintar<br>Date: 6/19/21<br>Address: 6500 gardenwick Rd<br>Baltimore, MD. 21209 | Signature: |
| Name (printed): Armin Boutehsaz<br>Date: 6/19/21<br>Address: 3314 fallstaff road<br>Baltimore MD 21215 | Signature: |
| Name (printed): Rowan Sweidan<br>Date: 6/19/21<br>Address: 6801 Greenwood Ave<br>Baltimore Maryland | Signature: |
| Name (printed): Shaneze Mahyaar<br>Date: 6/19/21<br>Address: 8809 dawnwood dr<br>baltimore md 21209 | Signature: |
| Name (printed): Ronda Cooperstein<br>Date: June 22, 2021<br>Address: 3105 Northbrook Road 21208 | Signature: Ronda Cooperstein |
| Name (printed): Gary Kaplowitz<br>Date: 6/22/21<br>Address: 3109 Northbrook Rd. | Signature: Verbal agreement. |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): [illegible]<br>Date: 6/16/21<br>Address: 3104 Northbrook Rd | Signature: |
| Name (printed): Martin Hochheimer<br>Date: 6/22/2021<br>Address: 3113 Northbrook rd | Signature: |
| Name (printed): Martin Fuchs<br>Date: 6/22/21<br>Address: 3112 Northbrook | Signature: |
| Name (printed): BERNARD FELLNER<br>Date: June 22, 2021<br>Address: 3111 Northbrook Road | Signature: |
| Name (printed): DANIEL GOLDEN<br>Date: 6-22-2021<br>Address: 3106 NORTHBROOK RD. | Signature: |
| Name (printed): [illegible]<br>Date: 6/23/2021<br>Address: 3107 HATTOCK RD<br>BALTO, MD 21208 | Signature: |

Petition in Support of Congregation Ahavat Shalom
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3009 Northbrook Rd
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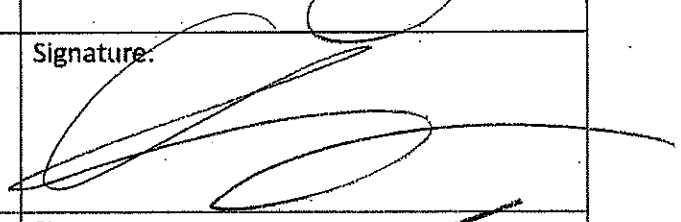
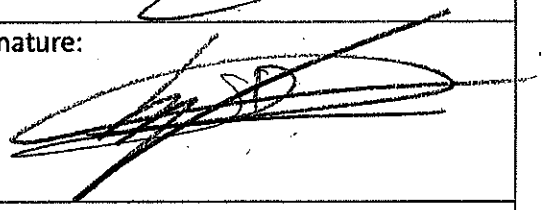
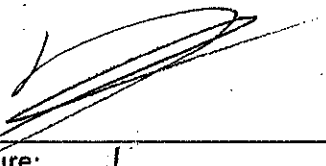
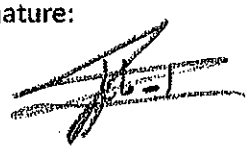
| | |
|---|---|
| Name (printed): Orahn Golfarb<br>Date: 6/12/2021<br>Address: 2901 Perry Drive Apt #B 21209 | Signature: |
| Name (printed): Elisha Loloyan<br>Date: 6/12/2021<br>Address: 6617 Carla Rd | Signature:  |
| Name (printed): Salomon Bemuray<br>Date: 6/12/21<br>Address: 3026 marnat rd Baltimore MD 21208 | Signature:  |
| Name (printed): Brian Escidero<br>Date: 6/12/21<br>Address: 2711 Jersey AVE Apt E Baltimore MD 21208 | Signature:  |
| Name (printed): Jacob Miller<br>Date: 6/20/21<br>Address: 7506 Lisburne Rd Pikesville, MD 21208 | Signature: |
| Name (printed): Amir Payandeh<br>Date: 6/19/2021<br>Address: 3214 SMITH AVE MD 21209 | Signature:  |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Moshe C. Gholian<br>Date: 6-24-2021<br>Address: 2901 oakton Ct.<br>Balt MD. 21209 | Signature: |
| Name (printed): Yaakov Horowitz<br>Date: 6/24 2021<br>Address: 3208 Northbrook Rd<br>Balt 21208 | Signature: |
| Name (printed): Elliot Pepper<br>Date: 6/24/2021<br>Address: 7500 Legrath Road<br>Baltimore, MD 21208 | Signature: |
| Name (printed): Aryeh Lerner<br>Date:<br>Address: 3205 Northbrook<br>Balt MD 21208 | Signature: |
| Name (printed): Noach Lurman<br>Date:<br>Address: 3210 Northbrook RD | Signature: |
| Name (printed): Shaul Tsemach<br>Date:<br>Address: 3207 Northbrook | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Ben Berkowitz<br>Date:<br>Address: 3402 Mormac Rd<br>Baltimore MD | Signature: |
| Name (printed): Afshin Attar<br>Date: 2/25/21<br>Address: 2610 Willow Glen Drive<br>Balt. MD 21209 | Signature: |
| Name (printed): [illegible]<br>Date: 6/13/21<br>Address: 3211 Hamilton Rd<br>Baltimore 21209 | Signature: |
| Name (printed): Daniel Khaw<br>Date: 6/13/21<br>Address: 3317 Marmat Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): Babak Zarabian<br>Date: 6-16-21<br>Address: 6502 Steerforth Court<br>Baltimore, MD 21209 | Signature: |
| Name (printed): Moshe Afel<br>Date: 6/21/21<br>Address: 2906 Oakton Ct.<br>Baltimore, MD 21209 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

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| | |
|---|---|
| Name (printed): Charlie Wolfish<br>Date: 6/26/21<br>Address: 3108 Hatton Ave<br>Pikesville, MD 21208 | Signature: |
| Name (printed): Shimon Herridan<br>Date: 6/26/21<br>Address: 6713 Darwood<br>Baltimore MD 21209 | Signature: |
| Name (printed): Yitzhak Lefkowitz<br>Date: 6/26/21<br>Address:<br>3100 Shelburne RD<br>Baltimore MD 21208 | Signature: |
| Name (printed): Jonah Abraham<br>Date: 6/26/21<br>Address:<br>6711 Westbrook Rd<br>Baltimore MD 21215 | Signature: |
| Name (printed): Solomon Khalili<br>Date: June 26 2021<br>Address:<br>6707 Darwood Dr 21209 | Signature: |
| Name (printed): Eli G. Hakkakian<br>Date: June. 26. 2021<br>Address: 3101 Northbrook rd.<br>Baltimore MD 21208 | Signature: |

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| | |
|---|---|
| Name (printed): Yosef Mehdizadeh<br>Date: 2/21/21<br>Address: 6404 Elray Dr Apt E<br>Baltimore MD 21209 | Signature: |
| Name (printed): Barry Diamond<br>Date: 2/21/21<br>Address: 7104 Bexford Rd<br>Balt. MD 21215 | Signature: |
| Name (printed): Elizabeth Neumann<br>Date: 2/21/21<br>Address: 2532 Farrington RD<br>Baltimore MD 21209 | Signature: |
| Name (printed): Meir Hakimi<br>Date: 2/2/21<br>Address: 2814 damascus ct #C<br>Baltimore, MD 21209 | Signature: Meir Hakimi |
| Name (printed): David Atter<br>Date: 2/21/2021<br>Address: 3317 Smith Ave<br>Baltimore MD 21208 | Signature: |
| Name (printed): ~~[illegible]~~ Ashkan ~~[illegible]~~ Attari<br>Date:<br>Address: 3103 Hatton Rd<br>Baltimore MD 21208 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
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| | |
|---|---|
| Name (printed): Pedram Nourmand<br>Date:<br>Address: 6608 Wakefield Dr | Signature: |
| Name (printed): Eliur Samimi<br>Date:<br>Address: 2904 Marnat rd | Signature: |
| Name (printed): Baruchel Yousefzadeh<br>Date: 2/19/21<br>Address: 2824 Damascus ct Apt E Baltimore MD 21209 | Signature: |
| Name (printed): Joshua Gabbay<br>Date: 2/19/21<br>Address: 2904 Marnat Rd Apt C Baltimore MD 21209 | Signature: |
| Name (printed): Daniel Kalibra<br>Date: 2/14/21<br>Address: 2701 woodlawn Rd Balt, MD 21209 | Signature: |
| Name (printed): David Rowshandel<br>Date: 2/19/21<br>Address: 3041 Fallstaff # 303 Balto MD 21209 | Signature: |

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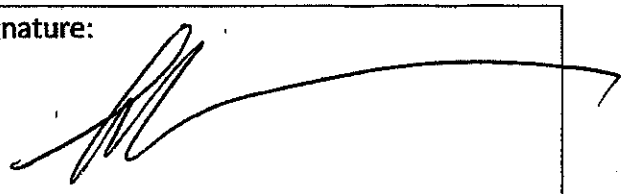
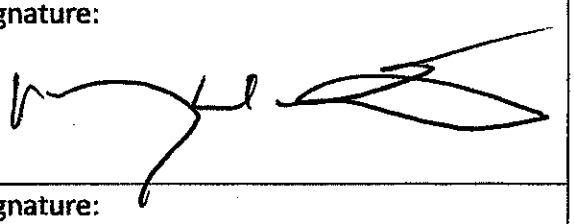
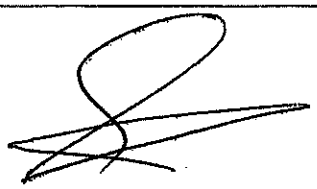
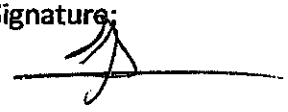
| | |
|---|---|
| Name (printed): SAMAN RAD NAKHAI<br>Date:<br>Address: 6521 Cardenwick RD<br>Baltimore MD 21209 | Signature:  |
| Name (printed): Wesley Merville<br>Date: Feb 20, 21<br>Address: 2700 Jenner Dr Apt A<br>Baltimore MD 21209 | Signature:  |
| Name (printed): David Klingler<br>Date: Feb 20 21<br>Address: 6523 Cardenwick Rd<br>Baltimore MD 21209 | Signature: |
| Name (printed): Omid Rahmanfar<br>Date: Feb/19/21<br>Address:<br>3305 marnat rd<br>21208 | Signature:  |
| Name (printed): Aman Fakheri<br>Date: 3-19-2021<br>Address: 3501 Fallstaff Rd<br>baltimore, MD 21215 | Signature: |
| Name (printed): Levi Atanelov<br>Date: Feb 20, 2021<br>Address:<br>3312 Fallstaff Rd<br>Balto MD 21215 | Signature:  |

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| | |
|---|---|
| Name (printed): Eliyahu Lavaddin<br>Date: 2/20/2021<br>Address: 3104 Harvard Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): Ephraim Eshaghian<br>Date: 2/23/2021<br>Address: 2700 Jeremy Ct. # F<br>Baltimore Md. 21209 | Signature: |
| Name (printed): Daniel Lew<br>Date: 2/23/21<br>Address: 6412 Elray Drive #F<br>Balt. MD 21209 | Signature: |
| Name (printed): mosh parizad<br>Date: Feb/23/21<br>Address: 6605 Doral Drive #C<br>Baltimore, MD 21209 | Signature: |
| Name (printed): Solomon Khalili<br>Date: Feb. 23 2021<br>Address: 6707 Darwood Dr. Baltimore MD 21209 | Signature: |
| Name (printed): David Yasharpour<br>Date: Feb. 23 2021<br>Address: 6806 Cherokee Dr. Baltimore MD 21209 | Signature: |

Petition in Support of Congregation Ahavat Shalom
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| | |
|---|---|
| Name (printed): Rayann Mo[illegible]<br>Date:<br>Address: 6510 Garlenwick Rd<br>Baltimore MD 21209 | Signature: |
| Name (printed): [illegible]<br>Date:<br>Address: 3115 Morgan RD<br>21208 | Signature: |
| Name (printed): David Fay<br>Date: 2/20/21<br>Address: 3108 Marmot Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): Eliezer Kohansion<br>Date: Feb 20, 2021<br>Address: 3104 Hatton Rd<br>Balt MD 21208 | Signature: |
| Name (printed): Ebrahim Nroma<br>Date: 2/20/2021<br>Address: 6506 Glenwick ct<br>Baltimore MD 21209 | Signature: |
| Name (printed): Allen Reyha<br>Date: 6/9/21<br>Address: 3012 Lightfoot Dr<br>Baltimore MD 21208 | Signature: |

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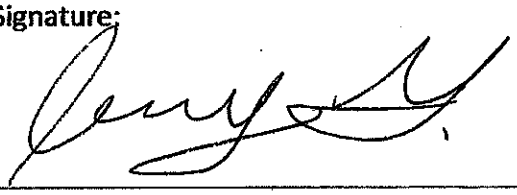
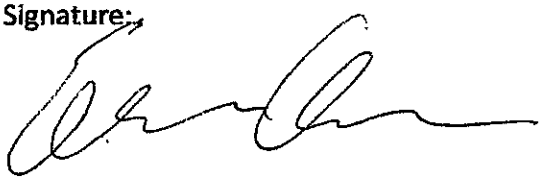
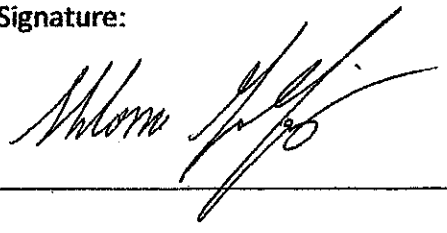
| | |
|---|---|
| Name (printed): Aviel Abaei<br>Date: 02/23/2021<br>Address: 3322 clarks lane BA, MD 21215 #D | Signature: |
| Name (printed): Aviel Mokhtar<br>Date: 02/23/2021<br>Address: 2810 Damascus Ct. Apt F Baltimore, MD 21209 | Signature: |
| Name (printed): Navid Bamdadizadeh<br>Date: Feb/23/21<br>Address: 7209 Nevak RD Baltimore MD 21209 | Signature: |
| Name (printed): Ben Cohalili<br>Date: 2/23/21<br>Address: 2814 Damascus Court Baltimore, MD. | Signature:  |
| Name (printed): Eliana Colyer<br>Date: 2/23/21<br>Address: 7617 Carla RD Baltimore MD | Signature:  |
| Name (printed): Shlomo Golfeiz<br>Date: 2/23/21<br>Address: 6815 Timberlane Rd Balt. MD 21209 | Signature:  |

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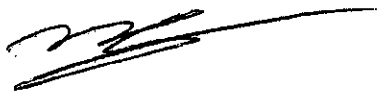
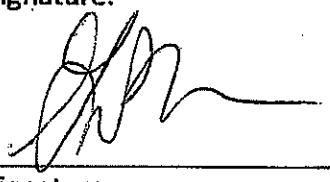
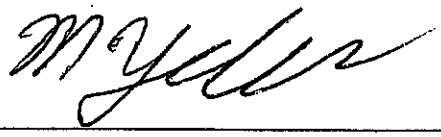
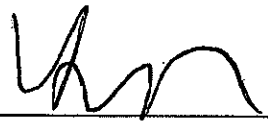
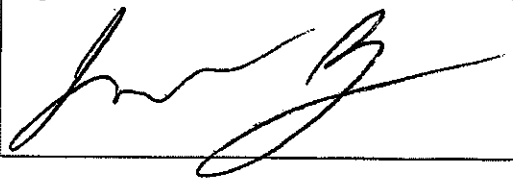
| | |
|---|---|
| Name (printed): Michael Saghizadeh<br>Date: 2/23/21<br>Address: 3012 Fallstaff Road<br>Baltimore MD 21209 | Signature:  |
| Name (printed): Gawrent Bradford<br>Date: 2/23/2021<br>Address: 3210 Nerak Rd<br>Baltimore md 21208 | Signature:  |
| Name (printed): Matt Yashar<br>Date: 2/22/21<br>Address: 6640 Sanzo Rd<br>Baltimore, MD 21209 | Signature:  |
| Name (printed): Yitzchak Mazor<br>Date: 2/22/21<br>Address:<br>2824 Damascus Ct.<br>Baltimore, MD 21209 | Signature: |
| Name (printed): Yedidyah Mitten<br>Date: 2/22 2021<br>Address: 2811 Laurelwood ct Baltimore<br>21209 | Signature:  |
| Name (printed): Yehoshua Zaghi<br>Date: 2/22/2021<br>Address: 3318 clarks Lane apt<br>baltimore MD 21215 | Signature:  |

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| | |
|---|---|
| Name (printed): ~~Daniel Reihani~~<br>Date: 02/25/21<br>Address: 2905 Chokeberry ct<br>Baltimore MD 21209 | Signature: |
| Name (printed): Steven Chamama<br>Date: 3319 Clarks lane<br>Address: 02/25/21 | Signature: |
| Name (printed): Shmuel Mahgerefteh<br>Date: Feb. 25, 2021<br>Address: 6404 Abilo Dr. #F<br>Baltimore, MD | Signature: |
| Name (printed): Netanel Berelyahou<br>Date: Feb 25<br>Address: 6502 Shelrick | Signature: |
| Name (printed): Shmuel Hakaleron<br>Date: 2/25/21<br>Address: 2703 Jay Ct<br>Baltimore, MD 21209 | Signature: |
| Name (printed): MAIKA Hakaleron<br>Date: 2/25/21<br>Address: 3209 Shelburne Rd<br>Baltmy MD 21209 | Signature: |

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| | |
|---|---|
| Name (printed): Nowrit M. Eshaghian<br>Date: Feb. - 25 - 2021<br>Address: 7102 Boxford Rd.<br>Baltimore, MD 21215 | Signature: |
| Name (printed): ~~Khosrow Rahami~~<br>Date: Feb 25 2021<br>Address: 3228 marnat Rd<br>Baltimore MD 21208 | Signature: |
| Name (printed): ~~Rodney Haltimi~~<br>Date: 2/28/21<br>Address: 2809 Levelwood Court<br>Baltimore MD 21209 | Signature: |
| Name (printed): David Shamah<br>Date: 2/25/21<br>Address: 6015 Ballwood Ave<br>Baltimore MD 21209 | Signature: |
| Name (printed): Ezra Brown<br>Date: 2/25/2021<br>Address: 6011 Ballwood Ave<br>Baltimore MD 21209 | Signature: |
| Name (printed): Sara Harari<br>Date: Feb 25 2021<br>Address: 3314 Clarks Lane, Apt. B<br>Baltimore, MD, 21215 | Signature: |

