IN THE MATTER OF 2429 LIGHTFOOT, LLC, LEGAL OWNER AND PETITIONER FOR SPECIAL HEARING AND VARIANCE ON THE PROPERTY LOCATED AT 2429 LIGHTFOOT DRIVE 3RD ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 20-309-SPHA

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

OPINION

This matter comes before the Baltimore County Board of Appeals as an appeal of the Administrative Law Judge's ("ALJ") March 30, 2020 Opinion and Order, granting Special Hearing relief finding pursuant to Baltimore County Zoning Regulations ("BCZR") §1B01.1B.1.h, that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1B.1. shall not apply to the property as existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1; Special Hearing relief permitting a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan, and Variance Relief pursuant to BCZR § 1B01.2C.1. to permit a non-residential building yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively; if necessary, from BCZR § 409.6A.4 to permit one (1) off-street parking space in lieu of required 20 spaces; from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in., in lieu of required 30 in.; and from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in., respectively.

A *de novo* hearing was held before this Board via Webex on October 20, 2021, with Jason T. Vettori, Esquire of Smith, Gildea and Schmidt, LLC appearing on behalf of the

Petitioners, and Gordon M. Levenson, Esquire on behalf of the Protestants. A public deliberation was held via Webex on December 14, 2021.

FACTS

Background

The Property at issue (2429 Lightfoot Drive) is a part of the Summit Park development. The record plat for the Section III of the Summit Park development was recorded in Liber G.L.B. No. 22, Folio 19. (Petitioner's Exhibit No. 6.) The record plat indicates that the development was approved by the Baltimore County Planning Board on July 5, 1955 and recorded in Land Records on July 15, 1955.

The primary structure was built in 1958. The Property is presently zoned Density Residential ("DR") 5.5. "Churches, other buildings for religious worship or other religious institutions" are expressly permitted by right in the DR 5.5 zone, consequently no analysis is required by this Board pursuant to BCZR § 502.1; BCZR § 1B01.1.A.3. The Property is owned by 2429 Lightfoot, LLC. 2429 Lightfoot, LLC is wholly owned by Congregation Ohr HaTorah. Congregation Ohr HaTorah (the "Congregation") was established in 2013 and incorporated in 2014, subscribing to the principles of Orthodox Judaism. One of the key tenets of the Congregation's faith is the observance of Sabbath, when things such as driving cars are prohibited. While driving motor vehicles is not permitted on the Sabbath, other religious high holidays may occur on other days of the week when driving is permitted. Petitioners seek approval to convert use of a previously residential property to that of a synagogue.

Petitioner's Witnesses

Mr. Paul Bycoffe, a neighbor to the subject property, was the Petitioner's first witness. He pointed out the location of his property cattycorner to the subject property, at the corner of

Lightfoot Drive and Greenspring Avenue (Petitioner's Exhibit Nos. 2A, 2B and 2C). He testified that he has lived here for 28 years, that parking in the neighborhood is not an issue, and that any accidents at the intersection he lives on have always been an issue and cannot be attributed to the use of this Property.

The next witness called by the Petitioner was Ezra Frager. Mr. Frager lives at 2417 Lightfoot Drive, which is six houses to the east of the subject property. He testified that he is a member of the local Orthodox community but is not a member of the synagogue at issue, although he has attended services there a few times. He has been living on the block since 2013. He testified that the use does not contribute to traffic issues.

The Board next heard from Congregation Board Member, Yakov Shafranovich. Mr. Shafranovich, who lives across Greenspring Avenue from the subject site, testified that he has been involved with locating a property that is centrally located to the Congregation's members (Petitioner's Exhibit No. 12). He presented pictures of the Property (Petitioner's Exhibit No. 3). Mr. Shafranovich discussed how arrangements have been made previously with the nearby elementary school to utilize their parking facility when special events are scheduled and will do so again in the future should the need arise (Petitioner's Exhibit Nos. 10 and 11).

Last, John Motsco, Petitioner's expert witness, testified in support of the relief requested. He prepared redlines to the Plan to Accompany the Petition for Zoning hearing (Petitioner's Exhibit No. 1) and testified regarding how the special hearing and variance standards were satisfied. It was Mr. Motsco's opinion that the "definition and purpose" provision of the RTA regulations was not triggered by the use conversion, as the site was not being "developed." He further opined that the proposed change in use to a use permitted by right does not "generate" the RTA regulations.

Protestants' Witnesses

The Protestants first witness was Arnold F. ("Pat") Keller III. Mr. Keller, was admitted as an expert in land use based upon his training, knowledge, and experience. He testified in opposition to the relief requested. Mr. Keller was a former Director of the Office of Planning for Baltimore County (now Department of Planning). Mr. Keller testified that he reviewed prior cases, the regulations, and visited the site and other such facilities. He opined that RTA regulations would apply to this synagogue due to its change in use from a residential home. He opined that the property could not meet any of the RTA requirements as the lot was too small to allow any buffering. He also opined that 2429 Lightfoot Drive is not a unique lot or structure that would allow for waivers of RTA regulations or other variances.

Next, Allen Abend, testified in opposition to the relief requested. Mr. Abend lives at 2417 Sylvale Road. Mr. Abend is a retired architect and former Deputy Director of the Maryland Public School Construction Program. He testified that he was familiar with the plans for Summit Park Elementary, the school nearest to the subject property, and that a new school would be built in its place as early as Spring 2022. He described that capacity of the school will likely double and traffic from the school will be directed to turn right out of the school to Sylvale Road and then down Lightfoot Drive, passing the property at issue. His testimony was that the synagogue would cause traffic issues. He did, however, testify that pedestrian traffic was not an issue.