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| | |
|---|---|
| Name (printed): Orna Attar<br>Date: 2/25/21<br>Address: 6612 Wickfield Rd Balt. MD 21209 | Signature: |
| Name (printed): DAVID NAFKI<br>Date: 6/10/21<br>Address: 7506 Lisburn Rd Baltimore MD 21208 | Signature: |
| Name (printed): Daniel Ribakow<br>Date: 6/15/21<br>Address: 3001 Northbrook Rd Baltimore, MD. 21209 | Signature: |
| Name (printed): Shmuel Moinzadeh<br>Date: 6/16/21<br>Address: 2718 Woodcourt Rd Bmi, M.D 21209 | Signature: |
| Name (printed): Binyomin Rachman<br>Date: 06/16/21<br>Address: 7618 Labrom Rd Baltimore MD 21208 | Signature: |
| Name (printed): Shlomo Ezratpour<br>Date: 6/16/2021<br>Address: 2712 Woodcourt Rd Balgm MD 21209 | Signature: |

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3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Doron Safiga<br>Date: 6/18/21<br>Address: 3100 Murwat | Signature: |
| Name (printed): Farzad Levin<br>Date: 6/17/21<br>Address: 6707 Chokeberry Rd 21209 | Signature: |
| Name (printed): Marcela Murvet<br>Date: 6/23/21<br>Address: 7502 Labyrinth | Signature: |
| Name (printed): Stacey Baron<br>Date:<br>Address: 3115 Northbrook Rd. 21208 | Signature: |
| Name (printed): Arnold Goldberg<br>Date: 6/23/2021<br>Address: 7510 Lochburne Rd 21208 | Signature: |
| Name (printed): Sharon Fakheri<br>Date: 6/27/21<br>Address: 3305 Smith ave 21208 | Signature: |

Petition in Support of Congregation Ahavat Shalom
Zoning Case No. 2020-0299-SPHA
3009 Northbrook Rd
Baltimore, MD 21209

By signing below, I am indicating my support for Congregation Ahavat Shalom to use the existing house at 3009 Northbrook Rd as the new location for its Synagogue. I understand the services provided at this location are only on the weekends but sometime in the future they may have weekday services as well.

| | |
|---|---|
| Name (printed): Ephraim Liebes<br>Date: 6/27/21<br>Address: 7507 Labyrinth Road<br>Baltimore, MD 21208 | Signature: |
| Name (printed): Jacob Molayem<br>Date: 6/27/21<br>Address: 3215 Smith Ave<br>Pikesville MD 21208 | Signature: |
| Name (printed): Brian Silberberg<br>Date: 06/27/21<br>Address: 7512 Lisburne Rd<br>Pikesville MD 21208 | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |
| Name (printed):<br>Date:<br>Address: | Signature: |

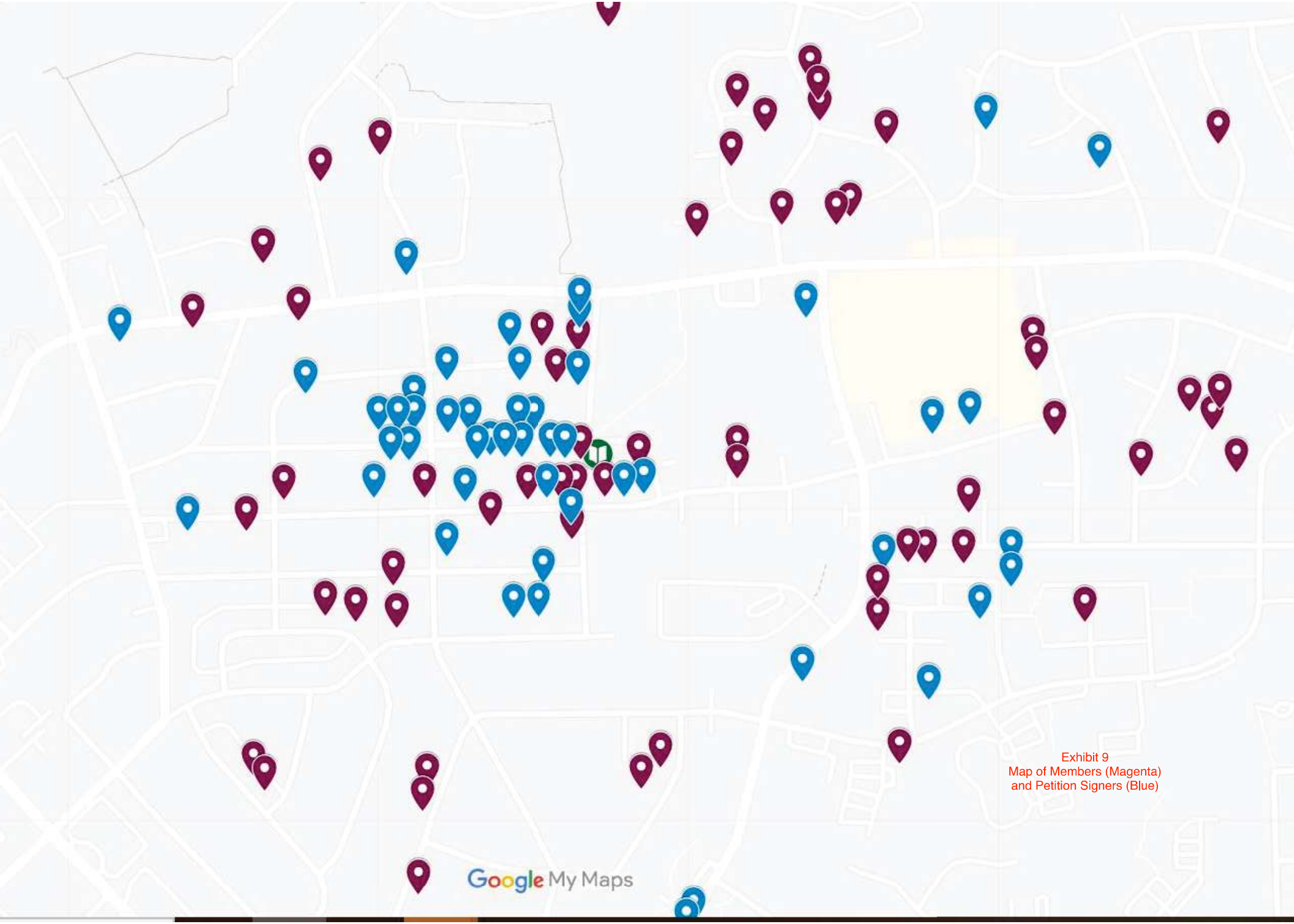



Exhibit 9
Map of Members (Magenta)
and Petition Signers (Blue)

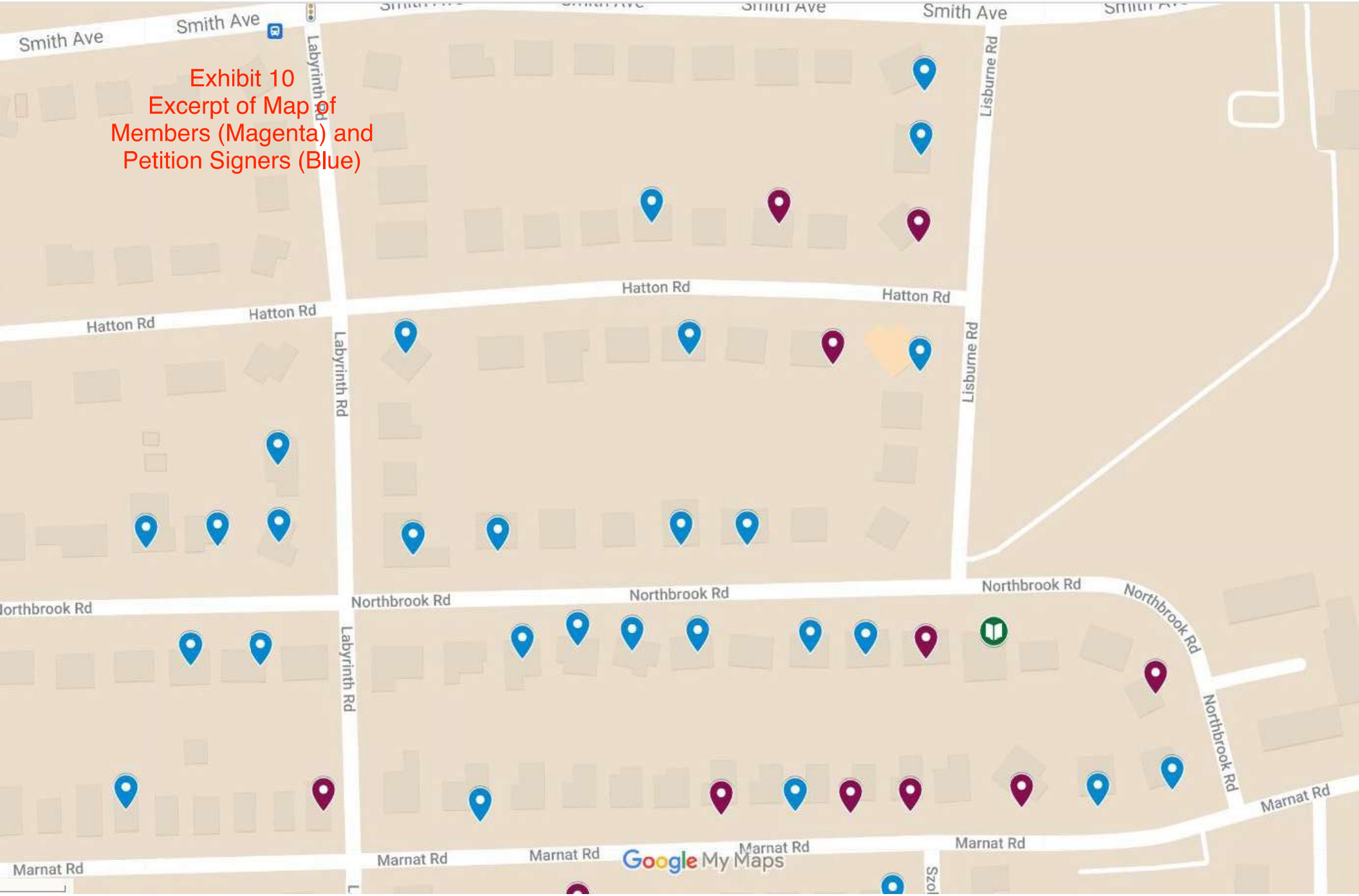


Exhibit 10
Excerpt of Map of
Members (Magenta) and
Petition Signers (Blue)
Smith Ave
Smith Ave
Smith Ave
Smith Ave
Labyrinth Rd
Lisburne Rd
Hatton Rd
Hatton Rd
Hatton Rd
Hatton Rd
Labyrinth Rd
Lisburne Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Northbrook Rd
Labyrinth Rd
Northbrook Rd
Marnat Rd
Marnat Rd
Marnat Rd
Marnat Rd
Marnat Rd
Google My Maps

Event ID: 761

## Event Details

**Organization***

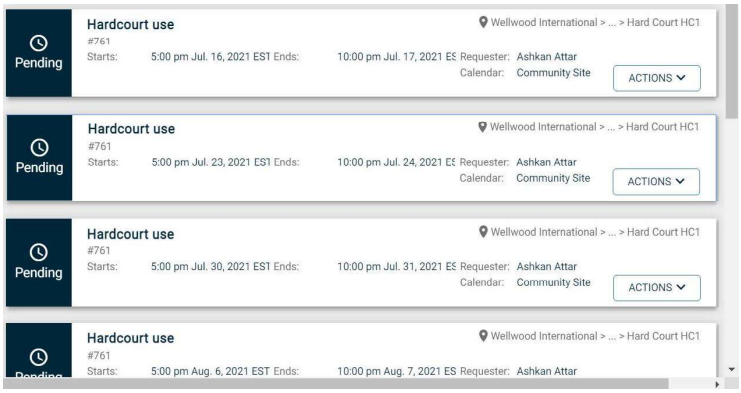
Ahavat Shalom Congregation

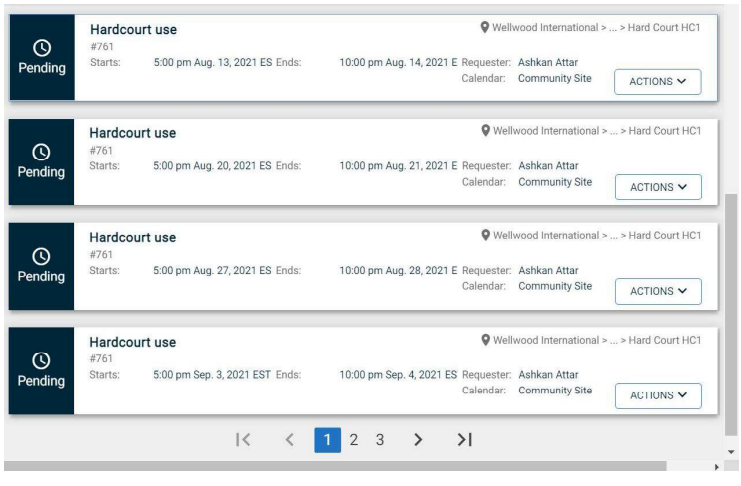
**Event Name***

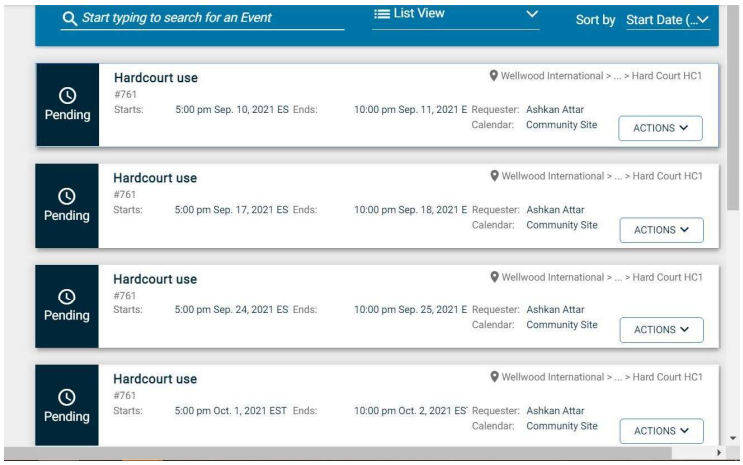
Hardcourt use

**Summary***

to rent one basketball court with access to parking lot parking.



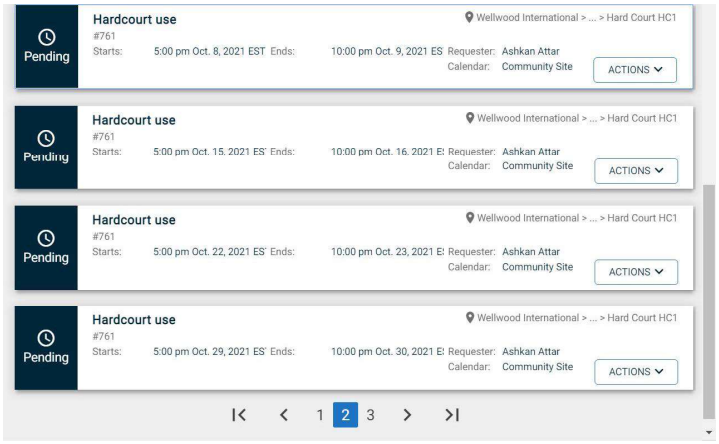




Exhibit 11

# 3009 Northbrook Road & Vicinity

Exhibit 13

# Community Site Event Approved Notification

Community Site
to Me
Today, 3:33 PM

Unable to read this email? Click here to open in your browser

Community Site
## Event Approved Notification

This is an event approved notification for Community Site.

Your event Hardcourt use on Starting: Friday, Jul 16, 2021 5:00 PM (ET) Ending: Saturday, Jul 17, 2021 10:00 PM (ET) has been approved.

Additional Date: Starting: Friday, Jul 23, 2021 5:00 PM (ET) Ending: Saturday, Jul 24, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Jul 30, 2021 5:00 PM (ET) Ending: Saturday, Jul 31, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 6, 2021 5:00 PM (ET) Ending: Saturday, Aug 7, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 13, 2021 5:00 PM (ET) Ending: Saturday, Aug 14, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 20, 2021 5:00 PM (ET) Ending: Saturday, Aug 21, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Aug 27, 2021 5:00 PM (ET) Ending: Saturday, Aug 28, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 3, 2021 5:00 PM (ET) Ending: Saturday, Sep 4, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 10, 2021 5:00 PM (ET) Ending: Saturday, Sep 11, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 17, 2021 5:00 PM (ET) Ending: Saturday, Sep 18, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Sep 24, 2021 5:00 PM (ET) Ending: Saturday, Sep 25, 2021 10:00 PM (ET)

Additional Date: Starting: Friday, Oct 1, 2021 5:00 PM (ET) Ending: Saturday, Oct 2, 2021 10:00 PM (ET)

# PROTESTANTS' EXHIBITS

1. MyNeighborhood Map
2. SDAT sheet (3009 Northbrook)
3. SDAT sheet (3101 Northbrook)
4. Plats (Green Spring Manor)
5. Ltr from Rabbi
6. Photograph
7. Photograph (Myerberg Sr. Ctr.)
8. Photograph (rental hall)
9. Correction Notice
10. Facebook image
11. Articles of Incorporation
12. Facebook image
13. Facebook image
14. Facebook image
15. Photograph (curve in road)
16. Photograph (curve in road)
17. Citation
18. Baltimore Jewish Life post
19. Photos of 3009 Northbrook and curve in road
20. Instagram image
21. Video

22. Transcript of video

23. List of religious events

24. Attendee counts

25. Petition

26. Aerial photographs

# Baltimore County - My Neighborhood

Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA |

Real Property Data Search ( w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319065178

Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | RADPARVAR SAMAN | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6521 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /39754/ 00228 |

Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3009 NORTHBROOK RD<br>BALTIMORE 21209-2405 | **Legal Description:** | GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 11 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1993 | 2,370 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | SIDING/ | 4 | 2 full/ 1 half | | |

Value Information

| | Base Value | Value As of 01/01/2020 | Phase-in Assessments As of 07/01/2020 | As of 07/01/2021 |
|---|---|---|---|---|
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 300,800 | 306,100 | | |
| **Total:** | 384,700 | 390,000 | 386,467 | 388,233 |
| **Preferential Land:** | 0 | 0 | | |

Transfer Information

| | | |
|---|---|---|
| **Seller:** DREDZE MARK HAREL | **Date:** 12/18/2017 | **Price:** $485,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /39754/ 00228 | **Deed2:** |
| **Seller:** NABOZNY ARIE S | **Date:** 01/23/2012 | **Price:** $375,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /31634/ 00378 | **Deed2:** |
| **Seller:** LINWAY DEVELOPME NT INC | **Date:** 06/24/1992 | **Price:** $80,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /09245/ 00105 | **Deed2:** |

Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

**Special Tax Recapture:** None

**Account Identifier:** **District -** 03 **Account Number -** 0319013210

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | NOURMAND PAYAM | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 6510 GARDENWICK ROAD<br>BALTIMORE MD 21209- | **Deed Reference:** | /44095/ 00016 |

## Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 3101 NORTHBROOK RD<br>BALTIMORE 21208-4524 | **Legal Description:** | 3101 NORTHBROOK RD<br>GREEN SPRING MANOR |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: | |
|---|---|---|---|---|---|---|---|---|---|---|
| 0078 | 0005 | 0447 | 3050064.04 | 0000 | 4 | G | 10 | 2020 | **Plat Ref:** | 0021/ 0077 |

**Town:** None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1956 | 2,691 SF | | 9,375 SF | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 2 | NO | SPLIT LEVEL | FRAME/ BRICK | 4 | 2 full/ 1 half | | |

## Value Information

| | Base Value | Value | Phase-in Assessments | |
|---|---|---|---|---|
| | | As of 01/01/2020 | As of 07/01/2020 | As of 07/01/2021 |
| **Land:** | 83,900 | 83,900 | | |
| **Improvements** | 268,600 | 250,900 | | |
| **Total:** | 352,500 | 334,800 | 334,800 | 334,800 |
| **Preferential Land:** | 0 | 0 | | |

## Transfer Information

| | | |
|---|---|---|
| **Seller:** KOROBKIN SAMUEL B | **Date:** 02/11/2021 | **Price:** $575,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /44095/ 00016 | **Deed2:** |
| **Seller:** BERGER RONALD D | **Date:** 03/31/2004 | **Price:** $353,500 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /19818/ 00683 | **Deed2:** |
| **Seller:** SCHUSTER MARVIN M | **Date:** 06/18/1990 | **Price:** $165,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /08510/ 00845 | **Deed2:** |

## Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2020 | 07/01/2021 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

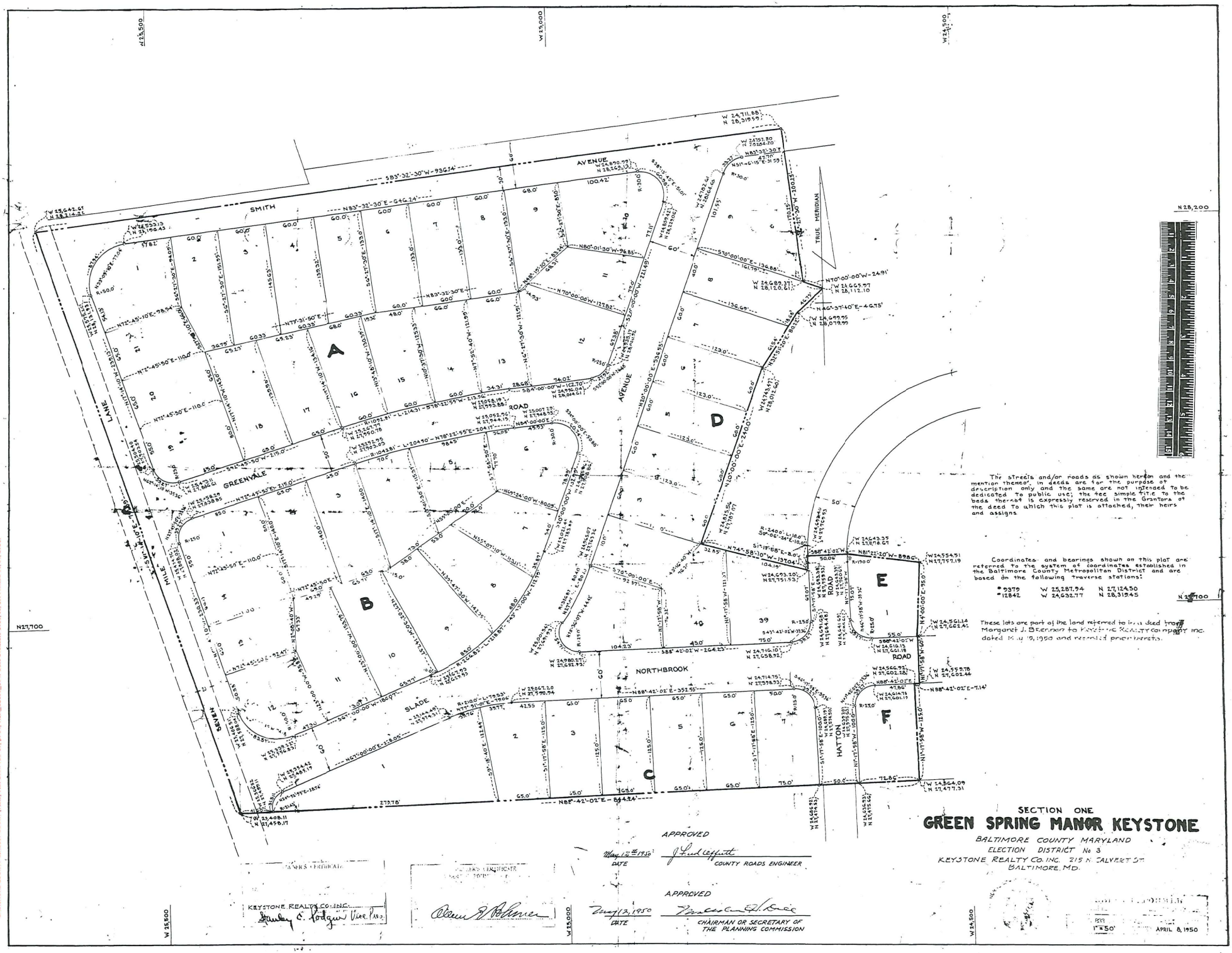
**Special Tax Recapture:** None

## Homestead Application Information

**Homestead Application Status:** No Application

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**




The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the Grantors of the deed to which this plat is attached, their heirs and assigns

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following Traverse stations:

| | | |
|---|---|---|
| #9379 | W 25,287.94 | N 27,124.50 |
| #12842 | W 24,632.77 | N 28,319.45 |

These lots are part of the land referred to in a deed from Margaret J. Brennan to Keystone Realty Company Inc. dated May 19, 1950 and recorded prior hereto.

APPROVED

May 12th 1950 — J. Fred Leppert, COUNTY ROADS ENGINEER

APPROVED

May 12, 1950 — CHAIRMAN OR SECRETARY OF THE PLANNING COMMISSION

OWNER'S CERTIFICATE

KEYSTONE REALTY CO. INC.
Stanley C. Hodgson Vice Pres.

SURVEYOR'S CERTIFICATE

Allen B. Brennan

SECTION ONE

# GREEN SPRING MANOR KEYSTONE

BALTIMORE COUNTY MARYLAND
ELECTION DISTRICT No 3
KEYSTONE REALTY CO. INC. 215 N. CALVERT ST.
BALTIMORE, MD.

SCALE 1" = 50'

APRIL 8, 1950

BALTIMORE COUNTY CIRCUIT COURT (Plats) Plat Book TBS 16, p. 34, MSA_C2136_164. Date available 1950/05/19. Printed 06/30/2021.

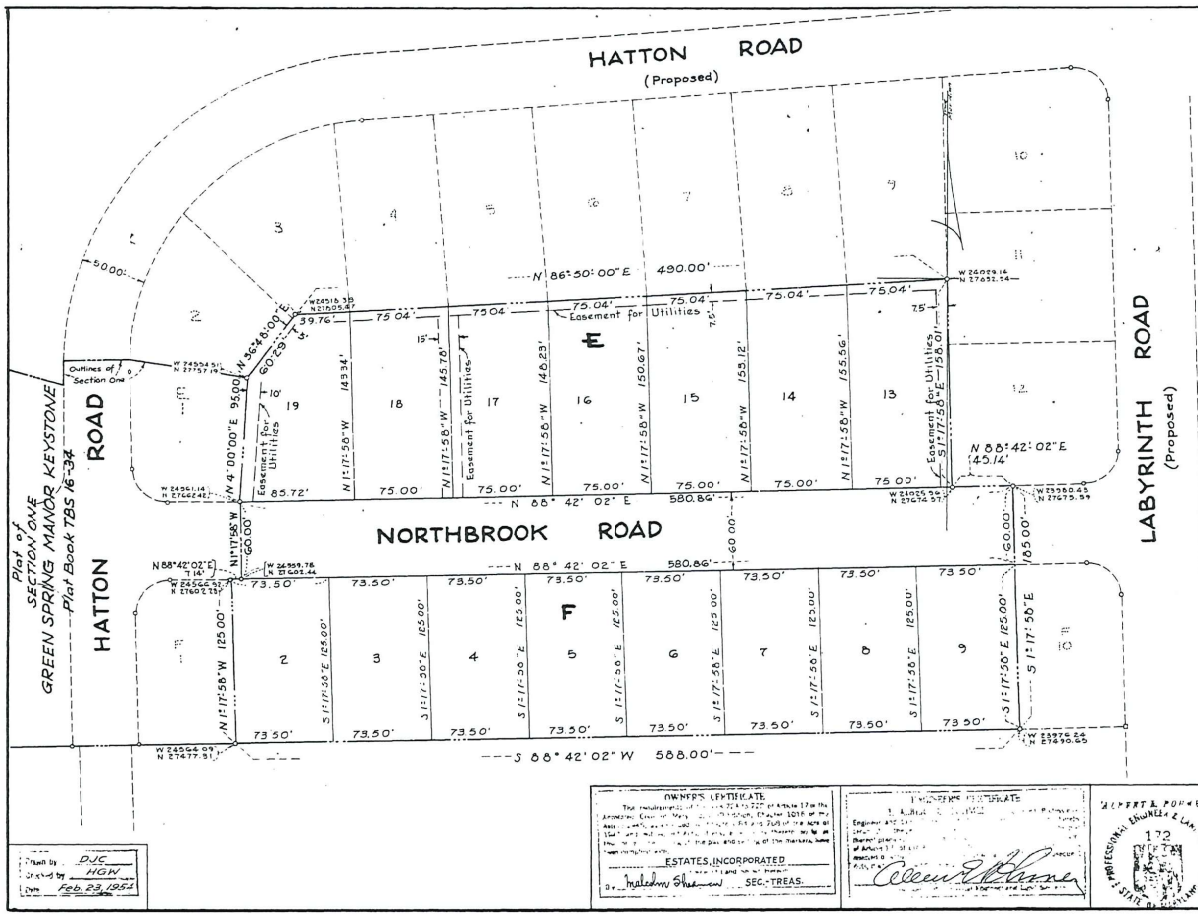
BALTIMORE COUNTY CIRCUIT COURT (Subdivision Plats, BA) Plat Book GLB 20, p. 2. MSA_S1236_967. Date available 1954/04/12. Printed 06/30/2021.

# GREEN SPRING MANOR SECTION 2

3RD DISTRICT
BALTIMORE COUNTY, MD

## ESTATES, INCORPORATED

4413½ PARK HEIGHTS AVE.
BALTIMORE 15, MD

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Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

# 9379 - W 25,287.94 N 27,124.50
# 12842 - W 24,632.77 N 28,319.45

These lots are part of the land referred to in a deed from Margaret J. Brennan to Keystone Realty Co. Inc., dated May 15, 1950 and recorded prior hereto.

G.L.B. No. 20 Folio 2

APR 19 1954

APPROVED

April 7, 1954
Date

Robert J. Higgins
County Roads Engineer

APPROVED

Apr. 6, 1954
Date

Director of the Planning Commission

OWNER'S CERTIFICATE

ESTATES, INCORPORATED

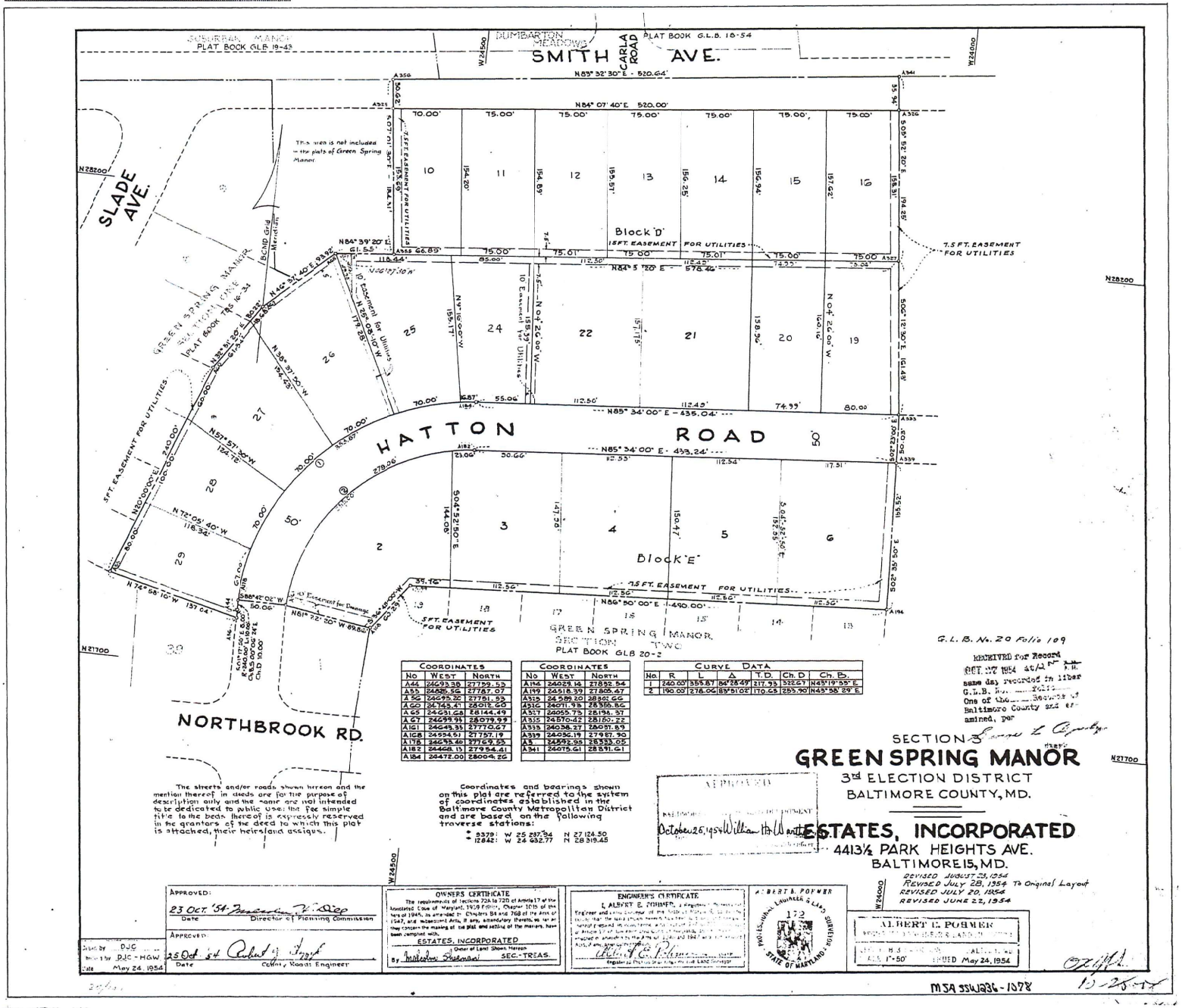
By: Mulberry Shuman SEC.-TREAS.

ALBERT E. PORMER
REGISTERED ENGINEER & LAND SURVEYOR
172

ALBERT E. PORMER
REGISTERED ENGINEER & LAND SURVEYOR
DRAWN BY: E.P. DATE: BALTO. 1, MD.
SCALE: 1"-50' DATED: Feb. 23, 1954

Traced by: DJC
Checked by: HOW
Date: Feb. 23, 1954

MSA S54 1236-967




| Coordinates | | |
|---|---|---|
| No | West | North |
| A44 | 24693.38 | 27759.53 |
| A55 | 24825.56 | 27787.07 |
| A56 | 24695.30 | 27781.53 |
| A66 | 24743.41 | 28015.60 |
| A65 | 24631.68 | 28144.49 |
| A67 | 24699.91 | 28079.99 |
| A161 | 24599.35 | 27770.67 |
| A168 | 24594.61 | 27757.19 |
| A178 | 24695.40 | 27769.55 |
| A182 | 24668.13 | 27954.61 |
| A184 | 24472.00 | 28004.26 |

| Coordinates | | |
|---|---|---|
| No | West | North |
| A194 | 24629.14 | 27852.54 |
| A199 | 24518.39 | 27805.47 |
| A335 | 24589.20 | 28300.66 |
| A516 | 24671.95 | 28395.86 |
| A527 | 24655.75 | 28196.57 |
| A535 | 24570.42 | 28180.22 |
| A333 | 24638.27 | 28091.89 |
| A339 | 24636.19 | 27987.90 |
| A8 | 24592.95 | 28332.05 |
| A341 | 24675.61 | 28391.61 |

| Curve Data | | | | | | |
|---|---|---|---|---|---|---|
| No. | R | L | Δ | T.D. | Ch. D | Ch. B. |
| 1 | 240.00' | 355.87' | 84°28'49" | 217.93 | 322.67 | N43°19'55"E |
| 2 | 190.00' | 278.06' | 83°51'02" | 170.68 | 253.90 | N43°58'29"E |

G.L.B. No. 20 Folio 109

RECEIVED for Record OCT. 27 1954 at 12 M. P.M. same day recorded in Liber G.L.B. No. 2613 One of the 360 sheets of Baltimore County as examined, per Emma L. Appleby

The streets and/or roads shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

+ 8379: W 25 237.94 N 27 124.50
+ 12842: W 24 632.77 N 28 319.45

APPROVED: October 26, 1954 William H. Walker Director of Planning

SECTION 3
# GREEN SPRING MANOR
3rd ELECTION DISTRICT
BALTIMORE COUNTY, MD.

## ESTATES, INCORPORATED
4413½ PARK HEIGHTS AVE.
BALTIMORE 15, MD.

REVISED AUGUST 23, 1954
REVISED JULY 28, 1954 To Original Layout
REVISED JULY 20, 1954
REVISED JUNE 22, 1954

APPROVED: 23 Oct. '54 Director of Planning Commission
Date

APPROVED: 25 Oct '54 Robert J. Aspril County Roads Engineer
Date

Design by DJC
Drawn by DJC - HGW
Date May 24, 1954

OWNERS CERTIFICATE
The requirements of Sections 72A to 72D of Article 17 of the Annotated Code of Maryland, 1951 Edition, Chapter 1015 of the Laws of 1945, as amended by Chapters 84 and 768 of the Acts of 1947, and subsequent Acts, if any, and any Orders, Rules, or Regulations of the Planning Commission of Baltimore County, which may concern the making of the plat and setting of the markers, have been complied with.
ESTATES, INCORPORATED
Owner of Land Shown Hereon
By Malcolm Steinman SEC.-TREAS.