Jay S. Gamerman, an engineer, was next to testify in opposition to the relief requested. Mr. Gamerman lives at 2414 Lightfoot Drive, less than a block from the property at issue. Mr. Gamerman described significant activity at 2429 Lightfoot Drive with many cars parked on Greenspring Avenue. He clarified that this activity was not just on the Sabbath, but also during the weekdays. He could not state whether the parked cars in the neighborhood were definitely

from the shul. He also testified that he has seen approximately 10 strollers in front of the 2429 property during services that included the presence of women and children.

Brad Herling, a retired Howard County School Principal testified in opposition to the proposed synagogue, from which he has lived across the street for the last 65 years. He testified as to observing the property being used as a synagogue on weekday mornings and evenings in addition to the Saturday Sabbath. He testified that not only men use the property, but women and children also often attend. He testified that the uses of the property as a synagogue creates traffic and parking problems on Lightfoot Drive which is already a dangerous street and intersection.

The last person to testify in opposition to the relief requested was Paul Margolis. Mr. Margolis testified that he lives at 7921 Winerset Ave in Baltimore, but he grew up at 2427 Lightfoot Drive, where his elderly father still lives. He testified that the members of the synagogue have already disturbed the peaceful use of his father's home. Several synagogue members have entered the property of 2427 Lightfoot and startled Mr. Margolis' father. He testified that his father finds the noise from the synagogue unsettling and keeps him up at night. He also noted that there have been multiple car accidents on Lightfoot Drive and he believes that the proposed synagogue will add to this problem. While his complaints were generally with respect to traffic and parking, he doesn't think it's appropriate for a synagogue to be next to him. He testified that this is a residential neighborhood, and the use of the property as a synagogue would change the complexion of the neighborhood. He testified about a recent accident on Greenspring Avenue, but he could not say that attendees currently using the property were responsible for the accident.

DISCUSSION

Applicability of the RTA

A petition for special hearing "is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md.App. 194, 209 (2005). The key question in the Petitioner's petition for special hearing is whether the RTA provisions found in BCZR § 1B01.1.B.1.a. are applicable to the use conversion of a residential property into a synagogue as outlined above.

The "definition and purpose" of the RTA is set forth in BCZR § 1B01.1.B.1.a which provides:

> (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**.
> (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

BCZR § 1B01.1.B.1.b. BCZR § 1B01.1.B.1.b provides:

> 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.

BCC § 32-101(p) defines "development" as:

> (1) The improvement of property for any purpose involving building;
> (2) The subdivision of property;
> (3) The combination of any two or more lots, tracts, or parcels of property for any purpose;
> (4) Subjecting property to the provisions of the Maryland Condominium Act; or
> (5) The preparation of land for any of the purposes listed in this subsection.

For further clarity of the term "improvement" found in BCC § 32-101(p)(1), § 32-101(w)(2) defines "improvements" as

(i) Streets;
(ii) Drains, bridges, and culverts;
(iii) Sewers;
(iv) Water lines;
(v) Open space;
(vi) Curbs and gutters;
(vii) Sidewalks and paths;
(viii) Streetlights;
(ix) Landscaping;
(x) Stormwater management facilities;
(xi) Traffic-control devices;
(xii) Telecommunications conduits; and
(xiii) Other improvements as determined necessary and appropriate by the county.

Webster's Third International Dictionary of the English Language, Unabridged defines the term "develop" as "to make actually available or usable ... as (1) to convert (as raw land) into an area suitable for residential or business purposes."

As it is clear Petitioner and Protestant's experts disagree as to the statutory interpretation involving the applicability of the RTA in the case at bar, the Board turns to case law to assist in making its own interpretation. In a case with facts similar to that found in the case at bar, the Court of Special Appeals considered whether the conversion of a residential property to a church use constituted "development" and triggered the provisions of the RTA, as set forth in BCZR § 1B01.1.B.1.a. In *Ware v. People's Counsel for Balt. Cnty.*, 223 Md.App. 669 (2015), the Court found that based upon the Board's finding that Ware "created a new parking lot behind the house on the Property... [s]he planted numerous trees to screen the new parking lot and...proposed new drainage and stormwater management systems to accommodate the new use", that these improvements, as that term is defined in BCC § 32-4-101(w), constituted development, and the RTA regulations in BCZR § 1B01.1.B.1.e applied. *Id.* at 684-85. The triggering factor for the application of RTA regulation in *Ware*, was the Courts determination that "development" would occur.

In applying the Court's rationale in *Ware* to the case at bar, the testimony before the Board was that no such alterations to the property or structure are proposed that would fall within the definition of "development" as outlined above. No testimony was received regarding any external improvements to the property, or its surrounding property, be it for grading, storm water management or parking. Accordingly, the companion requests for variance relief in this matter involve efforts by the Petitioner to keep the property "as it is" in its present condition, though non-conforming with current zoning requirements.

An important fact in this case which distinguishes it from the facts and the Board's decision cited in *Ware*, is the fact that, while some high holidays will fall on day's other than the Sabbath, members of the synagogue will primarily be walking to the property on the Sabbath days when the highest volume of people will be attending. In *Ware,* a parking area was constructed to accommodate the majority of church members who would be driving to services. The creation and grading of a parking lot was one of the key facts noted by this Board and the Court of Special Appeals in finding that "development" had occurred in *Ware.* Consequently, the Board finds that based on the evidence presented and its application to the relevant definitions previously outlined, no "development" will take place on the subject property that would trigger the provisions of the RTA.

Due to the Board's finding that RTA regulations in BCZR § 1B01.1.B.1.e do not apply in this matter, the Board will not address the Petitioner's alternative arguments regarding applicable exceptions to RTA regulation.

Request for modified parking plan pursuant to BCZR § 409.12

The Petitioner has requested special hearing relief requesting a finding that an undue hardship would exist were the minimum number of required off-street parking spaces, as

provided in BCZR § 409 be required to be provided. Although the Petitioner's special hearing request indicated that there was one (1) parking space that could be provided, Petitioner's expert, Mr. Motsco submitted a redlined plan showing that three (3) stacked spaces could actually be provided on the Property.