ENGINEER'S CERTIFICATE
I, ALBERT E. POHMER, a Registered Professional Engineer and Land Surveyor of the State of Maryland, certify that the land shown hereon has been surveyed by me or under my supervision and that the monuments and markers shown hereon have been placed as required by the Regulations governing the Practice of Engineering and Land Surveying in the State of Maryland, and that the plat is correct to the best of my knowledge and belief.
Albert E. Pohmer
Registered Professional Engineer and Land Surveyor

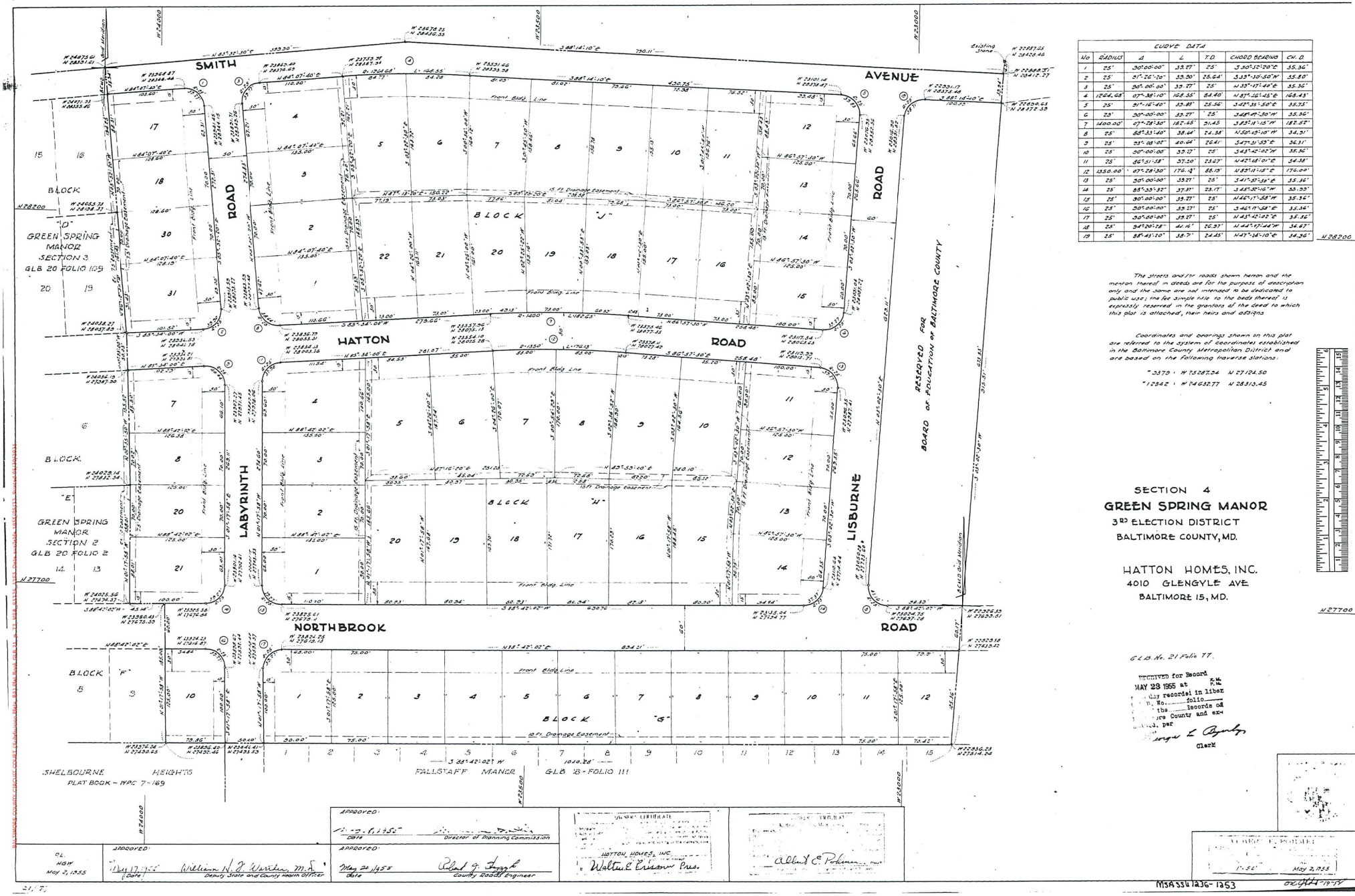
ALBERT E. POHMER
PROFESSIONAL ENGINEER & LAND SURVEYOR
172
STATE OF MARYLAND

ALBERT E. POHMER
ENGINEER & LAND SURVEYOR
SCALE 1" = 50' ISSUED May 24, 1954

MSA S5W936-1078

12-25-17

BALTIMORE COUNTY CIRCUIT COURT (Subdivision Plats, BK) Plat Book GLB 20, p. 109, PBA_S3436_1078. Date available 10/24/2021. PRINTED 06/30/2021.




| CURVE DATA | | | | | | |
|---|---|---|---|---|---|---|
| No | RADIUS | Δ | L | T.D. | CHORD BEARING | CH. D. |
| 1 | 25' | 90°00'00" | 39.27' | 25' | S 30°52'20"E | 35.36' |
| 2 | 25' | 21°26'20" | 9.36' | 25.64' | S 33°30'50"W | 15.80' |
| 3 | 25' | 90°00'00" | 39.27' | 25' | N 35°47'40"E | 35.36' |
| 4 | 1264.68' | 07°38'10" | 168.35' | 84.40' | N 87°16'45"E | 168.23' |
| 5 | 25' | 21°16'40" | 9.28' | 25.56' | S 45°55'50"E | 35.75' |
| 6 | 25' | 90°00'00" | 39.27' | 25' | S 46°47'30"W | 35.36' |
| 7 | 1400.00' | 07°28'30" | 182.65' | 91.45 | S 85°13'15"W | 182.52' |
| 8 | 25' | 88°33'40" | 38.64' | 24.38' | N 50°03'10"W | 34.91' |
| 9 | 25' | 23°08'00" | 10.09' | 26.41' | S 47°31'50"E | 36.31' |
| 10 | 25' | 90°00'00" | 39.27' | 25' | S 43°12'10"W | 35.36' |
| 11 | 25' | 86°51'38" | 37.20' | 23.67' | N 42°26'09"E | 34.38' |
| 12 | 1350.00' | 07°28'30" | 176.43' | 88.19' | N 85°13'15"E | 176.00' |
| 13 | 25' | 90°00'00" | 39.27' | 25' | S 41°32'30"E | 35.36' |
| 14 | 25' | 85°33'32" | 37.31' | 23.17' | S 45°30'16"W | 33.93' |
| 15 | 25' | 90°00'00" | 39.27' | 25' | N 46°17'58"W | 35.36' |
| 16 | 25' | 90°00'00" | 39.27' | 25' | S 43°12'10"W | 35.36' |
| 17 | 25' | 90°00'00" | 39.27' | 25' | N 43°12'10"E | 35.36' |
| 18 | 25' | 94°20'28" | 41.16' | 26.97' | N 42°17'44"W | 36.67' |
| 19 | 25' | 88°43'20" | 38.71' | 24.45' | N 47°18'10"E | 34.96' |

The streets and/or roads shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

Coordinates and bearings shown on this plat are referred to the system of coordinates established in the Baltimore County Metropolitan District and are based on the following traverse stations:

"3379 : N 27124.50 W 23287.34

"12842 : N 28313.45 W 24632.77

SECTION 4
GREEN SPRING MANOR
3RD ELECTION DISTRICT
BALTIMORE COUNTY, MD.

HATTON HOMES, INC.
4010 GLENGYLE AVE.
BALTIMORE 15, MD.

G.L.B. No. 21 Folio 77.

RECEIVED for Record
MAY 23 1955 at P.M.
day recorded in liber
No. folio
Records of
the Records of Baltimore County and ex-
amined, per
Clerk

APPROVED:
May 2, 1955 — Director of Planning Commission

APPROVED:
May 17, 1955 — William N. J. Warthen, M.D. — Deputy State and County Health Officer

APPROVED:
May 20, 1955 — Roland G. Foggett — County Roads Engineer

SURVEYOR'S CERTIFICATE
HATTON HOMES, INC.
Walter E. Erisman Pres.

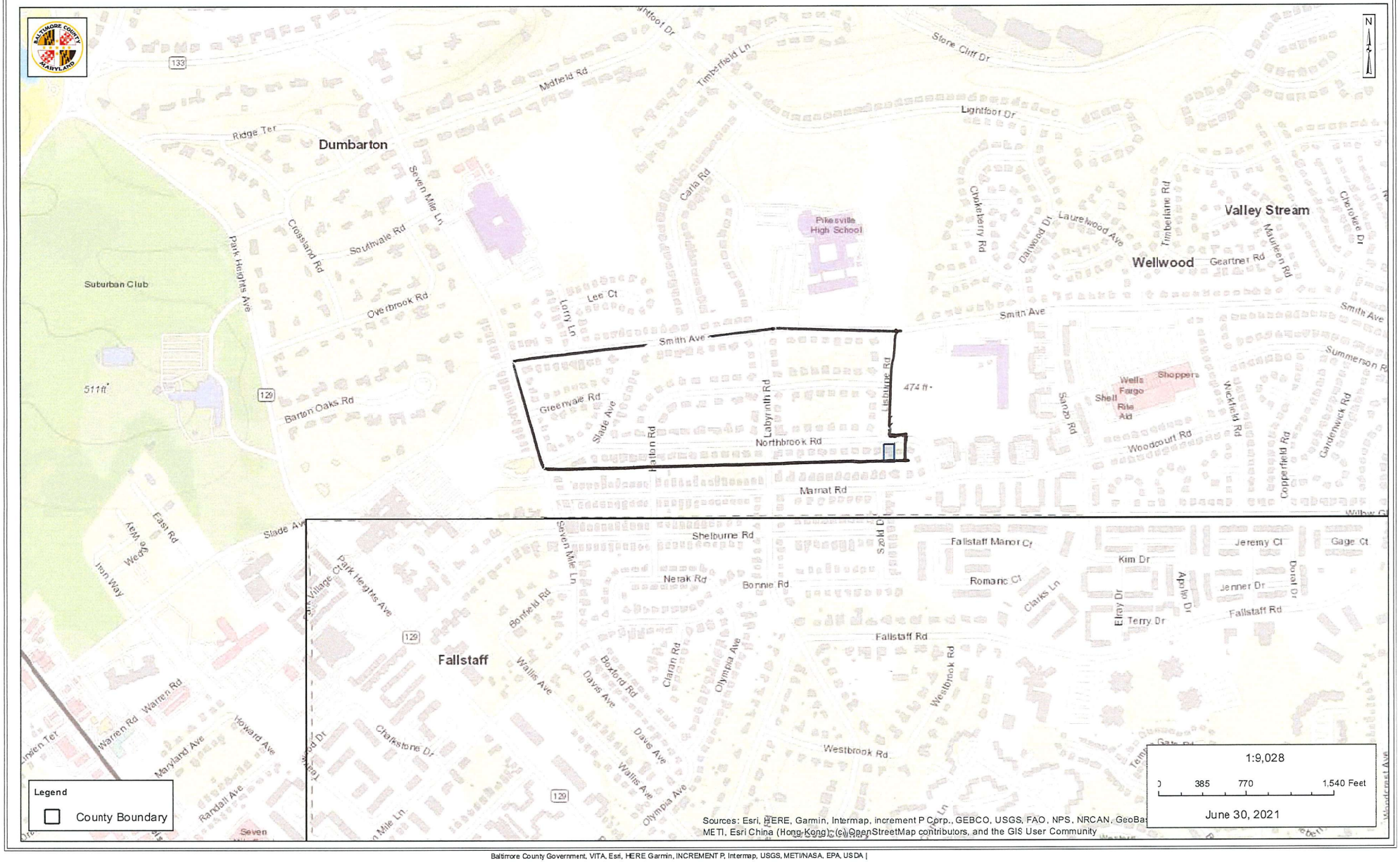
SURVEYOR'S CERTIFICATE
Albert C. Pohmer

ACCURACY OF SURVEY
1" = 50'
May 2, 1955

G.L. HGW May 2, 1955

MSA S541236-1253

# Baltimore County - My Neighborhood




Baltimore County Government, VITA, Esri, HERE Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA |

Dear Mr. Segal,

As we leave behind a difficult year, a year filled with sudden changes, we all look forward to ushering in a new year full of blessing. Having lived through such turbulent times, we have all experienced the apprehension and uncertainty which accompany "change".

Mindful of this, we at Ahavat Shalom would like to express our appreciation for your patience and understanding. We want to reassure you of our commitment to being a good neighbor and our readiness to address your concerns. Be assured that there will be an open line of communication where your voice will be respected and your concerns addressed. We value your friendship and trust that our place of worship will prove be a source of blessing for the neighborhood and the community at large.

With best wishes and prayers for a Shana Tova Umetuka.

Rabbi Eliyahu Hakkakian, Rav  Mr. Yaakov Attar, president
Ahavat Shalom Sephardic congregation of Baltimore

06/09/2021 10:24 4106535511 THE POSTAL SECRETARY PAGE 01/01

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT CORRECTION NOTICE

| CASE NUMBER | PROP.TAX ID |
|---|---|
| CC2013218 | 03-19-065178 |

**VIOLATION ADDRESS**
3009 NORTHBROOK RD
MOUNT WASHINGTON, MD 21209

RADPARVAR SAMAN
6521 GARDENWICK ROAD
BALTIMORE, MD 21209

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:**

| County Codes/Regulations | Inspector's Comments |
|---|---|
| Other Violation(s) | BCZR 1BOI . B.1= BALTIMORE COUNTY zoning regulations in residential (DR3.5) zone<br><br>The current use of this property as a religious location is not allowed without first obtaining a new use and occupancy permit, a site plan, alteration permit etc. the current use (religious) must cease<br><br>Any questions please contact BALTIMORE COUNTY ZONING OFFICE 410/887/3391 |

**Failure to comply with this correction notice, may result in a $200.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.**

| | |
|---|---|
| **COMPLIANCE DATE: 11/27/2020** | INSPECTOR ID: 80 |
| | ISSUED DATE: 10/23/2020 |

**IMPORTANT INFORMATION TO THE PERSON'S CHARGED**

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
   (a) on how to correct the violation(s) in order to avoid trial or
   (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of $200, $500, $1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Shul Address:
**Ahavat Shalom of Baltimore**
**3101 Fallstaff Road**
**Baltimore, MD 21209**
**Rabbi: R' Eliyahu Hakakian. שליט"א**

Mailing Address:
**3003 Northbrook Road**
**Baltimore, MD 21209**
**ahavatshalombaltimore@gmail.com**
**(410) 419 - 1845**

# Shul Schedule - זמני תפילה

**November 2019 - January 2020**

| | ויחי | ויגש | מקץ | וישב | וישלח | ויצא | תולדות | חיי שרה | פרשה |
|---|---|---|---|---|---|---|---|---|---|
| | | | ראש חודש - חנוכה | מבורכים | | | | מבורכים | |
| Date | 1/11/2020 | 1/4/2020 | 12/28/2019 | 12/21/2019 | 12/14/2019 | 12/7/2019 | 11/30/2019 | 11/23/2019 | |
| | י"ד טבת | ז' טבת | ל' כסלו | כ"ג כסלו | ט"ז כסלו | ט' כסלו | ב' כסלו | כ"ה חשון | תאריך |
| Candle Lighting | 4:44 PM | 4:38 PM | 4:32 PM | 4:28 PM | 4:26 PM | 4:25 PM | 4:26 PM | 4:29 PM | הדלקת נרות |
| Mincha | 4:40 PM | 4:35 PM | 4:30 PM | 4:25 PM | 4:25 PM | 4:25 PM | 4:25 PM | 4:25 PM | מנחה |
| Shema After ... | 5:44 PM | 5:38 PM | 5:32 PM | 5:28 PM | 5:26 PM | 5:25 PM | 5:26 PM | 5:29 PM | זמן קריאת שמע |
| Shacharit | 9:00 AM | 9:00 AM | 9:00 AM | 9:00 AM | 9:00 AM | 9:00 AM | 9:00 AM | 9:00 AM | שחרית |
| Latest Shema - M"A | 9:14 AM | 9:13 AM | 9:11 AM | 9:08 AM | 9:04 AM | 8:59 AM | 8:54 AM | 8:50 AM | סוף זמן קריאת שמע מ"א |
| Latest Shema - GRA | 9:50 AM | 9:49 AM | 9:47 AM | 9:44 AM | 9:40 AM | 9:35 AM | 9:30 AM | 9:26 AM | סוף זמן קריאת שמע גר"א |
| Mincha | 3:55 PM | 3:50 PM | 3:40 PM | 3:40 PM | 3:35 PM | 3:35 PM | 3:35 PM | 3:40 PM | מנחה |
| | After מנחה | After מנחה | After מנחה | After מנחה | After מנחה | After מנחה | After מנחה | After מנחה | סעודה שלישית |
| Arvit | 5:44 PM | 5:38 PM | 5:32 PM | 5:28 PM | 5:26 PM | 5:25 PM | 5:26 PM | 5:29 PM | ערבית |
| Havdalah | 5:44 PM | 5:38 PM | 5:32 PM | 5:28 PM | 5:26 PM | 5:25 PM | 5:26 PM | 5:29 PM | צאת הכוכבים |
| Havdalah (R"T) | 6:14 PM | 6:08 PM | 6:02 PM | 5:58 PM | 5:56 PM | 5:55 PM | 5:56 PM | 5:59 PM | צאת הכוכבים ר"ת |
| | 6:40 PM | 6:40 PM | 6:40 PM | 6:40 PM | 6:40 PM | 6:40 PM | 6:40 PM | 6:40 PM | אבות ובנים |

| | |
|---|---|
| ראש חודש בסלו | Thursday, November 28, 2019 - Friday, November 29, 2019 |
| קדוש לבנה until | Wednesday, December 11 2019 at 6:19 PM |
| ראש חודש טבת | Shabbat, December 28, 2019 -Sunday, December 29, 2019 |
| קדוש לבנה until | Friday, January 10, 2020 at 7:03 AM |
| חנוכה | Sunday Night, December 22, 2019 - Monday, December 30, 2019 |
| תענית עשרה בטבת | Tuesday, January 7, 2020 (6:01 AM - 5:44 PM) |

ahavat.shalom.baltimore ...

ahavat.shalom.baltimore Our tefillah schedule for the winter months ahead. Please join us.

81w

7 likes

DECEMBER 9, 2019

Log in to like or comment.

# CORPORATE CHARTER APPROVAL SHEET

**** EXPEDITED SERVICE**** **** KEEP WITH DOCUMENT ****

DOCUMENT CODE 02 BUSINESS CODE 16

# _____

Close _____ Stock _____ Nonstock _____

P.A. _____ Religious ✓

Merging (Transferor) _____

1000362005056553

ID # D15314644 ACK # 1000362005056553
PAGES: 0003
AHAVAT SHALOM CONGREGATION, INC.

06/25/2013 AT 11:15 A WO # 0004158631

Surviving (Transferee) _____

New Name _____

| | FEES REMITTED |
|---|---|
| Base Fee: | 150 |
| Org. & Cap. Fee: | 20 |
| Expedite Fee: | 20 |
| Penalty: | |
| State Recordation Tax: | |
| State Transfer Tax: | |
| 1 Certified Copies | |
| Copy Fee: | 23 |
| _____ Certificates | |
| Certificate of Status Fee: | |
| Personal Property Filings: | |
| Mail Processing Fee: | |
| Other: | |
| TOTAL FEES: | 213 |

_____ Change of Name
_____ Change of Principal Office
_____ Change of Resident Agent
_____ Change of Resident Agent Address
_____ Resignation of Resident Agent
_____ Designation of Resident Agent and Resident Agent's Address
_____ Change of Business Code
_____
_____ Adoption of Assumed Name
_____
_____
_____ Other Change(s)
_____
_____

Credit Card _____ Check ✓ Cash _____

_____ Documents on _____ Checks

Code _____

Attention: _____

Approved By: 14

Keyed By: [signature] Lauk-DN

COMMENT(S):

Mail: Name and Address
2610 Willow Glen Dr.
Baltimore MD 21209

**Stamp Work Order and Customer Number HERE**

CUST ID:0002942051
WORK ORDER:0004158631
DATE:06-25-2013 11:15 AM
AMT. PAID:$213.00

# RELIGIOUS CORPORATION

# ARTICLES OF INCORPORATION

**FIRST:** The undersigned:

| (Name) | (Address) |
|---|---|
| Eliyahu Nourmand | 2546 Quarry lake Dr Baltimore, MD 21209 |
| Afshin Attar | 2610 Willow Glen Drive Baltimore, MD 21209 |
| Saman Radparvar | 6521 Gardenwick Rd Baltimore, MD 21209 |
| Payam Nourmand | 2528 Summerson Rd Baltimore, MD 21209 |

being at least 18 years of age have been elected by the members of the congregation of to act as trustees in the name and on behalf of said congregation do hereby associate ourselves as incorporators with the intention of forming a religious corporation under the general laws of Maryland.

**SECOND:** The name of the corporation is

Ahavat Shalom Congregation,Inc.

**THIRD:** Purpose:

To form a place of worship according to Orthodox Jewish tradition. To engage in any lawful activities as a place of worship including but not limited to religious education, charity, ritual celebration, social action.

**FOURTH:** Election of Trustees:

**A.** Time and manner for the election of new Trustees:

Every trustee is elected by the majority votes of the congregation. Election is held every 4 years beginning from Jewish new year.

**B.** Qualifications of those able to be elected as a Trustee:

1) Affiliation with Orthodox Judaism

2) 25 years or older

3) Must be a member of Ahavat Shalom Congregation

**C.** Qualifications of those able to vote for Trustees:

1) 21 year or older

2) Affiliated with Orthodox Judaism

3) Attending prayer services at Ahavat Shalom Congregation on regular basis

**FIFTH:** The address of the principal place of worship is:

3101 Fallstaff Rd Baltimore, MD 21209

**SIXTH:** The name and address of the resident agent of the corporation are:

Afshin Attar or Eliyahu Nourmand
2610 Willow Glen Drive
Baltimore, MD 21209

**SEVENTH:** "This corporation is organized exclusively for charitable purposes within the meaning of section 501(c)(3) of the Internal Revenue Code."

"Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 (or the corresponding provision of any future United States Internal Revenue law) or (b) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code of 1986 (or corresponding provision of any future United States Internal Revenue Law."

"Upon the dissolution of this corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code (or corresponding section on any future federal tax code), or shall be distributed to the Federal government, or to a state or local government for public purpose. Any such assets not so disposed of shall be disposed by the Court of Common Pleas of the county in which the principal office of the corporation is ten located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

**EIGTH:**

**IN WITNESS WHEREOF,** we the trustees have signed these Articles of Incorporation and severally acknowledge the same to be our act.

I hereby consent to my designation in this document as resident agent for this corporation.

**SIGNATURES OF TRUSTEES:**

**SIGNATURE OF RESIDENT AGENT LISTED IN SIXTH:**

**RETURN TO:** Please print

CUST ID:0002942051
WORK ORDER:0004158631
DATE:06-25-2013 11:15 AM
AMT. PAID:$213.00

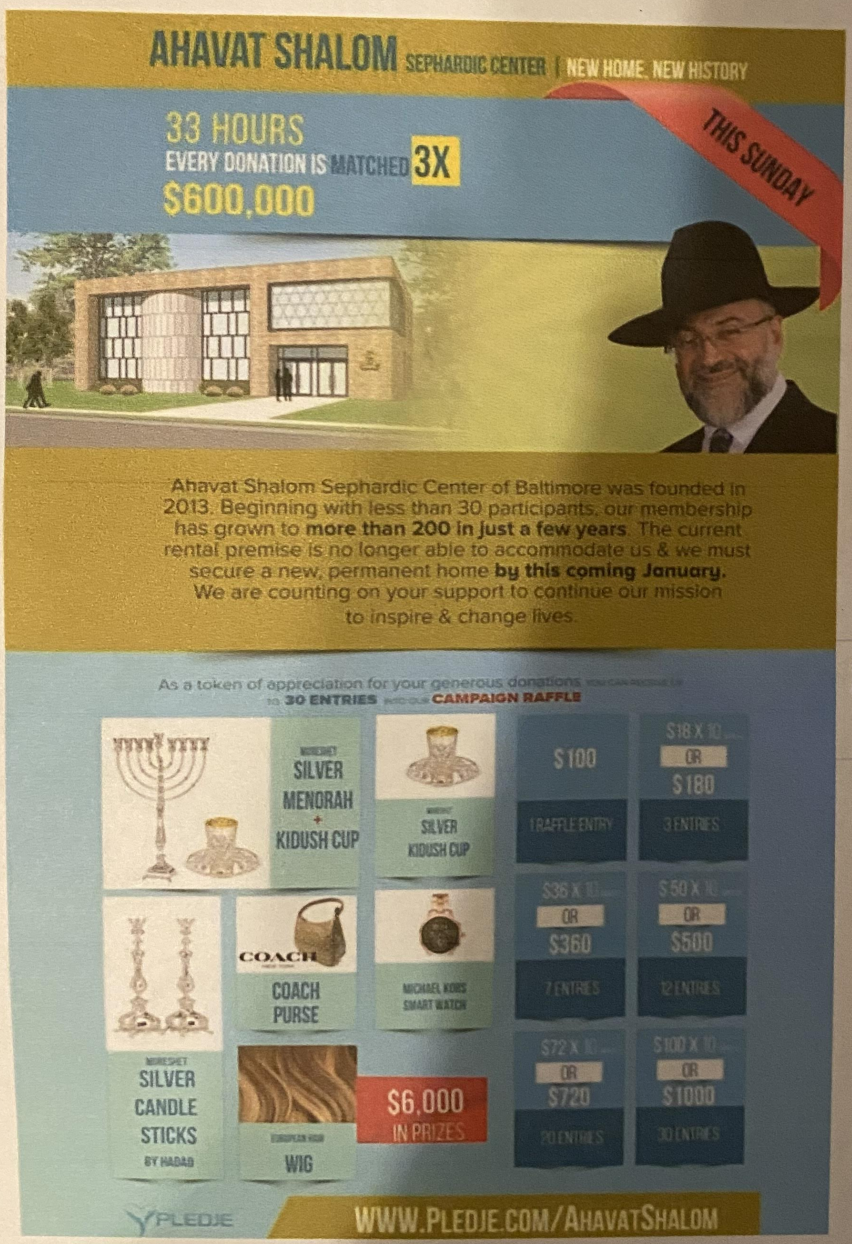
Ahavat Shalom Baltimore

Like This Page · September 29, 2019 ·

**David Golaner**

6 years ago a group of dedicated and thoughtful young men and their Rabbi knocked on my office door at the Myerberg Center... they were looking for a place in the neighborhood to daven on Shabbat. My answer was simple -- and I suddenly became a landlord to a shul! I also gained many friends in these subsequent years.

The small group of men and their families has now grown to hundreds and hundreds of members and




**Ahavat Shalom Baltimore**
Like This Page · October 2, 2019 · Edited ·

This Sunday, October 6th and Monday, October 7th, Ahavat Shalom will be having a fundraising campaign to raise $600,000 in 33 hours. Every dollar will be matched 3X due to our generous matchers!

Baruch Hashem as our kehilla has grown, we have outgrown our current facility. We desperately need a new home to serve the needs of our vibrant community. A new facility will open up opportunities for daily Minyanim, more Shiurim, and programs for our kids.

While this goal is attainable, it cannot be met without everyone's help and support. Please join us in this worthy endeavor and be a part of building our future!

Gemar Chatima Tova

Devora Lavian, Jaleh Attar, Bernie Kozlovsky and 4 others like this.

3 Shares

AHEAD

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT & INSPECTION CITATION

| CASE NUMBER | PROP.TAX ID |
|---|---|
| CC2101290 | 03-19-065178 |

**VIOLATION ADDRESS**
3009 NORTHBROOK RD
MOUNT WASHINGTON, MD 21209

RADPARVAR SAMAN
6521 GARDENWICK ROAD
BALTIMORE, MD 21209

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:**

| County Codes/Regulations | Inspector's Comments |
|---|---|
| Other Violation(s) | BCZR - 1BO1 BALTIMORE COUNTY ZONING REGULATIONS IN RESIDENTIAL (DR 3.5 ) ZONE Continuing using this building for religious gatherings/services without first obtaining a use and occupancy permit, a site plan,alteration permit parking and any or all other requirements. Previous notification see notice cc 2013218 issued 10/23/2020 |

**Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:** **$1000**

**This will be a virtual hearing. To attend your hearing, or get more information about the hearing process, please visit:** www.baltimorecountymd.gov/codehearings

**DATE:** 05/26/2021 **TIME:** 09:00 **A.M.**

*****IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.*****

**I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.**

| Inspector Badge Number | | Issued Date |
|---|---|---|
| 80 | | **04/27/2021** |

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

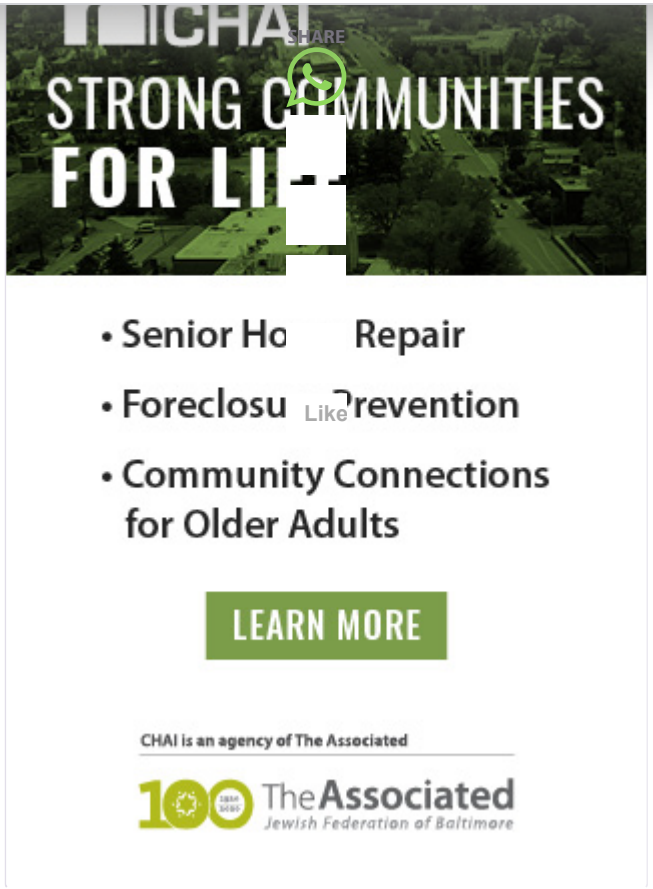
Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

# CODE ENFORCEMENT & INSPECTION CITATION

## IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. **If you wish to submit any documents or exhibits that will be relevant to your hearing, these documents must be submitted no less than 72 hours before your hearing. Please note that documents not submitted 72 hours in advance cannot be presented at the hearing. To submit documents or exhibits, please email them to paienforce@baltimorecountymd.gov.**
2. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
3. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
4. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
5. (a) Civil penalty a lien.
   (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
   (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
      (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
      (ii) May be collected in the same manner as any civil money judgment or debt may be collected.

   (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
6. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
7. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
8. A filing fee of $300.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
9. Inclement weather procedure: If Baltimore County Government offices are closed or have a delayed opening, all code enforcement hearings will be rescheduled. Reschedule letters will be mailed to the property owner of record.
10. **If the violator wishes <u>NOT</u> to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204**
11. For questions concerning the above case, you may call Permits Approvals & Inspections/Code Enforcement at 410-887-3351.




Posted on 10/06/19

# Watch: They've Outgrown Their Current Rental - Baltimore's Ahavat Shalom Sephardic Center Needs Your Help To Build A New Home (Video)

## By: Ahavt Shalom

**Baltimore, MD - Oct. 6, 2019** - Ahavat Shalom of Baltimore was founded in 2013. Beginning with less than 30 participants our membership has grown to more than 200 in just a few years. The current rental premises is no longer able to accommodate us and we must secure a new permanent home by this coming January. We are counting on your support to continue our mission to inspire and change lives.

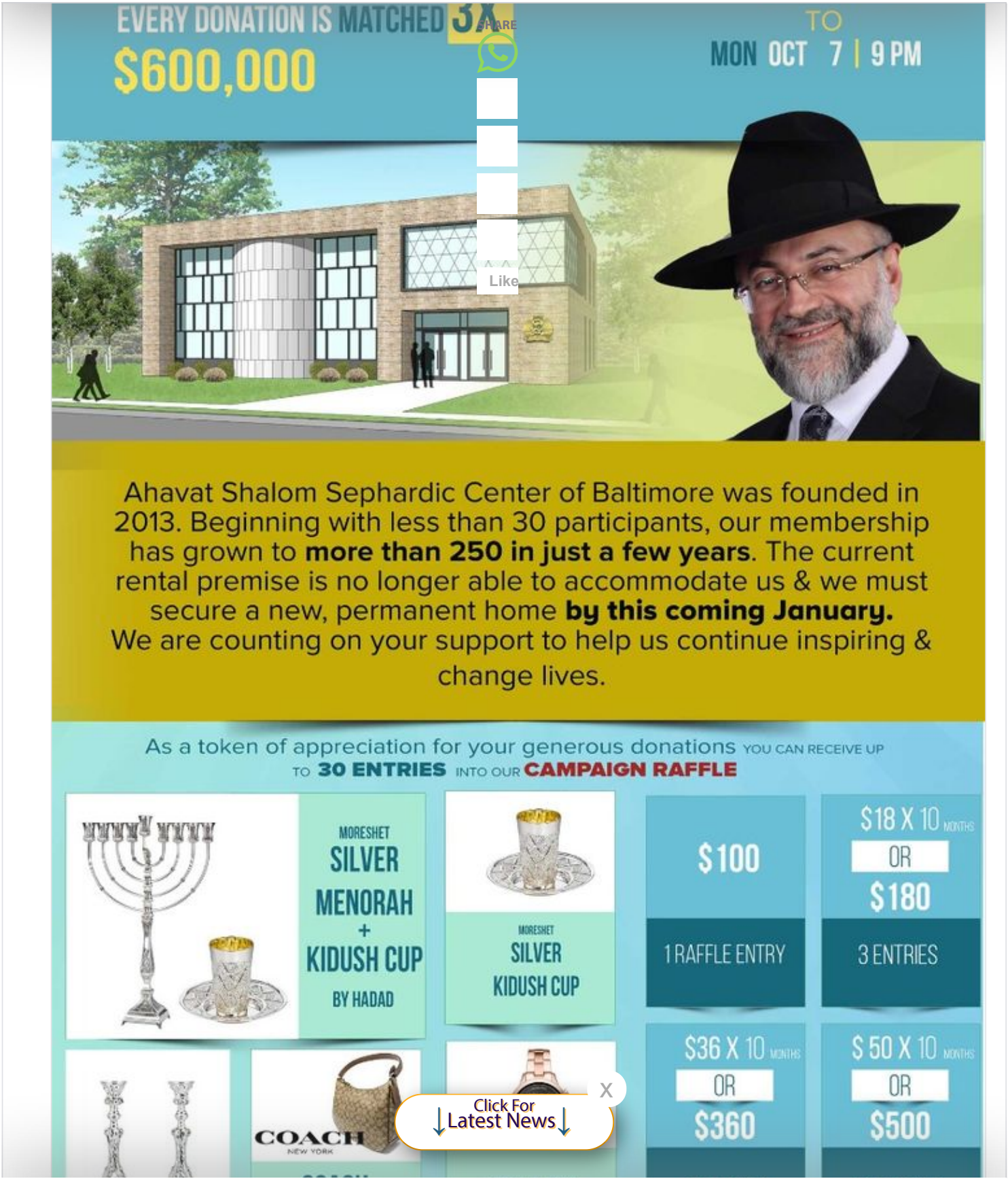
X
Click For
Latest News

The current rental premises is no longer able to accommodate us and we must secure a new permanent home

SHARE

Like

X
Click For
Latest News


EVERY DONATION IS MATCHED 3X
$600,000
TO
MON OCT 7 | 9 PM
Like
Ahavat Shalom Sephardic Center of Baltimore was founded in 2013. Beginning with less than 30 participants, our membership has grown to more than 250 in just a few years. The current rental premise is no longer able to accommodate us & we must secure a new, permanent home by this coming January. We are counting on your support to help us continue inspiring & change lives.
As a token of appreciation for your generous donations YOU CAN RECEIVE UP TO 30 ENTRIES INTO OUR CAMPAIGN RAFFLE
MORESHET SILVER MENORAH + KIDUSH CUP BY HADAD
MORESHET SILVER KIDUSH CUP
$100
1 RAFFLE ENTRY
$18 X 10 MONTHS
OR
$180
3 ENTRIES
$36 X 10 MONTHS
OR
$360
$ 50 X 10 MONTHS
OR
$500
COACH
NEW YORK
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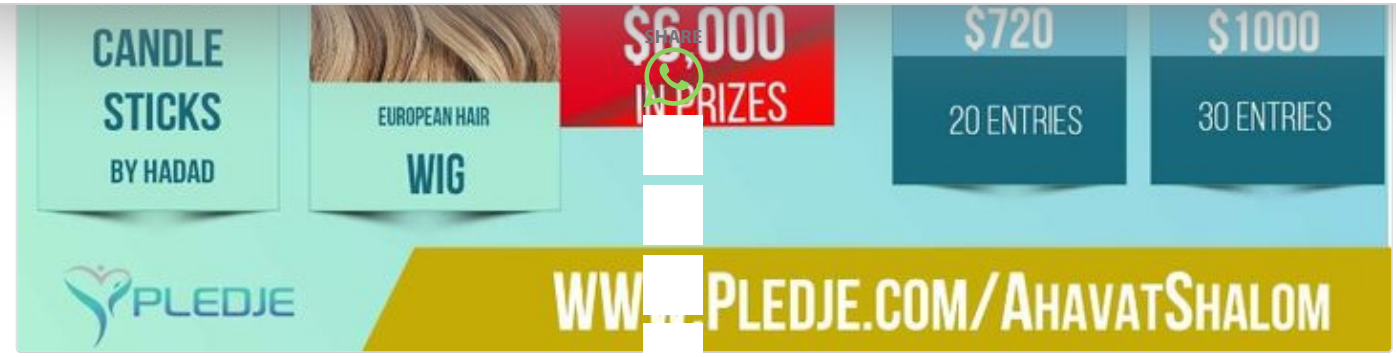


**The current rental premises is no longe ble to accommodate us and we must secure a new permanent home.**

Click For Latest News

ODYSSEY
SEDONA

Instagram

Log In Open App

ahavat.shalom.baltimore • Follow
Bais Hakness Ohrhachaim

See More Posts From ahavat.shalom...
Open App ×

5 likes

SEPTEMBER 24, 2019

TRANSCRIPTION OF RECORDING:

AHAVAT SHALOM OF BALTIMORE

**********

Christine R. Leary, Transcriber

(RECORDING BEGINS)

RABBI HAKKAKIAN: Ahavat Shalom of Baltimore is a one-of-a-kind community. It started about six years ago by a group of young Sephardic professionals who have been my talmidim from the time that they learned Yeshivat Ner Israel.