BCZR § 409.1.A provides that "[a]ll structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement." BCZR § 409.6 provides that the "Minimum Number of Required Off-Street Parking Spaces" is "1 per 4 seats in the principal place of worship" for a "[c]hurch, house of worship or religious assembly."

Testimony before the Board did not clearly determine the exact number of people permitted in the synagogue, however, Note #20 on the redlined plan to accompany (Petitioner's Exhibit No. 1) indicates that up to 80 people could be seated which would necessitate 20 off-street parking spaces. Protestant's expert, Mr. Keller testified that he did his own computation, and he foresees there being capacity for 126 seats, for which 32 parking spaces would be necessitated. Mr. Shafranovich's testified that, in addition to the fact that most congregants live within walking distance (Petitioner's Exhibit No. 12), typically only 35 people would be permitted in the shul at one time unless it was a high holiday. Additionally, Mr. Shafronovich stated that if they were anticipating a larger crowd and/or people driving, they would seek permission from the vicinal elementary school to utilize their parking lot. By using either the Petitioner's or the Protestant's estimate for the number of off-street parking spaces, it is clear from the testimony before the Board that requiring such numbers would be impractical for the

use of the synagogue and would constitute an undue hardship.[1] Included in the Board's rationale for the granting of the modified parking plan is the fact that a large amount of the congregants will be walking to the synagogue and that alternative parking at a near-by school will be utilized on high holidays.

Variance Relief

In addition to the issue of RTA applicability, Petitioner requests variance relief for various already existing improvements to the property. Requested variances pertaining to RTA criteria are now moot in light of the Board's finding above. The first request for variance relief pertains to the principal structure itself. The second pertains to the parking requirement (which constitutes an alternative to the special hearing request for a modified parking plan). The third and fourth pertain to the existing accessory structures.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that the uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md.App. 691 (1995).

While the proposed use is permitted by right, the use conversion to a nonresidential use arguably subjects it to the building setback requirements for nonresidential principal building setbacks in DR Zones, as provided in BCZR § 1B01.2.C.1.a. As Mr. Motsco testified, while the prior residential use may not be a legally nonconforming use, the structure is legally

[1] Petitioner cites the prior Board Opinion In the Matter of Michael R. Mardiney, Jr. M.D. - Legal Owner, Case No. 13-171-SPHXA (decided Nov. 21, 2013), at page 19, where the Board previously found that, for a modified parking plan, the BCZR requires the Petitioners to show an undue hardship if the BCZR were strictly applied.

nonconforming under the current regulations.[2] BCZR § 1B01.2.C.1.b requires a side yard setback of 15 feet and a rear yard setback of 30 feet for a residence in the DR 5.5 zone. The existing principal structure, as it stands now, is not in compliance with the current setback requirements in the DR 5.5 zone for single-family detached dwellings as the side yard setbacks are as little as 9 feet and the rear yard setback is 17 feet.

Mr. Motsco, who was accepted an expert in engineering and land use (zoning and development), testified the property was unique, considering the existing structure "was constructed prior to the current zoning code and was constructed as a single-family dwelling that it is particular to the site" and that it is an irregularly shaped parcel even when compared to the immediately adjoining properties which are fairly rectangular. He added that a practical difficulty or unreasonable hardship exists because "were the relief not granted, it would technically require removal of the existing structure and prohibit its reuse as a synagogue."

The first variance request pertains to the setback requirements for a nonresidential use in the DR 5.5 zone. The plan (Petitioner's Exhibit No. 1) shows that the existing principal structure as it stands now has side yard setbacks of 9.1 feet (to 2431 Lightfoot Drive) and 12.6 feet (to 2427 Lightfoot Drive) and a rear yard setback of 17 feet. The building setback requirements for nonresidential principal building setbacks in DR Zones, as provided in BCZR § 1B01.2.C.1.a, require side yard setbacks of 20 feet and a rear yard setback of 30 feet. As such, a request was made for a variance from the side yard setback of as little as 9 feet and a rear yard setback of 17 feet. The Property is only approximately 80 feet wide and 115 feet deep. It would be impractical to make the Petitioner reduce the size of the existing structure.

[2] BCZR § 104.3 provides that "[n]o nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25 percent of the ground floor area of the building so used."

The third and fourth variance requests pertain to the existing accessory structures. The third request is for an accessory structure that is setback from the property line 18 inches and the fourth is for an accessory structure that is setback from the property line 0 inches. These structures have been here for a nondeterminate amount of time.

The testimony and evidence support a finding that the property is uniquely shaped, the lot does slope significantly, and the Petitioner would suffer hardship or practical difficulty if the variances were denied because the existing residence would have to be modified or removed entirely. Imposition of building setbacks based upon the use conversion alone, without variance relief, would not be within the spirit and intent of the BCZR.

CONCLUSION

This Board finds that the very unique facts regarding the planned use conversion of the residential property at issue into a synagogue do not meet the definition of what constitutes "development," thus triggering the applicability of the provisions of RTA regulations in BCZR § 1B01.1.B.1.e. This finding is in keeping with the specific facts in this case, and guided by the Court of Special Appeals decision and analysis in *Ware*. This Board's decision in this matter should not be interpreted to apply, *per se*, to all such requests. Additionally, this Board finds that a modified parking plan must be granted to avoid undue hardship created by strict compliance with BCZR § 409. The Board takes note of the surrounding neighborhood's extremely valid concerns regarding traffic, but also takes note that "churches, 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. Finally, the Board finds that the Petitioner has satisfied both prongs of the *Cromwell* analysis and that the requested variance relief regarding non-

residential building side yard setback and rear-yard setback, and side yard setback for existing accessory structure shall be GRANTED.