MR. FARZADFAR: When I left the Shiva, I was always looking for a place where I could enhance my learning and maintain the same style and depth of that learning that I had in shiva.

RABBI HAKKAKIAN: Young families came together to form Ahavat Shalom of Baltimore, not only to serve the needs of their families, but for it to be a hub, to serve other young Sephardic families in Baltimore.

MR. LALEH: I love dovening at Ahavat Shalom because it's such a young and vibrant place, which is a promise of the future of the community.

MS. GABAIE: Not until Ahavat Shalom opened up did I get to meet people from the same background as me, Sefardi, we share the same values, the same beliefs, the same cultures and traditions.

MS. FARZADFAR: You come in and everybody welcomes you, everyone is friendly, everyone says hi. For a woman, that's the most important thing. We always want to feel welcome. We always want to feel a part, like a part, we're a part of something.

MR. SAMIMI: We are a family. We are all close knit. We all come from different backgrounds. But at the end of the day, you know, we all doven in one place, we all get together. We're a whole bunch of puzzle pieces, we mesh all together, we work all together to create one beautiful picture.

RABBI HAKKAKIAN: This community started a mere ten, twelve families, have grown close to eighty or ninety families.

MR. GABAIE: It's simply a home away from home.

MR. GABAIE: Imagine going to Yeshiva and it's all your friends there in the Yeshiva. And imagine getting married and all your friends are with you in the shul. People that you learn with every day. My chaurieta that I grew up with, that I went to Ner Israel with, I learned with him, he's there now.

RABBI HAKKAKIAN: We provide an atmosphere of growth for our families through our classes, through our study groups.

MS. GABAIE: Rabbi Hakkakian hosts a shur for ladies which has been fantastic. I think he's been fantastic in guiding the women of this community.

MR. SAMIMI: Rabbi Hakkakian has stood there by our side and he's held our hand and showed us the way. How he gives us shurim, he gives us time, accepting phone calls late at night and he really goes above and beyond (inaudible) he's always there.

MR. LALEH: The way he speaks is phenomenal. It really touches on everyone. And that's why when he's there in

town, there's, the shul is packed, you can hardly find a seat.

MS. FARZADFAR: Rabbi Hakkakian is right there waiting for us to ask our questions and this is something that's really, really special, especially for a young couple. You have so many questions. You're still unsure of everything and Rabbi Hakkakian is there to guide you, to lead you, to help you set the foundation of your marriage.

MR. LALEH: He understands what modern family needs growing up in America.

RABBI HAKKAKIAN: By providing an opportunity of practicum for the members of the (inaudible) to be able to learn, to be the leaders of the future communities, be it in Baltimore or any other community that they move on to.

MR. GABAIE: Most of the people that come to the shul are not from Baltimore.

MR. GABAIE: A lot of times people come to our community, and they come learn and they, you know, they go to Ner Israel and then they go back to their communities and give back. I think that's the ultimate goal.

MR. FARZADFAR: It allows us to take the values that we learned from here, from our friends, from our community members at large and from Rabbi Hakkakian and go back to our hometowns and infuse them with the light of the torch, infuse them with growth oriented values that we are zoche have here.

RABBI HAKKAKIAN: We have Baruch hashem growing so

much in numbers that we were notified by our landlord that coming this January, they are no longer able to accommodate us. There's no place in our community large enough to be able to host us. Ahavat Shalom of Baltimore is in a need of its own home.

MR. SAMIMI: We're all about growth and with growing and growing and growing we're going to need a much bigger place.

UNIDENTIFIED MALE B: Everyone helps together. We set the shul together, we dissemble the shul together. Unfortunately, we're bursting at the seams in our art studio. But we need a makom to call our own.

MS. GABAIE: What's unfortunate is that every event that we've hosted we had to hold at a different location.

UNIDENTIFIED FEMALE A: We need a place for the children, where they can be safe inside. We need a space for our sons where they can learn, and they can have their own youth groups. We need a space for our wives and for our women to have a seat to sit on when they come to shul.

RABBI HAKKAKIAN: We've been renting places, rooms, from different organizations, but now we need to have our own place to build the future. I invite you to help us build that future.

UNIDENTIFIED MALE C: As a token of appreciation for your generous donations, you can get up to thirty entries into

our campaign raffle with close to $6,000 in valuable prizes. Furthermore, thanks to the pledge platform, you may spread your contributions over the course of ten months. Please see campaign page for more details

(RECORDING ENDS)

CERTIFICATE OF TRANSCRIBER

I hereby certify that, to the best of my knowledge and belief, page numbers 1 through 6 constitute a complete and accurate transcript of the recording provided as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 3rd day of July 2021.

Christine R. Leary

Transcriber

| Non-sabbath Synagogue Vehicular Trips | | | | |
|---|---|---|---|---|
| | Auto Traffic Days | number of activities | Trips per activity | Total trips |
| 3 evening study classes per week (Sunday night, Tuesday night and Thursday night) | 156 | 156 | 2 | 312 |
| Jewish weekday holidays and fast days | 45 | 68 | 2 | 136 |
| Saturday evening children's activity | 18 | 18 | 2 | 36 |
| | | | | |
| Total (Additional synagogue usage) | **219** | **242** | | **484** |
| Additional synagogue usage/Days per year | 219/365 | | | |
| **annual synagogue usage without the sabbath** | **60.00%** | | | |

| | |
|---|---|
| **Other Jewish holidays** | **# of days*** |
| Rosh Hashana | 3 |
| Yom Kippur | 2 |
| Succoth | 5 |
| Passover | 5 |
| Shavuot | 3 |
| | 18 |
| * Includes one day for the evening service to start the holiday | |

| | Other common synagogue events |
|---|---|
| **1** | early morning study prior to daily prayer services |
| **2** | morning and evening daily prayer services |
| **3** | Circumcisions and a related celebratory party |
| **4** | Bar Mitzva Parties |
| **5** | Bat Mitzva Parties |
| **6** | "bo Bayom" pre-bar mitzva celebration |
| **7** | Morning service to mark to first day a child wears his tefillin prior to his bar mitzva |
| **8** | Outdoor "lag boomer" holiday bonfire in the spring |
| **9** | outdoor succoth parties in the fall |
| **10** | Nightly study with a partner |

| | | | |
|---|---|---|---|
| **Date** | **Description** | **Exit counts** | **Entering and Exiting** |
| 1/1/2021 | Friday Evening | 55 | |
| 1/2/2021 | Saturday evening | AL 88 | |
| 2/19/2021 | Friday Evening | 52 | |
| 2/20/2021 | Saturday Morning | 64 | |
| 2/20/2021 | Saturday Evening | 43 | |
| 4/2/2021 | Friday Evening | 44 | |
| 4/3/2021 | Saturday evening | 45 | |
| 4/23/2021 | Friday Evening | AL 45 | |
| 4/24/2021 | Saturday Morning | AL 52 | |
| 4/24/2021 | Saturday Afternoon | 30 | |
| 4/24/2021 | Saturday Evening | 65 | |
| 4/30/2021 | Friday Evening | AL 54 | |
| 5/7/2021 | Friday Evening | AL 56 | |
| 5/14/2021 | Friday Evening | | 104 |
| 5/8/2021 | Saturday Morning | | 214 |
| 5/14/2021 | Friday Evening | 57 | |
| 5/15/2021 | Saturday morning | | 117 |
| 5/15/2021 | Saturday Evening | AL 91 | |
| 5/16/2021 | Shavuot Sunday Evening Services | AL 55 | |
| 5/17/2021 | Shavuot Monday Evening Services | AL 79 | |
| 5/18/2021 | Shavuot Tuesday Morning Services | AL 82 | |

| | | | |
|---|---|---|---|
| **Date** | **Description** | **Exit counts** | **Entering and Exiting** |
| 5/21/2021 | Friday evening | 59 | |
| 5/28/2021 | Friday evening | AL 75 | |
| 6/5/2021 | Saturday morning | AL 79 | |
| 6/12/2021 | Saturday Morning | AL 74 | |
| 6/18/2021 | Friday evening | AL 49 | |
| 6/19/2021 | Saturday Morning | AL 71 | |
| 6/19/2021 | Saturday evening | AL 67 | |
| 7/2/2021 | Friday evening | AL 61 | |
| 7/3/2021 | Saturday Morning | AL 79 | |
| 7/9/2021 | Friday evening | AL 66 | |
| 7/10/2021 | Saturday Morning | AL 71 | |
| 7/10/2021 | Saturday evening | AL 76 | |

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| **Comments** |
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| 214 people plus 8 baby carriages counted entering or leaving Northbrook shul house Saturday May 8, 2021 between about 10:45 AM and 1:30 PM, COUNTED FROM VIDEO. |
| |
| people counted entering or exiting the Northbrook shul house between 11 AM and 1 PM on 5/15/2021, with an estimated 80 unique attendees. In addition, not included in that count, when we began counting at 11, there were 7 women congregated on the public sidewalk in front of the shul, each with a baby carriage, with numerous children running around the front lawn and sidewalk. These women stayed there between 5 and 15 minutes, respectively, until their (presumed) husbands came out. Over the next 2 hours, 13 more women with baby carriages, some also with walking children, came, congregating and waiting there. Sarah also reports that, while she was sitting outside on our front porch, groups of people who were congregated in front of the shul were staring at her with hostile expressions and obviously talking about her, making her feel uncomfortable at her own house. |
| between 6:18 PM and 9:40 PM on 5/15/2021. 33 exited between 6:18 and about 7:45, and 42 between about 9:15 and 9:40. The remainder exited between about 8:00 and 8:45. There were also many people entering the house most of the evening. |
| |
| (including 10 before video started and one after video ended). People congregating in front of the shul and in middle of street near blind curve. People flowing in and out of Northbrook shul house afternoon and evening Monday 5/17. Two women sitting on curb in front of the shul for about 25 minutes, two other people joined them to talk, standing in street. Around same time 8-10 people congregating in Zalman's driveway for about 15 minutes. Men davening outside house in evening |
| This does not include many children who were too numerous and active to count, or women who were previously waiting on the sidewalk in front of the shul with baby carriages. |

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| **Comments** |
| |
| A number of people who exited then went into 3101 Northbrook and several people were going in and out and walking between the two houses |
| A number of baby carriages/strollers not counted because the number of babies inside not visible. |
| Many people congregating outside |
| People congregating in front of the shul and on public sidewalk, standing in street conversing, and walking in street, including around blind curve. |
| |
| People congregating in front of the shul house, walking in street. At one point multiple cars came to pick congregants up and were blocking intersection of Lisburne and Northbrook. Also people coming and going to/from shul all afternoon and evening. |
| |
| |
| People walking in street, including group of men walking around blind curve dressed all in black at dusk. Before services cars stopping in north lane of Northbrook to let children out to cross to shul, and one car crossed from north lane to south curb (i.e. pointing wrong way) to let people out. |
| not including a number of children too difficult to count. |
| People walking in street. One congregant almost stepped off south curb of Northbrook into oncoming vehicle. Also many people streaming in and out of shul from mid-afternoon into evening, particularly in early evening. |

# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Avron Elbaum | Avron Elbaum | 3005 Northbrook Road Baltimore, MD 21209 | | 2/22/2021 |
| [illegible] | [illegible] | 7502 Lisburne Rd Pikesville, MD 21208 | | 2/23/2021 |
| Jane Katz | Jane Katz | 7502 Lisburne RD, Pikesville 21208 | | 2/23/21 |
| Cheri Milrad | Cheri Milrad | 7504 Lisburne Rd Pikesville 21208 | | 2/23/21 |
| Galya Elbaum | Galya Elbaum | 3005 NORTHBROOK Rd BALTIMORE 21209 | | 3/1/21 |
| ALAN CHIARITO | Alan D. Chiarito | 3001 NORTHBROOK RD BALTIMORE 21209 | | 3-1-21 |
| NINA ALLEN-GOLDBERG | Nina Allen-Goldberg | 750 Lisburne Rd. Balto. Md. 21208 | | 3-7-21 |
| Arnold G Goldberg | Arnold G Goldberg | 750 Lisburne Rd Baltimore, MD 21208 | | 3/7/21 |
| Zalman M Kalin | Zalman M Kalin | 3007 North Brook Road, Baltimore, MD 21209 | | 3/13/21 |
| Andrew Segal | Andrew Segal | 7500 Lisburne Rd, Balt, MD 21208 | | 6/14/21 |
| Sarah Segal | Sarah Segal | 7500 Lisburne Rd. " " | | 6/14/21 |
| ~~BETH GOLDBERG~~ | BETH GOLDBERG | 3107 HITTON Rd 21208 | | 6/30/21 |

# Petition Opposing Proposed Synagogue at 3009 Northbrook Road

We, the undersigned, are opposed to the proposed synagogue at 3009 Northbrook Road and the other relief requested by the property owner in the petitions for special hearing and variances filed with the County. (A copy of the petitions and the proposed site plan is attached). We believe the proposed synagogue is incompatible with, and will have adverse impacts on, the surrounding residences and neighborhood.

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Asher Varon | | 3102 Northbrook Road, Baltimore MD 21208 | | 02/20/21 |
| Debra Varon | | 3102 Northbrook Road, Baltimore, MD 21208 | | 02/21/21 |
| Marcia Kramer | | 12 South Mountain Avenue, Montclair NJ 07042 | | 02/20/21 |
| Joan Eisman-Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Steve Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Deborah Isack | | 3102 Labyrinth Road | | 02/21/2021 |
| Jeffrey Coleman | | 3111 Hatton Rd | | 2/28/21 |
| Susan Coleman | | 3111 Hatton Rd | | 2/28/2021 |
| Sheila Ella | | 3113 Hatton Rd | | 2/28/21 |
| Paul Stein | | 7510 Labyrinth Rd, 21208 | | 2/28/2021 |
| Barry Dexter | | 3100 Labyrinth Rd 21208 | | 2/28/2021 |
| | | | | |

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Rhonda Plunkett | Rhonda Plunkett | 2301 Farringdon Rd. | 21209 | 2/25/21 |
| SEAN PLUNKETT | Sean Plunkett | 2301 Farringdon Rd | 21209 | 2/25/21 |
| Adam Plunkett | Adam Plunkett | 2301 Farringdon Rd | 21209 | 2/25/21 |
| Elaine Devorah | Elaine Devorah | 2004 Orkney Rd | 21209. | 2/26/21 |
| STUART R. VARON | Stuart R. Varon | 3102 Northbrook Rd | 21208. | 2/26/21 |
| Michael Kurland | Michael Kurland | 3112 Northbrook Rd. | 21208 | 2/28/21 |
| Karen Kurland | Karen Kurland | 3110 Northbrook Rd | 21208 | 2/28/21 |
| Michael Kurland | | 3110 Northbrook Rd | 21208 | 2/28/21 |

| Printed Name | Signature | Address | | Date |
|---|---|---|---|---|
| Yeshiyah Charner | | 3107 Marnat Road, Baltimore, MD 21208 | | 6/30/2021 |
| Ann R. Berman | | 3212 Northbrook Rd. Balto MD 21208 | | 7/5/2021 |
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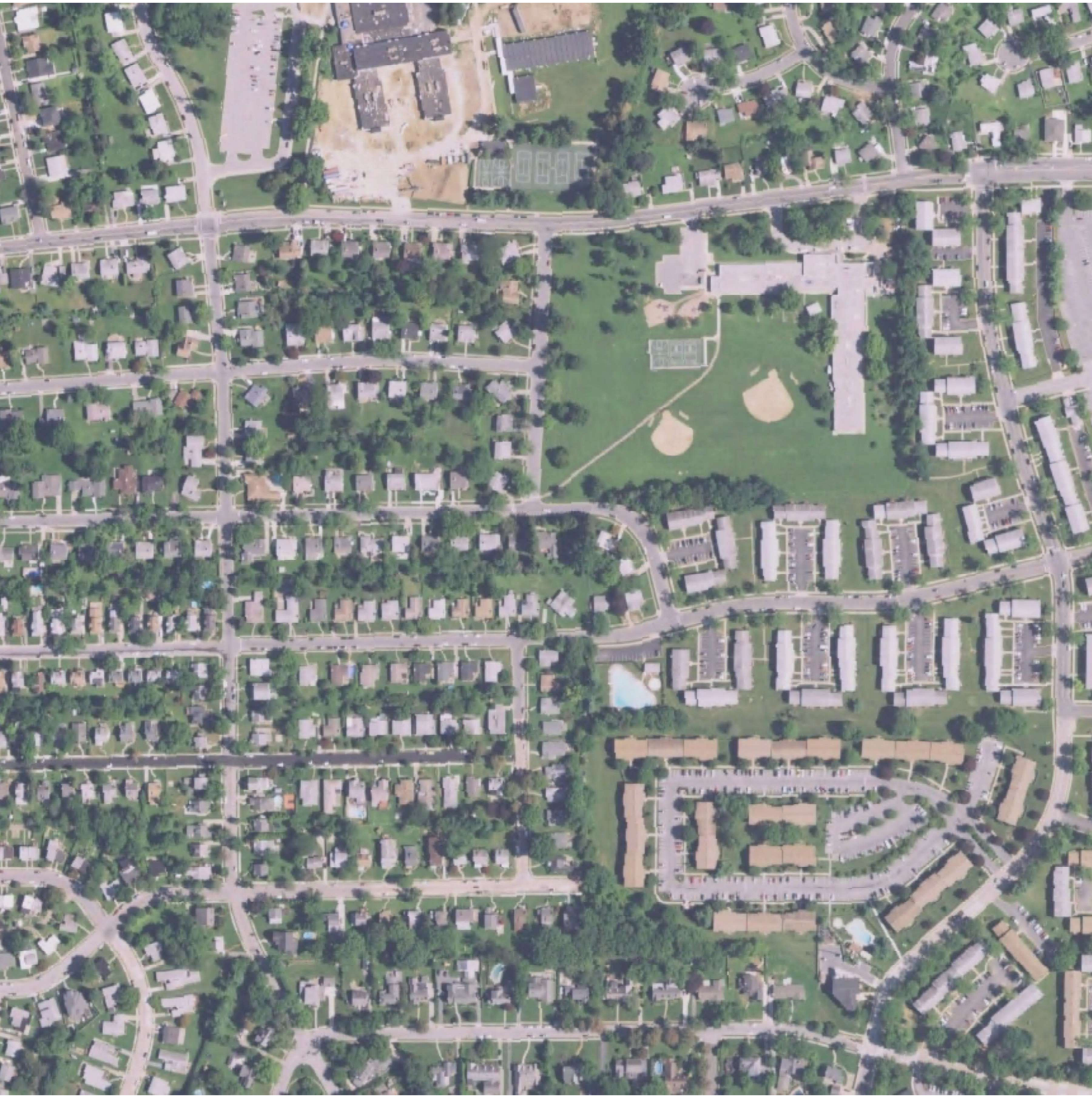

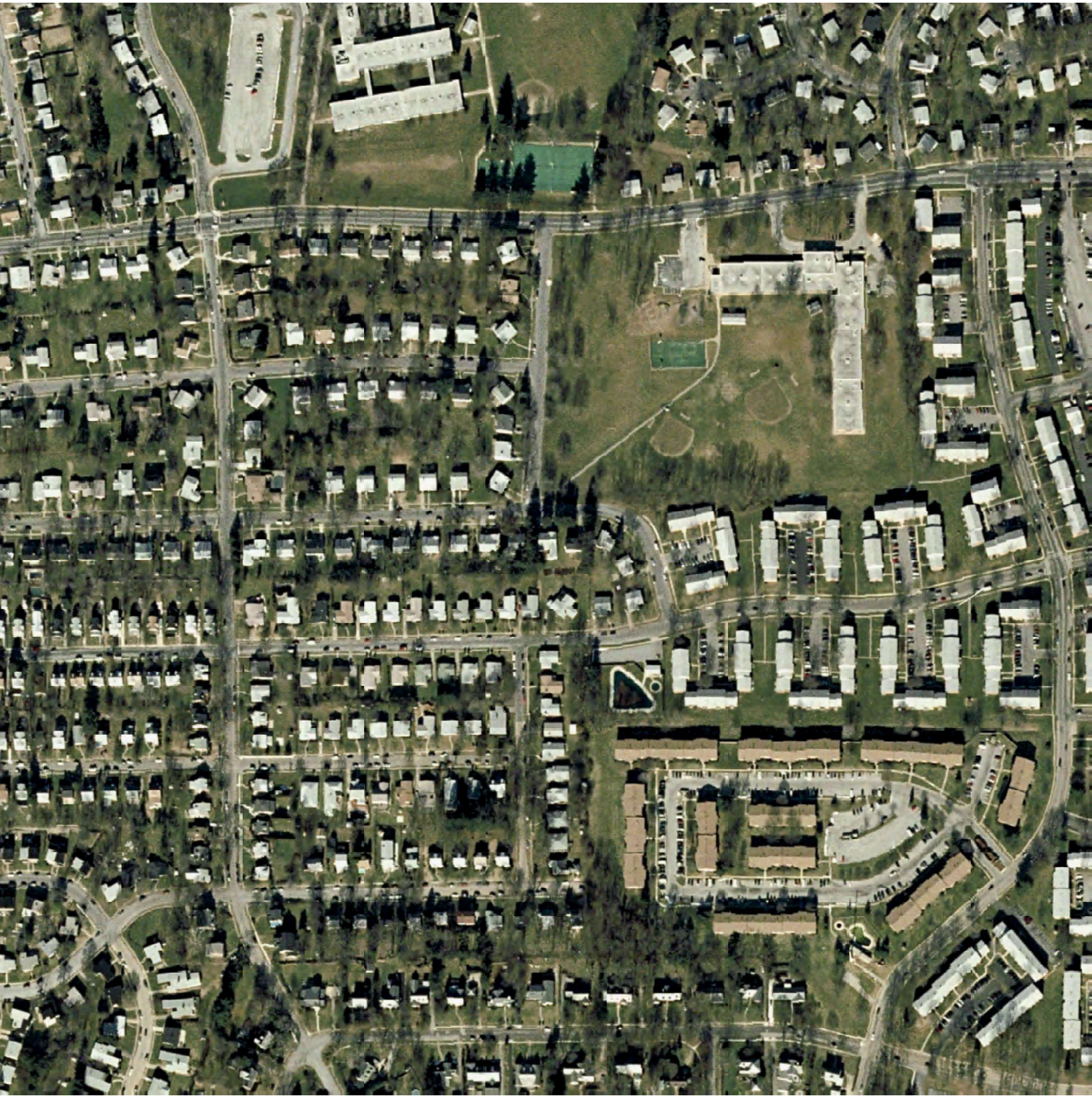

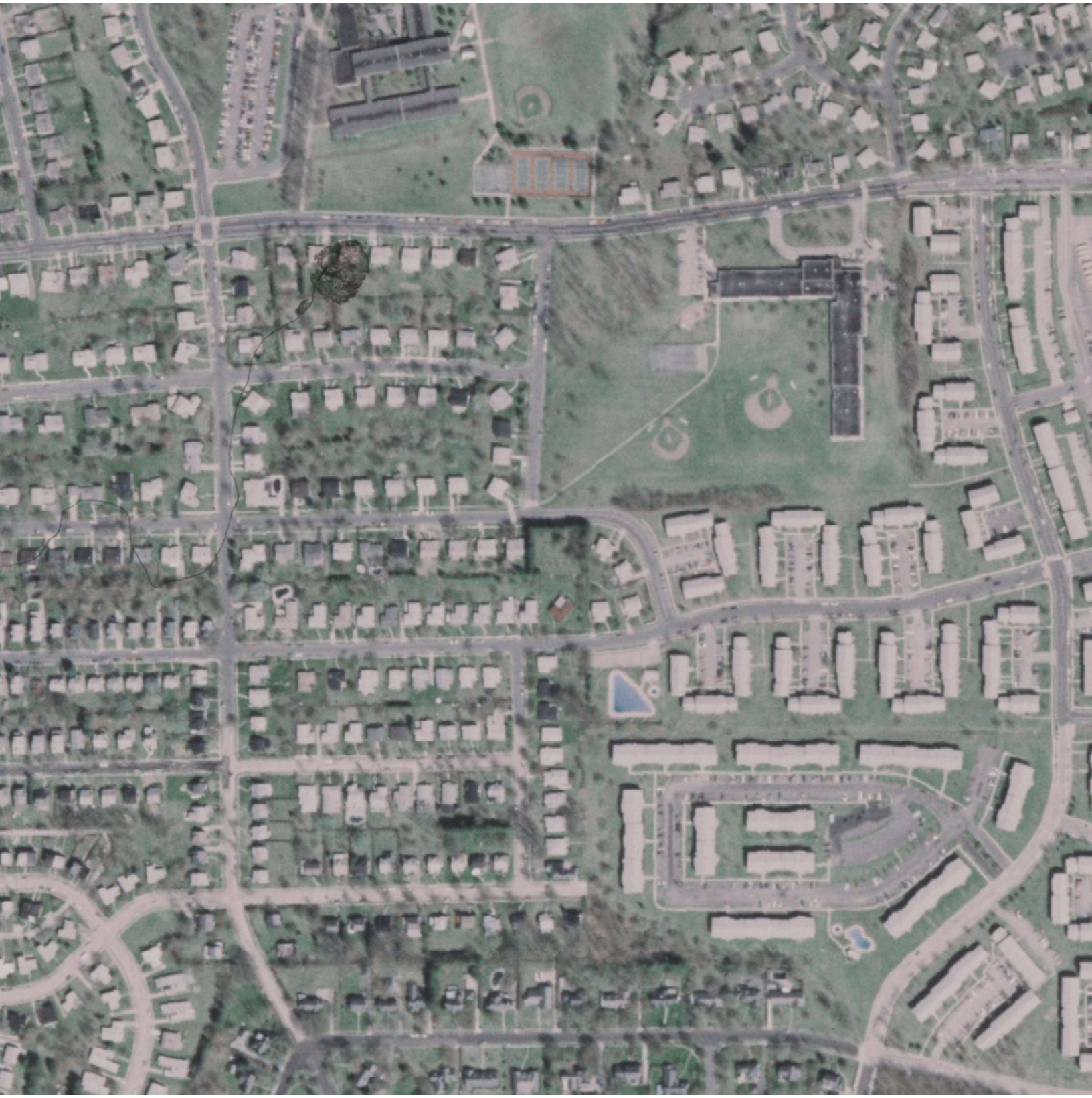

MM 3-3-21
10 AM

**Donna Mignon**

**From:** Stuart R. Varon, MD <svaronmdllc@aol.com>
**Sent:** Sunday, February 28, 2021 2:29 PM
**To:** Administrative Hearings
**Cc:** Stuart R. Varon, MD; michael@mmccannlaw.net
**Subject:** Re: Case Number 2020-0299-SPHA for street address 30098 Northbrook Road, Pikesville, MD. 21209

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

**CAUTION:** This message from svaronmdllc@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

February 28,2021

To Whom It May Concern,

I am writing to oppose the conversion of the said residential property to a synagogue and the variances requested. I have raised my family in the house diagonally across from the proposed synagogue for over 25 years. It is with great sadness that I must write this letter opposing my co-religionists seeking to build a religious center for their congregation.

I oppose the proposals because a synagogue built in this quiet neighborhood will change the character of the surrounding residential premises and will threaten the welfare of the neighbors due to safety concerns.

We purchased our house approximately 25 years ago. We have enjoyed the quiet, residential neighborhood where we raised our children. We chose to settle here to avoid the hustle bustle of nearby businesses while we were close enough to walk to synagogues built on main streets . According to the proposed synagogue's fundraising video https://pledje.com/ahavatshalom, a large center is being planned that will not be compatible with the surrounding neighborhood. The synagogue will include upwards of 200 families engaged in a full complement of religious services and activities and is planned to be a hub for people both from within the community and beyond. Building such an institution would be in contrast to the character of our quiet residential area. Traffic and related congestion due to a robust and active center would markedly increase. Noise due to the volume of vehicles and the comings and goings of participants would increase and trash would grow despite best efforts quite possibly attracting rodents.

One of the variances requested is to change the requirement for parking from 20 spaces to 2 spaces. Without a parking lot, cars would be forced to park on the streets adjacent to the synagogue. While congregants could walk to the synagogue on the Sabbath and certain holidays because driving is prohibited from sundown to sundown, many congregants drive on the eve of a Sabbath or holiday and leave the car for 25 hours driving home after the day is over for the permitted convenience. A large number of

parked cars on the street would not only change the character of the neighborhood, but would also present a safety issue due to the lack of visibility around a sharp curve on Northbrook Road adjacent to the proposed synagogue.

We have many children in our neighborhood. There are the children from the families in the neighborhood, those walking to and from the 3 area public schools, (Pikesville Middle School, Pikesville High School, Wellwood Elementary School), and those frequenting the Wellwood Park across the street from the proposed synagogue. Increased traffic and congestion from the synagogue would be a safety risk due to children walking in the area, darting from in between parked cars, and lack of visibility of cars due to the parked cars parked on the adjacent streets. Such traffic and congestion would add to the already increasing traffic on our street due to car pools, and people using our street to bypass Smith Avenue, a main street, often speeding over the 25 mile per hour speed limit.

Thank you for your consideration as we seek to maintain our safe, quiet and beautiful single family home residential neighborhood.

Stuart R. Varon, MD
Distinguished Fellow, American Psychiatric Association

Residence - 3102 Northbrook Road, Baltimore, MD. 21208

MM 3-3-21
1:30 pm

**Donna Mignon**

**From:** Sheila Eller <sheila512@comcast.net>
**Sent:** Thursday, February 25, 2021 4:41 PM
**To:** Administrative Hearings
**Subject:** Northbrook Road Synagogue

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

**CAUTION:** This message from sheila512@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To Whom it may concern,

I am writing to express my concerns with the proposed waivers for a proposed synagogue at 3009 Northbrook Road, Pikesville, 21208. It is case no. 2020-0299-SPHA.

It has been brought to my attention that the people who are behind this have not only bought the property at 3009 Northbrook, but they have also purchased the house adjacent to it and have a plan to knock down both homes and build a large two story synagogue. A rendering of the plan can be found on their website and Facebook page. This is a residential neighborhood of small homes that were built in 1955. It is a quiet, modest neighborhood where people are friendly and helpful. Wellwood Elementary School is at one end of the neighborhood and Seven Mile Lane is at the other end. These are my main concerns:

1. During the spring, summer, and autumn there are many games and tournaments played on the Wellwood fields. Parking becomes scarce (many people put cones in front of their homes because not everyone has a driveway, and if they do it is for one car), Driving becomes hazardous because it is very hard to see around the corner with cars parked there. Already, people from this synagogue, which is meeting inside the one house at 3009 Northbrook, are parking their vehicles on Friday evening before sunset and leaving them there until Saturday evening after sunset.

2. These people are claiming that they do not need a parking lot because their members will not walk on the Sabbath. However, once a synagogue is established, there will be people coming every morning for morning prayers and every evening for evening prayers and they will not be walking. Once school is back in full session again, parents will also be dropping their children off for school in the morning. Many parents use Lisburne Road to park along when they are dropping off and picking up their children. This becomes a safety hazard.

3. Having a large synagogue on a residential street changes the look and character of the neighborhood because it will be squeezed in between other homes.

4. I fear that it will change the stability of the neighborhood.

Thank you for your attention to this matter.

Sheila Eller
Hatton Road Resident

MM 3-3-21
10 AM

**Donna Mignon**

**From:** elaine katz <elainekatz008@gmail.com>
**Sent:** Thursday, February 25, 2021 11:54 AM
**To:** Administrative Hearings
**Subject:** 2020-0299-SPHA

**CAUTION:** This message from elainekatz008@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To Whom it may concern,

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4. I fear that it will change the stability of the neighborhood.

Thank you for your attention to this matter.

Elaine Katz

**Donna Mignon**

**From:** elaine katz <elainekatz008@gmail.com>
**Sent:** Thursday, February 25, 2021 11:54 AM
**To:** Administrative Hearings
**Subject:** 2020-0299-SPHA

**CAUTION:** This message from elainekatz008@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Thank you for your attention to this matter.

Elaine Katz

Baltimore County Office of Administrative Hearings

105 W. Chesapeake Avenue

Towson MD 21204

Case#: 2020-0299-SPHA

Street Address: 3009 NorthBrook Road

RECEIVED
MAR 01 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

2/22/21

To the Most Honorable Judge:

I am a lifelong resident of Northbrook Road. This block has always been a peaceful, quiet, and enjoyable block to live on with wonderful neighbors too. Recently the residence at 3009 Northbrook Road was taken over in the middle of the night by a synagogue. Suddenly there are now large groups of people on the weekends that roam the street at night and during the day going to and from services. These groups are as many as 50 people and can be quite intimidating. This synagogue does not belong on this residential street. Please we the residents of the street appose any change of residency for this property.

Sincerely,

Jonathan Rosenblatt

Baltimore County Office of Administrative Hearings

105 W. Chesapeake Avenue

Towson MD 21204

Case#: 2020-0299-SPHA

Street Address: 3009 NorthBrook Road

RECEIVED
MAR 01 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

2/22/21

To Whom it May Concern:

I am outraged at the recent petition to change the residency at 3009 NorthBrook into a house of worship. Many children cross that street to play in the park and to go to school at the local elementary school. Placing a house of worship there would endanger their lives. Please appose this change of occupancy.

Rebecca Tom Keyser

RTK

Baltimore County Office of Administrative Hearings

105 W. Chesapeake Avenue

Towson MD 21204

RECEIVED

MAR 01 2021

OFFICE OF
ADMINISTRATIVE HEARINGS

Case#: 2020-0299-SPHA

Street Address: 3009 NorthBrook Road

2/22/21

To Whom it May Concern:

I have lived on Northbrook Road for over 20 years and never before have I seen so much car traffic, foot traffic, noise, and garbage since the Synagogue at 3009 Northbrook Road started. I am strongly against changing the occupancy from a residence to a house of worship at this location.

Chana Sobel

CSK

To: The Efroms, 3107 Northbrook Road

From: Ronda Cooperstein, 3105 Northbrook Road

Re: 3009/3101 Northbrook Rd, Synagogue

Date: July 27, 2021

Thank you for providing additional information about the synagogue that is now being established on our block of Northbrook Rd.

I did, in fact, sign a petition on behalf of the synagogue with the understanding that no major changes will occur, i.e.- that the synagogue will remain in size as is and that no parking lot will be built.

I signed the petition with what I believe is a good faith understanding between the proprietors and their neighbors. If this is not the case, I will withdraw my support. Should the hearing establish that there are indeed plans for substantial changes, please note that this is not my understanding based on what I was promised before adding my name.

Thank you,

Ronda Cooperstein

**Donna Mignon**

**From:** Avron Elbaum <elbauma@gmail.com>
**Sent:** Tuesday, July 27, 2021 3:01 PM
**To:** Administrative Hearings
**Subject:** Case Number 2020-0299-SPHA
**Attachments:** 0580_001.pdf

**CAUTION:** This message from elbauma@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Please see the attached from a neighbor of 3009 Northbrook Road.