ORDER

THEREFORE, IT IS this 23rd day of March, 2022 by the Baltimore County Board of Appeals, that the Petition for Special Hearing for the Board of Appeals to find BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of the BCZR § 1B01.1B.1 shall not apply to the property due to the properties conversion to a synagogue not constituting "development" is hereby **GRANTED.**

IT IS FURTHER ORDERED that the Special Hearing to permit a modified parking plan pursuant to BCZR § 409.12 to allow more than three staked parking spaces as shown on the redlined site plan is hereby **GRANTED.**

IT IS FURTHER ORDERED that the Variance pursuant to BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively; if necessary, from BCZR § 409.6A.4 to permit three (3) stacked parking spaces in lieu of the required 20 spaces; from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.; from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively is hereby **GRANTED.**

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

Andrew M. Belt, Panel Chairman

see following page
Fred M. Lauer

see following page
Bryan T. Pennington

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

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BOARD OF APPEALS
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Board of Appeals of Baltimore County

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March 23, 2022

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Gordon M. Levenson, Esquire
1206 St. Paul Street
Baltimore, Maryland 21202

RE: In the Matter of: *2429 Lightfoot, LLC – Legal Owner*
Case No.: 20-309-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
Enclosure
Duplicate Original Cover letter

c: See Distribution List following

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JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
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Administrative Law Judge

April 14, 2021

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RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing & Variance
Case No. 2020-0309-SPHA
Property: 2429 Lightfoot Drive

RECEIVED
APR 14 2021
BALTIMORE COUNTY
BOARD OF APPEALS

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 13, 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:dlm
Attachment

c: ***See Email Addresses Below***

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Debra Wiley

From: Mail Delivery System <postmaster@baltimorecountymd.gov>
To: drubin@ohrharoeahbaltimore.org
Sent: Wednesday, April 14, 2021 7:58 AM
Subject: Undeliverable: APPEAL -- Case No. 2020-0309-SPHA - 2429 Lightfoot Drive

Delivery has failed to these recipients or groups:

drubin@ohrharoeahbaltimore.org
A problem occurred while delivering your message to this email address. Try sending your message again. If the problem continues, please contact your email admin.

Diagnostic information for administrators:

Generating server: esa02plxdz.baltimorecountymd.gov

drubin@ohrharoeahbaltimore.org
Remote Server returned '554 5.0.0 < #5.0.0 smtp; 5.1.2 - Bad destination host 'DNS Hard Error looking up ohrharoeahbaltimore.org (MX): NXDomain' (delivery attempts: 0)>'

Original message headers:

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07:58:16 -0400
Received: from ex1601p.bcg.ad.bcgov.us (172.30.49.220) by
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Received: from ex1601p.bcg.ad.bcgov.us ([fe80::b85c:e8b2:8330:1d3]) by
 ex1601p.bcg.ad.bcgov.us ([fe80::b85c:e8b2:8330:1d3%5]) with mapi id
 15.01.2176.009; Wed, 14 Apr 2021 07:58:15 -0400
From: Debra Wiley <dwiley@baltimorecountymd.gov>
To: "zwilkins@sgs-law.com" <zwilkins@sgs-law.com>, "gmlevenson@gmail.com"
        <gmlevenson@gmail.com>, "lschmidt@sgs-law.com" <lschmidt@sgs-law.com>
CC: Yakov Shafranovich <yakov@shaftek.org>, Rick Richardson
        <rick@richardsonengineering.net>,
        =?Windows-1252?Q?Marsha_Satisky-Gamerman_=96?= <marjaygams@gmail.com>,
        =?Windows-1252?Q?Ivan_Lutwin_=96?= <ivanlutwin@gmail.com>, Allen Abend
        <allen.abend@gmail.com>, Amy Zimmerman <duckyabz@verizon.net>, "Arthur
 Abramson" <debdogs@me.com>, Brad Herling <brad.herling@gmail.com>, Ferd Frank
```

	<fnbudfrank@hotmail.com>, Fred Zimmerman <frzimmerman@verizon.net>, "Ivan Lutwin" <ivanlutwin@gmail.com>, Jay Gamerman <jaygamsengineer@gmail.com>,
	Jayne Gerson <jgerson33@gmail.com>, Moshe Hammelburger
	<moshehammelburger@gmail.com>, Paul Margolis <paulmargolis@yahoo.com>, "Paul Sheinberg" <pawsitivepaul@aol.com>, Rabbi Duvi Rubin
	<drubin@ohrharoeahbaltimore.org>, "Dino C. Lafiandra, Esq."
	<dcl@lafiandralaw.com>, Peoples Counsel
	<peoplescounsel@baltimorecountymd.gov>
Subject: APPEAL -- Case No. 2020-0309-SPHA - 2429 Lightfoot Drive
Thread-Topic: APPEAL -- Case No. 2020-0309-SPHA - 2429 Lightfoot Drive
Thread-Index: AdcxJS1cnWbNpaOdR62LOz2NQ7wXHA==
Date: Wed, 14 Apr 2021 11:58:15 +0000
Message-ID: <aefa280705ca40289e50e1a841208b74@baltimorecountymd.gov>
Accept-Language: en-US
Content-Language: en-US
X-MS-Has-Attach: yes
X-MS-TNEF-Correlator:
x-originating-ip: [172.30.50.253]
Content-Type: text/plain
MIME-Version: 1.0

APPEAL

Petitions for Special Hearing and Variance
Case No.: 2020-0309-SPHA
2429 Lightfoot Drive
3rd Election District, 2nd Council District

Petitions for Special Hearing and Variance – December 29, 2020

Zoning Description of Property (1 page)

Notice of Zoning Hearing – February 11, 2021

Certification of Publication – *The Daily Record* newspaper - published on February 18, 2021

Certification of Posting by Linda O'Keefe – February 16, 2021 and March 9, 2021

Entry of Appearance by People's Counsel – January 12, 2021

Attendance Report (5 sheets)

Panelist List (1 sheet)

Zoning Advisory Committee Comments: Department of Planning – 3/3/2021
Department of Public Works – 3/3/2021 and Dev. Plans Review 3/10/21

Petitioner's Exhibits:

1 Site Plan
2 (A) - Aerial Closest View
(B) – Aerial Mid View
(C) – Farthest View
3 A – Y – Site Photos
4 Congregation Newsletters
5 Patrick Richardson CV
6 Subdivision Plat
7 Letters of Support from Indian Village Community
8 Letters of Support from Summit Park Community
9 A - ALJ Order in Case No: 18-219-SPHA
9 B – ALJ Order in Case No. 09-317-SPHA
10 Emails with BCPS re: use of parking lot

Protestant's Exhibits (Gordon Levenson, Esquire)

1 Signatures of Residents in Opposition
2 Location and description of 2429 Lightfoot Drive
3 Overlay of what setback would look like
4 Advertisement of Shul
5 Translation of Terms

6 Overhead Photos of 2429
7 Finalized Plans for Summit Park Elementary with Traffic Studies
8 Photos of Parking Issues
9 Zoning Denial for 2422 Lightfoot
10 Court of Special Appeals Lucy Ware v. People's Counsel
11 Photo of Width of Road
12 Jill Margolis Statement
13 Paul Margolis Statement
14 Irwin Lutwig's Statement

Miscellaneous

Cover Letter and Administrative Law Judge's Order Decision – Special Hearing & Variance-Granted – March 30, 2021 (10)

Notice of Appeal & Check #6906 for $600 - Received on April 13, 2021 –filed by Jay S. Gamerman

Cashier's Receipt # 174876 – $600 fee for Special Hearing and Variance

[redacted] 3/10/21
1:30

CASE NO. 2020-0309SPHA

CHECKLIST

ltr ✓ Order

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
3/3	~~DEVELOPMENT PLANS REVIEW~~ Public Works (if not received, date e-mail sent _____)	Oppose
1/11	DEPS (if not received, date e-mail sent _____)	N/C
_____	FIRE DEPARTMENT	_____
3/3	PLANNING (if not received, date e-mail sent _____)	Comments
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
Bureau of Dev. 3/10/21		Oppose