--

Avron

## Donna Mignon

**From:** Mark Holzman <markholzman@Savalfoods.com>
**Sent:** Wednesday, July 28, 2021 5:19 PM
**To:** Administrative Hearings
**Subject:** CASE NUMBER OF 2020-0299-SPHA AND 3009 NORTHBROOK ROAD

**Importance:** High

**CAUTION:** This message from markholzman@savalfoods.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

I WOULD LIKE TO VOICE MY DISAPRROVAL TO ALLOW ZONNING FOR A SYNAGOGUE TO BE UTILIZE AT 3009 NORTHBROOK RD. WE CURRENTLY LIVE IN A VERY FAMILY FRIENDLY NEIGHBORHOOD THAT HAS PROVIDED SO MUCH PLEASURE FOR ME, MY FAMILY AND MY NEIGHBORS. THE WAY THE HOUSNG MARKET IS TODAY, IT IS VERY CHALLENGING FOR YOUNGER FAMILIES TO FIND HOUSING IN THIS VIBRANT AND BEAUTIFUL NEIGHBORHOOD. I FEEL THAT HOUSES SHOULD REMAIN AVAILBLE FOR HOMES FOR FAMILIES TO GROW AND ENJOY WHAT I HAVE ENJOY OVER THE PAST 40 YEARS. I HAVE SEEN MANY SYNAGOGUES OPEN WITHIN THIS COMMUNITY TO SUPPORT ALL THE JUDAIC DIVERSITY. WE HAVE PLEHTORA OF RELIGIOUS PLACES FOR PEOPLE TO ENJOY IN PROXIMITY TO EVERYONES HOMES. THERE IS NO NEED FOR ANOTHER SHUL IN A QUIET AND SAFE NEIGHBORHOOD. BY PLACING ANOTHER SYNAGOGUE IN THIS SPECIFIC LOCATION WILL INCREASE THE RISK OF AUTO ACCIDENTS, THE RISK OF ENDANGERING THE CHILDREN AT PLAY, LIMIT PARKING WHICH IS NEEDED FOR THE NEARBY FAMILIES AND THE OTHER FAMILIES WHO COME TO RECREATE AT WELLWOOD ELEMENTARY SCHOOL.

THANK YOU FOR LISTENING,
CASE NUMBER 2020-0299-SPHA AND 3009 NORTHBROOK ROAD

**Mark Holzman**
**Chief Financial Officer**
**Saval Foods Corporation**
PO Box 8630
6740 Dorsey Road
Elkridge, MD 21075
Phone: 410-379-5100
Fax: 410-379-8068
Email: markholzman@savalfoods.com

This email was scanned by Bitdefender

**Donna Mignon**

**From:** Debi Holzman <holzcpa@aol.com>
**Sent:** Wednesday, July 28, 2021 11:10 AM
**To:** Administrative Hearings
**Subject:** Case 2020-0299-SPHA and 3009 Northbrook Road

**CAUTION:** This message from holzcpa@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

I am writing to you regarding the zoning for 3009 Northbrook Road Baltimore, MD 21208.

I live at 3110 Hatton Road which is just one street away from said property. There are many synagogues in this area for people to attend. But it is time to stop rezoning residential property for this purpose. The additional traffic is not what we anticipated when we bought our house over 40 years ago. To have a synagogue that is already so large with many cars parked on our streets prior to the Sabbath is a complete infringement on our right to continue living in an area that was zoned just for residential. It is becoming increasingly difficult to find residential property in this area and for this synagogue to overtake not one but two homes in the area is not acceptable to the neighbors.
T
he Baltimore County Zoning board needs to understand the ramifications when you permit houses to become synagogues. There are enough synagogues for everyone at this point. You have allowed at least 5 houses that I can think of in my area to become synagogues and at this point I think it is time to stop taking away the residential properties from their intended purpose.

In addition, there is no parking available to accommodate a synagogue of this size. Are you aware that this synagogue wants to expand into an additional house also?

I urge you to not rezone any of these properties for synagogue use. From what I understand these people have been operating as a synagogue at this location even though it was not zoned as such. Therefore, they apparently do not like to follow rules or laws.

PLEASE do not allow this zoning to go through.

Debi Holzman

Debra F. Holzman
Certified Public Accountant
3701 Old Court Road Unit 22
Baltimore, MD 21208
410-486-1200
fax - 410-486-1226
holzcpa@aol.com

**Debra Wiley**

**From:** JUSTIN MYROWITZ <justin.m1@comcast.net>
**Sent:** Thursday, July 1, 2021 10:09 PM
**To:** Administrative Hearings
**Subject:** 2020-0299-SPHA and 3009 Northbrook Road

**CAUTION:** This message from justin.m1@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hello.
I am writing in reference to 2020-0299-SPHA and 3009 Northbrook Road.
I'm not usually one to complain and I try to avoid fights with neighbors and take a 'live and let live' approach; however, I need to voice my displeasure with this proposal.
I live one block away and we moved to this block 10 years ago. It's a residential street that is relatively quiet and full of kids playing. If this proposal passes it will increase traffic, people will lose privacy, people will lose their parking spots. It will decrease property value and create unnecessary strife.
If this passes, life will go on, and we will all adjust, but I would say that this is far from ideal. I think it's great that people will have a synagogue and I know that they already own the property, I just ideally don't want that synagogue one block away from where my kids play outside.
-Justin

**Donna Mignon**

**From:** Cheri Milrad <cmilrad18@mac.com>
**Sent:** Friday, July 2, 2021 9:43 AM
**To:** Administrative Hearings
**Subject:** case 2020-0299-SPHA 3009 Northbrook Road

CAUTION: This message from cmilrad18@mac.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
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I am writing to oppose the synagogue's request. I have been a house owner on Lisburne for 32 years. Northbrook is a narrow street. A car has to pull over to let the car coming the opposite way pass before going on. The synagogue will have services every morning and evening during prime travel time. Also if they park on Lisburne, they will make a major problem for parents parking there to take and pick up their children from Wellwood Elementary at the same time. The 2 streets will become major traffic jams in a quiet residential neighborhood. They would do better on Smith Avenue.

Cheri Milrad

## Donna Mignon

**From:** Cheri Milrad <cmilrad18@mac.com>
**Sent:** Friday, July 2, 2021 1:53 PM
**To:** Administrative Hearings
**Subject:** Re: case 2020-0299-SPHA 3009 Northbrook Road

CAUTION: This message from cmilrad18@mac.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
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I just wanted to add something. I don't believe that they won't start having minyans (services) for all things if they build a bigger shul. That means every morning and dinner time, holidays (and there's one a month), family life celebrations, etc. If they really aren't going to do that, though. why the need to alter 2 nice houses that can be resold when these families move on?

> On Jul 2, 2021, at 9:42 AM, Cheri Milrad <cmilrad18@mac.com> wrote:
>
> I am writing to oppose the synagogue's request. I have been a house owner on Lisburne for 32 years. Northbrook is a narrow street. A car has to pull over to let the car coming the opposite way pass before going on. The synagogue will have services every morning and evening during prime travel time. Also if they park on Lisburne, they will make a major problem for parents parking there to take and pick up their children from Wellwood Elementary at the same time. The 2 streets will become major traffic jams in a quiet residential neighborhood. They would do better on Smith Avenue.
>
> Cheri Milrad

**Debra Wiley**

**From:** Jerry Macks <jmacks@verizon.net>
**Sent:** Tuesday, July 6, 2021 10:06 PM
**To:** Administrative Hearings
**Subject:** Re: Case 2020-0299-SPHA 3009 Northbrook Road 21208

**CAUTION:** This message from jmacks@verizon.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

I am writing to encourage that the zoning request for conversion of 3009 Northbrook Road from a private residence to a congregational house of worship **be denied.**

There are other homes in the area that have been converted to synagogues and the experience they offer is instructive in anticipation of the effects of such a change of use.

**Parking:**

The property faces a relatively sharply curving part of Northbrook Road wherein it goes from being perpendicular to the next street (Marnat Road) to being parallel to it. When vehicles approach from both directions in front of the house, it is a very tense situation. To have more cars parked along that stretch makes the situation more dangerous.

Members of the congregation generally walk to Sabbath services each week, but in inclement weather they may park the car nearby before Sabbath and retrieve it afterward. In addition, the congregation has multiple daily services to which worshippers drive as they come to and from work. This would potentially put dozens more cars driving and parking on area streets every day. As many neighbors have 2 cars, they park one in the driveway and one on the street. Synagogue goers would leave homeowners unable to park at their own homes unless the synagogue provided off-street parking for worshippers. The proposed zoning variance to allow space for 2 worshippers' cars instead of the requisite 20 is horribly unrealistic.

**Pedestrians:**

As noted above, the establishment of a synagogue here would bring significant traffic to the Northbrook/Lisburne intersection every day of the week. On approximately 180 days per year, elementary school students at the Wellwood International School walk to school from neighboring houses and apartments. In many instances these 5-10 year-olds would be passing 3009 Northbrook at times when the proposed synagogue attendees would be driving to and from daily or holiday services. This presents a hazardous situation for the school students and those accompanying them.

**Bottom Line:**

Converting this property as proposed is a bad idea. The land covenant clause regarding residential-purposes-only is a wise one. Granting the zoning change to bypass it leaves the area vulnerable to a major change in its very valuable nature. The neighborhood should not be forced to suffer for the failure of the congregation to plan ahead in its acquisition of property for an inappropriate use.

Thank you for your consideration.

Gerald Macks
3203 Northbrook Road
Baltimore MD 21208
410-653-9491

jmacks@verizon.net

**Debra Wiley**

**From:** Macks, Judith <jmacks@towson.edu>
**Sent:** Tuesday, July 6, 2021 10:37 AM
**To:** Administrative Hearings
**Subject:** rezoning 2020-0299-SPHA

**CAUTION:** This message from jmacks@towson.edu originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Concerning rezoning for **3009 Northbrook Road** -
case number **2020-0299-SPHA**

I believe that this property should not be rezoned to allow this residence and nearby properties to be turned into a synagogue. This location, in a totally residential neighborhood and near to a Baltimore County Public elementary school, is not appropriate for such a use.

I am writing as an educator, the parent of children who were students of Wellwood Elementary School for a total of eleven years and the grandparent of children who play on the Wellwood playground.

At least twice every day, morning and evening, men come to pray at a synagogue. The resulting increase in traffic, in the number of parked cars and the amount of foot traffic directly across from the school grounds would endanger the children who come and go from the school and the school grounds and also make it hard for people to drive to and from the school.

The planned synagogue will be just near to where the street curves sharply and just behind the school. It is also in a location where there is sidewalk only on the side of the street of the synagogue property. The increased car traffic, parking and foot traffic resulting from the presence of a synagogue would make it particularly unsafe for the children walking to and from the school.

During non-school hours, sports teams use the play fields. At these times, cars fill all available, nearby spaces. Increasing the traffic and demand for parking spaces at these times would create unsafe and unpleasant conditions.

Changing the use of the properties and changing the required number of parking spaces would be dangerous for people using the school and be inappropriate for a residential neighborhood.

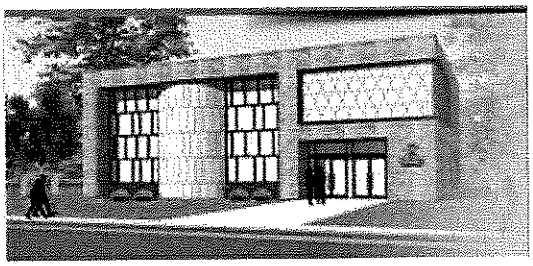
Judith Macks

Zoning hearings – 3009 Northbrook Rd.

Case Number 2020-0299-SPHA

I am a nearby resident living in very close proximity to the proposed synagogue and want to register a concern with the proposed waivers. This is a residential neighborhood. A place of assembly, as proposed, will change the aspect of the neighborhood inconsistent with the zoning regulations that were put in place to protect neighborhoods.

On the synagogue's Facebook page they say they have over 200 members and show this rendering of their future building plans.



This is so out of keeping with the character of this neighborhood of small single-family homes. Concerns are with the size of the synagogue, traffic it can be expected to generate, and the negative affect that it would have on the neighborhood.

One of the waivers is to have 2 parking spaces instead of the required 20. For a group with 200 members is even 20 adequate? When the synagogue was meeting earlier in the year, they used the neighborhood streets for their commercial use. They used the better part of the east side of Lisburne Rd. They park on Friday and leave their cars until Sunday.

This conflicts with the parking for the Wellwood Rec fields. These are heavily used (in non-pandemic times) on weekends spring through summer. Usage is concurrent with synagogue use. The parking for the fields includes all of Lisburne Rd, and extends into the neighborhoods on Hatton and Northbrook. The weekend situation from parking for the fields consists of heavy traffic with people circling looking for spaces. Views at corners are blocked by parked cars adding to the dangerous conditions.

Granting the parking waiver for the proposed synagogue will increase the already undesirable situation on all weekends spring through summer. People parking for activities at the fields will park further and further into the dense adjacent neighborhoods, where there is already a full loading of on street parking by residents.

The proposed synagogue should not be granted a parking waiver as well as denial of the setback waivers.

The concern is not with the intended use, I belong to a synagogue, but with the plan to locate an assembly usage of this size and character in an established residential neighborhood.

Thank you for your consideration of these opinions,

A concerned neighbor.

## Donna Mignon

**From:** R Ghertler <rghertler@gmail.com>
**Sent:** Wednesday, February 24, 2021 8:20 AM
**To:** Administrative Hearings
**Subject:** 2020-0299-SPHA 3009 Northbrook
**Attachments:** 2020-0299-SPHA 3009 Northbrook.pdf

**CAUTION:** This message from rghertler@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Attached document is for consideration at the hearing scheduled for March 2nd.

Thank you.

**Donna Mignon**

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**From:** Cheri Milrad <cmilrad18@mac.com>
**Sent:** Monday, February 22, 2021 11:34 AM
**To:** Administrative Hearings
**Subject:** 2020-0299-SPHA and 3009 Northbrook Road

CAUTION: This message from cmilrad18@mac.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.
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I am very much against having this house turned into a synagogue. I have lived in this neighborhood for 31 years and I don't plan on moving until I am too old to live here. I am 71. It is busy enough with school, sports, and recreation activities at the field. The street that it is on is on a dangerous curve that people slam on the brakes a lot already. I can see that from my porch. This has been a residential neighborhood with people knowing their neighbors. They take care of their properties. I don't want this to change. Thank you.

3-3-21
10 km

**Debra Wiley**

**From:** Avron Elbaum <elbauma@gmail.com>
**Sent:** Sunday, February 21, 2021 12:41 PM
**To:** Administrative Hearings
**Subject:** Case Number: 2020-0299-SPHA, 3009 Northbrook Rd

CAUTION: This message from elbauma@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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To whom it may concern:

I am writing as a concerned neighbor who resides two homes away (approximately 150 feet) from the proposed conversion of a residential property to a synagogue at 3009 Northbrook Road, Baltimore, MD 21209.
I have significant concerns regarding this conversion. Due to my home's close proximity to 3009 Northbrook, I will be significantly and immediately impacted by this proposed conversion and change of use.

The houses in our neighborhood are residential dwellings, rather than structures used for commercial use or businesses that generate significant noise and disturbance. My family and I purchased our home assuming we would be residing in a quiet residential area. So having a synagogue two homes away will significantly and adversely impact the noise and disturbance around our home and other neighboring homes.

The synagogue will also need additional parking to accommodate religious services and events that are held during the week, yet the synagogue is only requesting either zero or 2 parking spaces. The synagogue will also hold services, family celebrations and events, which will necessitate the need for parking more than 20 cars and cause those parking to park on the streets in our neighborhood. When cars are parked on both sides of our street, it is very challenging for cars to travel safely down our street, especially oncoming traffic. This problem will only become more prevalent with the additional car traffic from the proposed synagogue. Additionally, there is a curve right near the synagogue and right in front of my house. My driveway and my neighbor's driveway exit onto this curve.
Additional parked cars and car traffic volume in the area will create significant safety concerns for cars traversing this curve, cars exiting our driveways and for pedestrians walking in the area.

The property of the proposed synagogue is also located directly across from an elementary school and neighborhood park used by many neighborhood children, which also backs up to the aforementioned curve on Northbrook Road. This curve also has limited sidewalks, which causes individuals to walk in the street on this curve. The additional cars parked and cars traffic from the synagogue will threaten the safety of those that walk to and from the school and the park on a daily basis.

As an active member of a neighborhood synagogue and the surrounding community, I am aware that synagogues, such as the proposed synagogue in our area consisting of young families with children, generally grow in size. There is also a level of disturbance and noise that comes along with having a synagogue in the middle of a residential area.
This congregation is also comprised on many young families with children, which will necessitate future growth and space, which will result in additional noise and safety concerns over time.

Please help us to maintain the peaceful and quiet neighborhood. Thank you for the consideration.

Avron Elbaum

3-3-21
10 AM

**Donna Mignon**

**From:** Debra Varon <debravaron@gmail.com>
**Sent:** Friday, February 19, 2021 10:31 AM
**To:** Administrative Hearings
**Subject:** (Case Number: 2020-0299-SPHA ) and the street address, 3009 Northbrook Rd.

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

**CAUTION:** This message from debravaron@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

To whom it may concern:

I am writing as a concerned neighbor regarding the proposed conversion of a residential property to a new synagogue at 3009 Northbrook Road, Baltimore, MD 21208. I am opposing this plan for a number of reasons:

- There are 4 variances seeking to lessen the existing property dimensions which means the structure and its immediate surroundings will encroach on the immediate neighbors' property on both sides limiting their buffer and space between the properties.

- One of the variances is requesting 2 parking spaces as opposed to the 20 required for the synagogue. The synagogue's membership consists of 200 individuals which will have to park on the street where there is a dangerous curve close to the property. There is a blindspot around the curve, where cars often park on weekdays and weekends during large recreational activities at the elementary school across the street. At times, cars speed around the curve and more parked cars in the area will pose an extremely unsafe and dangerous situation for cars driving in the opposing direction and for pedestrians walking.

- The property is located directly across from an elementary school with a park in which many of the school children have to walk in the street around the curve because there is no sidewalk at that location. The large number of cars parked in that area will create a dangerous situation for school children because of the blindspot and speeding cars.

- The neighborhood consists of young families with children who utilize the school's playground and recreational area during the week and on weekends. Most walk to the playground; another safety concern.

- The proposed plan documented on the synagogue's fundraising site plans for a large structure which is not compatible with a residential neighborhood. All of the houses are single, residential dwellings and have been when the neighborhood was developed in the early-mid 1950's.

- A 200-member synagogue will create loud noise at many hours during the week and on weekends; particularly on the Saturday Sabbath,

religious holidays when most members attend services early in the morning, as well as celebrations throughout the year. Often during the week, services and classes are held at various times throughout the day and evening. I have also witnessed large groups of members congregating on the property in front of the existing house contributing to the noise level.

Please help us to maintain our safe, quiet, beautiful, and single family residential neighborhood where families have enjoyed living here for over 60 years. Thank you.

Debra Varon