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. CE2000125 + CP2000282)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/18/21

SIGN POSTING (1st) Date: 2/10/21 by L O'Keefe

SIGN POSTING (2nd) Date: 3/9/21 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☑ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☑

Comments, if any: _____

JOHN A. OLSZEWSKI, JR.
County Executive

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

BALTIMORE COUNTY
OFFICE OF ADMINISTRATIVE HEARINGS
YOU ARE IN THE VIRTUAL HEARING ROOM
FOR:

Case Number: 2020-0309-SPHA

Property Address: 2429 LIGHTFOOT DR.
Location: East of intersection of Lightfoot Dr. and Greenspring Ave. on South side of Lightfoot Dr.
Election District: 3 Council District: 2
Legal Owner: 2429 Lightfoot, LLC
Contract Purchaser: No Contract Purchaser was set.

SPECIAL HEARING: Pursuant to the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.h, to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1. If necessary, to permit a synagogue (church), including parking areas and driveways, on the property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g(6). If necessary, to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively pursuant to BCZR § 1B01.1B.1.e(5). To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan. To approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan; for such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County.

VARIANCE: From BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively. If necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively. If necessary, from BCZR § 1B01.1.B.1.e(5), to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively. For such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County.

WebEx Hearing: Wednesday- 03/10/2021 @ 01:30 PM

THE HEARING IS SCHEDULED TO START AT 1:30 PM

Address List

Petitioner:

2429 Lightfoot, LLC
2429 Lightfoot Road
Baltimore, MD 21209
(Legal Owner)

Moshe Hammelburger
2500 Ozark Circle
Baltimore, MD 21209
moshehammelburger@gmail.com
(Legal Representative of 2429 Lightfoot, LLC)

Yakov Shafranovich
Congregation Ohr HaTorah
yakov@shaftek.org

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
lschmidt@sgs-law.com

Jason Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
jvettori@sgs-law.com

Patrick E. Richardson, P.E.
Richardson Engineering, LLC
30 E. Padonia Road, Suite 500
Timonium, MD 21093
rick@richardsonengineering.net

Protestant/Appellant:

Jay S. Gamerman
2414 Lightfoot Drive
Baltimore, MD 21209
marjaygams@gmail.com
(410) 484-4756

Interested Persons:

Gordon M. Levenson, Esquire
1206 St. Paul Street
Baltimore, MD 21202
gmlevenson@gmail.com
(443) 524-4529
(Protestants counsel at ALJ)

Brad Herling
Brad.herling@gmail.com

Arthur Abramson
debdogs@me.com

Uri Avin
uavin@umd.edu

Paul Margolis (443) 803-7600
7921 Winterset Avenue
Baltimore, MD 21208
paulmargolis@yahoo.com

Jill Margolis (410) 370-4037

Ivan Lutwin
ivanlutwin@gmail.com

Allen Abend
Allen.abend@gmail.com

Amy Zimmerman
duckyabz@verizon.net

Ferd Frank
fnbudfrank@hotmail.com

Fred Zimmerman
frzimmerman@verizon.net

Jayne Gerson
Jgerson33@gmail.com

Paul Sheinberg
pawsitivepaul@aol.com

Rabbi Duvi Rubin
drubin@ohrharoeahbaltimore.org

Dino C. La Fiandra, Esquire
dcl@lafiandralaw.com

Interoffice:

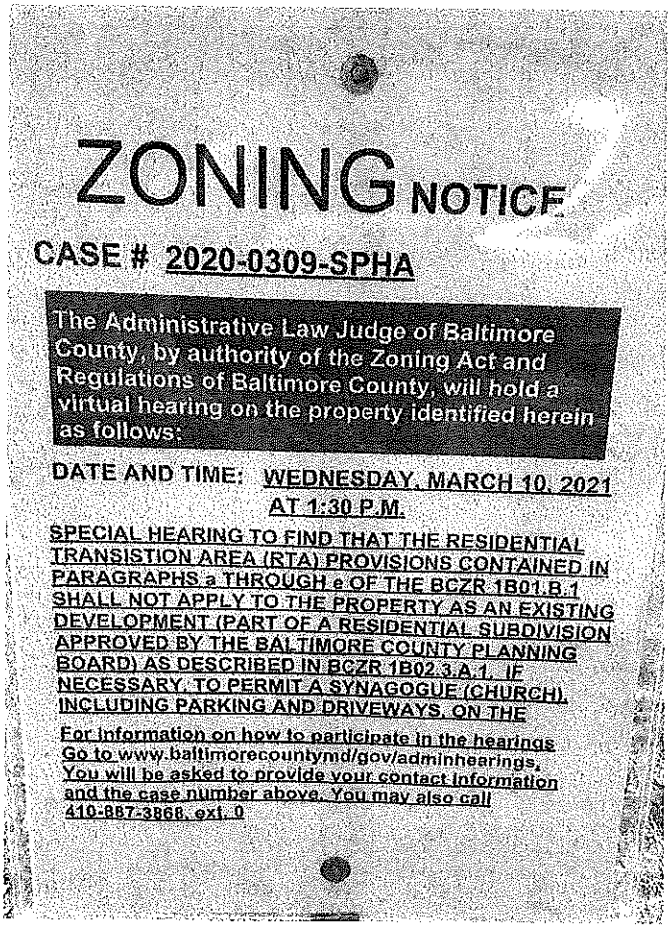
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
Stephen Lafferty, Director/Department of Planning
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON
DATE: 3/9/2021
Case Number: 2020-0309-SPHA
Petitioner / Developer: ZACHARY WILLIAMS, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ 2429 LIGHTFOOT, LLC, MOSHE HAMMELBURGER
Date of Hearing: MARCH 10, 2021

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2429 LIGHTFOOT DRIVE

The sign(s) were posted on: FEBRUARY 16, 2021
The sign(s) were re-photographed on: MARCH 9, 2021



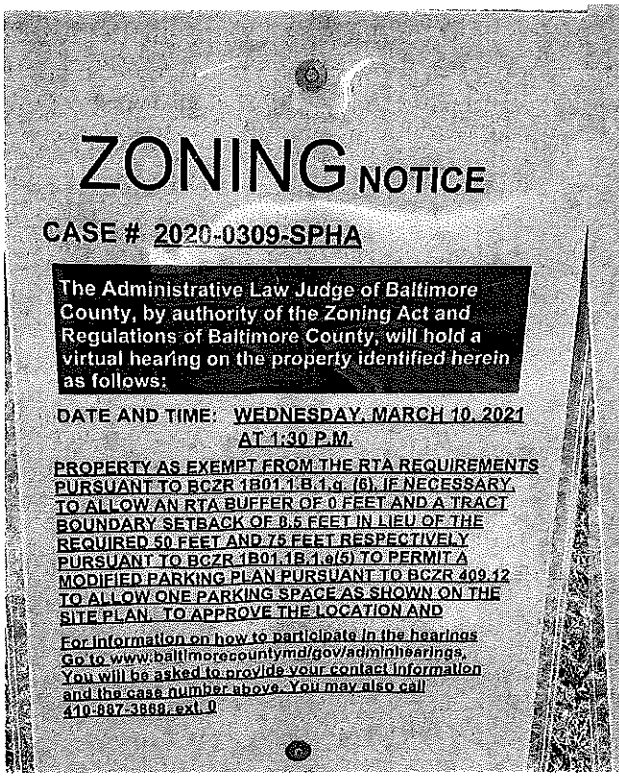
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

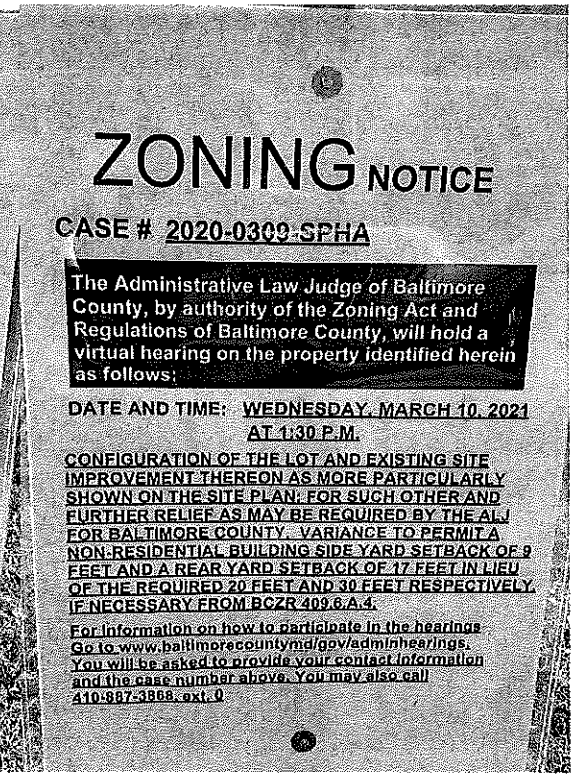
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

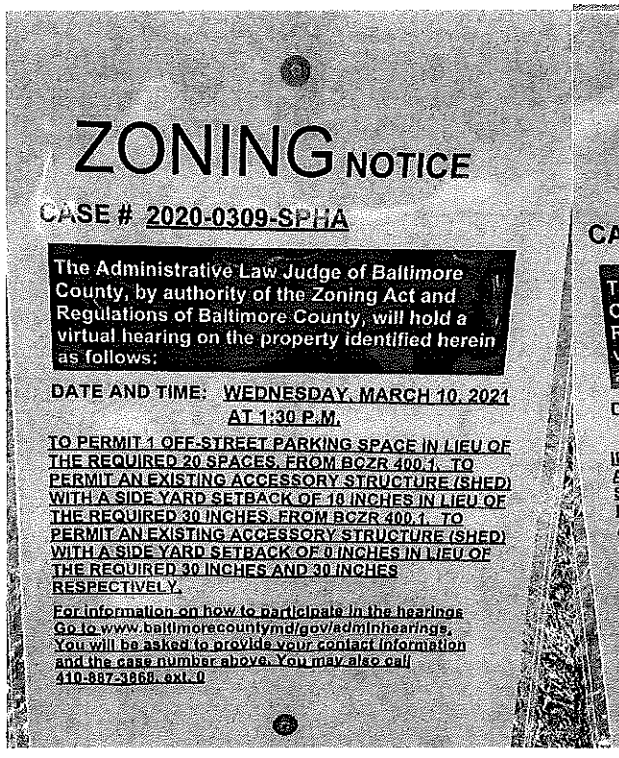
410 – 666 – 5366
(Telephone Number of Sign Poster)



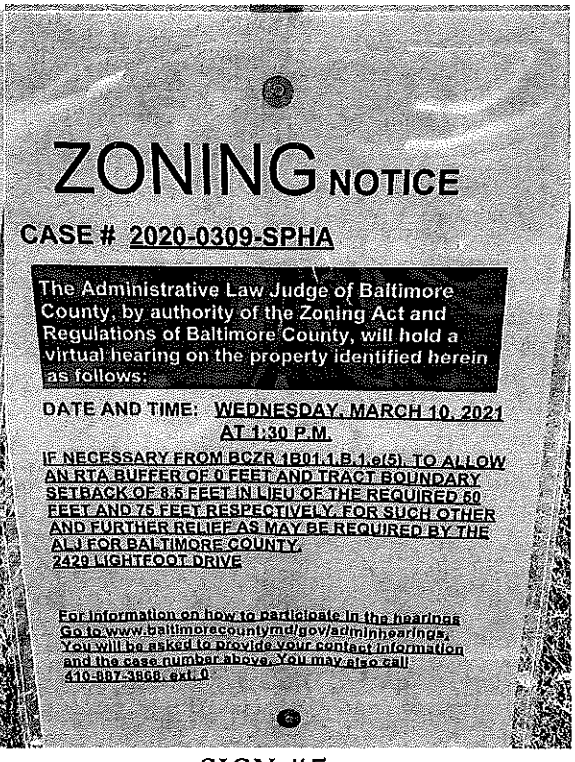
SIGN #2



SIGN #3



SIGN #4



SIGN #5

CASE # 2020-0309-SPHA

GROUP PHOTO 1ST SET OF SIGNS @ 2429 LIGHTFOOT DRIVE ~ 2/16/2021

GROUP PHOTO 2ND SET OF SIGNS @ 2429 LIGHTFOOT DRIVE ~ 2/16/2021

CASE # 2020-0309-SPHA

3-10-21
1:30 pm

Debra Wiley

2020-0309-A

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, March 9, 2021 10:05 PM
To: Administrative Hearings
Subject: Certification
Attachments: Lightfoot Drive Cert. .jpeg; Lightfoot Dr. photos .docx; Group Photos Lightfoot Dr. .docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna,

I am attaching the Second Certification for Lightfoot Drive Case # 2020-0309-SPHA along with photos for your records. It was a pretty day to go out and get pictures. Looking forward to spring as it was nice to hear the birds sing.
Have a good day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

Donna Mignon

From: Donna Mignon
Sent: Tuesday, March 2, 2021 9:41 AM
To: Lisa M Henson

Hi Lisa,
I hope you are doing well. We have a hearing coming up next week. Can you please send me the code violations: CE2000125 and CP2000282.

Thank you so much. ☺

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

Donna Mignon

From: Donna Mignon
Sent: Tuesday, February 16, 2021 3:57 PM
To: Matt F. Gawel

Good Afternoon,
I wanted to see if you could send me the violation cases for CE2000125 and CP2000282.
If you don't have these can you let me know who I can contact.

Thank you. Have a great day.

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

Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
12/30/2020

Permit Processing Residential Permit & Development Report

Property Information

Tax Account Number: 0302004500 **Plat Ref:** 022:019 **Election District:** 3

Owner Name(s): SPICHINEVSKIY IGOR and SPICHINEVSKAYA SVETLANA A ET AL
Address: 2429 LIGHTFOOT DR
BALTIMORE,MD 21209
Premise Address: 2429 LIGHTFOOT DR

PDM # :
Zoning Class.(s): DR 5.5
Elevation Range: 444ft - 454ft

Affected Overlays

Instructions: Begin review process with Zoning Review, Room 111.

Potential Overlay Issues

Growth Tier 1: Served by public sewer and inside URDL

Contact Agency

Contact Agency		New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret.Walls/Bulk	Razing	Elec. & Plumb	High Rise Apts.	Agency Acknowledgment Initial & Date
Code Enforcement County Office Building Room 213 Phone: 410-887-8099 Rental Housing: 410-887-6060 Bldg. Inspections: 410-887-3953 Finance: 410-887-4100	**Open Code Enforcement Actions: Do NOT Issue Permit** Case# Type Action Status CE2000125 Electrical Inspection Scheduled CP2000282 Plumbing Inspection Scheduled													
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	InFill Lot Review	X												OK To File
	Verify Water Service Size.	X												

Notice: This report is not inclusive as additional issues may arise which would affect the ability to obtain a building permit. This Report is solely for Departmental use and nothing herein creates any right which would accrue to the applicant.
Form171R

Department of Permits, Approvals & Inspections
Complaint Report

Record Id: CP2000282

Record ID	Assigned To	Assigned Date	Received Date	Status	Compliance Date	Hearing Date
CP2000282	Steven Hlatt	12/15/2020	12/15/2020	No Violation		

Complaint Description: Plumbing work without a permit

Property
2429 LIGHTFOOT DR
MOUNT WASHINGTON, MD 21209-1545
Tax Id: 0302004500

Owner
SPICHINEVSKIY IGOR SPICHINEVSKAYA SVETLANA A ET AL
2429 LIGHTFOOT DR
BALTIMORE, MD 21209-1545

Complainant
Allen Abend
2417 Sylvale Rd
443-204-4989

Inspection Details

Inspector	Date	Service	Result	Action	Compiled On
Steven Hlatt	01/12/2021	Initial Inspection	No Violation	No Violation	

Lien Information - No Lien

Comments Detail

1/12/2021: 12/23/20 - Drove by and could not see any evidence of work being done. Case closed***Per S Hlatt/ir

Department of Permits, Approvals & Inspections
Complaint Report

Record Id: CE2000125

Record ID	Assigned To	Assigned Date	Received Date	Status	Compliance Date	Hearing Date
CE2000125	Peter Roros	12/16/2020	12/16/2020	No Violation		

Complaint Description: Working without permits

Property
2429 lightfoot
MD
Tax Id: 0302004500

Owner
SPICHINEVSKIY IGOR SPICHINEVSKAYA SVETLANA A ET AL
2429 LIGHTFOOT DR
BALTIMORE, MD 21209-1545

Complainant
Allen Abend
2417 Sylvale Road
Baltimore MD, 21209

Inspection Details

Inspector	Date	Service	Result	Action	Complied On
Peter Roros	02/03/2021	Initial Inspection	No Violation	No Violation	

Lien Information - No Lien

Comments Detail

2/3/2021: Site visit - no work being done

CLOSED CASE ;

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11968503
Case #: 2020-0309-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0309-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:

2/18/2021

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2020-0309-SPHA

2429 Lightfoot Drive

East of intersection of Lightfoot Drive and Greenspring Avenue on South side of Lightfoot Drive

3rd Election District - 2nd Councilmanic District

Legal Owner: 2429 Lightfoot, LLC, Moshe Hammelburger, Authorized Rep.

Special Hearing to find that the Residential Transition Area (RTA) provisions contained in Paragraphs a through e of BCZR 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR 1B02.3.A.1. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR 1B01.1.B.1.g.(6). If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR 1B01.1B.1.e(5) To permit a modified parking plan pursuant to BCZR 409.12 to allow one parking space as shown on the site plan. To approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan; for such other and further relief as may be required by the ALJ for Baltimore County. Variance to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively. If necessary from BCZR 409.6.A.4. To permit 1 off-street parking space in lieu of the required 20 spaces. From BCZR 400.1. To permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches. From BCZR 400.1. To permit an existing accessory structure (shed) with a side yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively. If necessary from BCZR 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively. For such other and further relief as may be required by the ALJ for Baltimore County.

Hearing: Wednesday, March 10, 2021 at 1:30 p.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

f18

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 2/16/2021
Case Number: 2020-0309-SPHA
Petitioner / Developer: ZACHARY WILLIAMS, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ 2429 LIGHTFOOT, LLC, MOSHE HAMMELBURGER
Date of Hearing: MARCH 10, 2021

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2429 LIGHTFOOT DRIVE

The sign(s) were posted on: FEBRUARY 16, 2021

SIGN #1

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

ZONING NOTICE

CASE # 2020-0309-SPHA

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:

DATE AND TIME: WEDNESDAY, MARCH 10, 2021 AT 1:30 P.M.

PROPERTY AS EXEMPT FROM THE RTA REQUIREMENTS PURSUANT TO BCZR 1B01.1.B.1.g. (6). IF NECESSARY, TO ALLOW AN RTA BUFFER OF 0 FEET AND A TRACT BOUNDARY SETBACK OF 8.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND 75 FEET RESPECTIVELY PURSUANT TO BCZR 1B01.1B.1.e(5) TO PERMIT A MODIFIED PARKING PLAN PURSUANT TO BCZR 409.12 TO ALLOW ONE PARKING SPACE AS SHOWN ON THE SITE PLAN. TO APPROVE THE LOCATION AND

For information on how to participate in the hearings Go to www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #2

ZONING NOTICE

CASE # 2020-0309-SPHA

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:

DATE AND TIME: WEDNESDAY, MARCH 10, 2021 AT 1:30 P.M.

CONFIGURATION OF THE LOT AND EXISTING SITE IMPROVEMENT THEREON AS MORE PARTICULARLY SHOWN ON THE SITE PLAN; FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY. VARIANCE TO PERMIT A NON-RESIDENTIAL BUILDING SIDE YARD SETBACK OF 9 FEET AND A REAR YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 20 FEET AND 30 FEET RESPECTIVELY, IF NECESSARY FROM BCZR 409.6.A.4.

For information on how to participate in the hearings Go to www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #3

ZONING NOTICE

CASE # 2020-0309-SPHA

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:

DATE AND TIME: WEDNESDAY, MARCH 10, 2021 AT 1:30 P.M.

TO PERMIT 1 OFF-STREET PARKING SPACE IN LIEU OF THE REQUIRED 20 SPACES, FROM BCZR 400.1. TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) WITH A SIDE YARD SETBACK OF 18 INCHES IN LIEU OF THE REQUIRED 30 INCHES, FROM BCZR 400.1. TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) WITH A SIDE YARD SETBACK OF 0 INCHES IN LIEU OF THE REQUIRED 30 INCHES AND 30 INCHES RESPECTIVELY.

For information on how to participate in the hearings Go to www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #4

ZONING NOTICE

CASE # 2020-0309-SPHA

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:

DATE AND TIME: WEDNESDAY, MARCH 10, 2021 AT 1:30 P.M.

IF NECESSARY FROM BCZR 1B01.1.B.1.e(5), TO ALLOW AN RTA BUFFER OF 0 FEET AND TRACT BOUNDARY SETBACK OF 8.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND 75 FEET RESPECTIVELY, FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY.
2429 LIGHTFOOT DRIVE

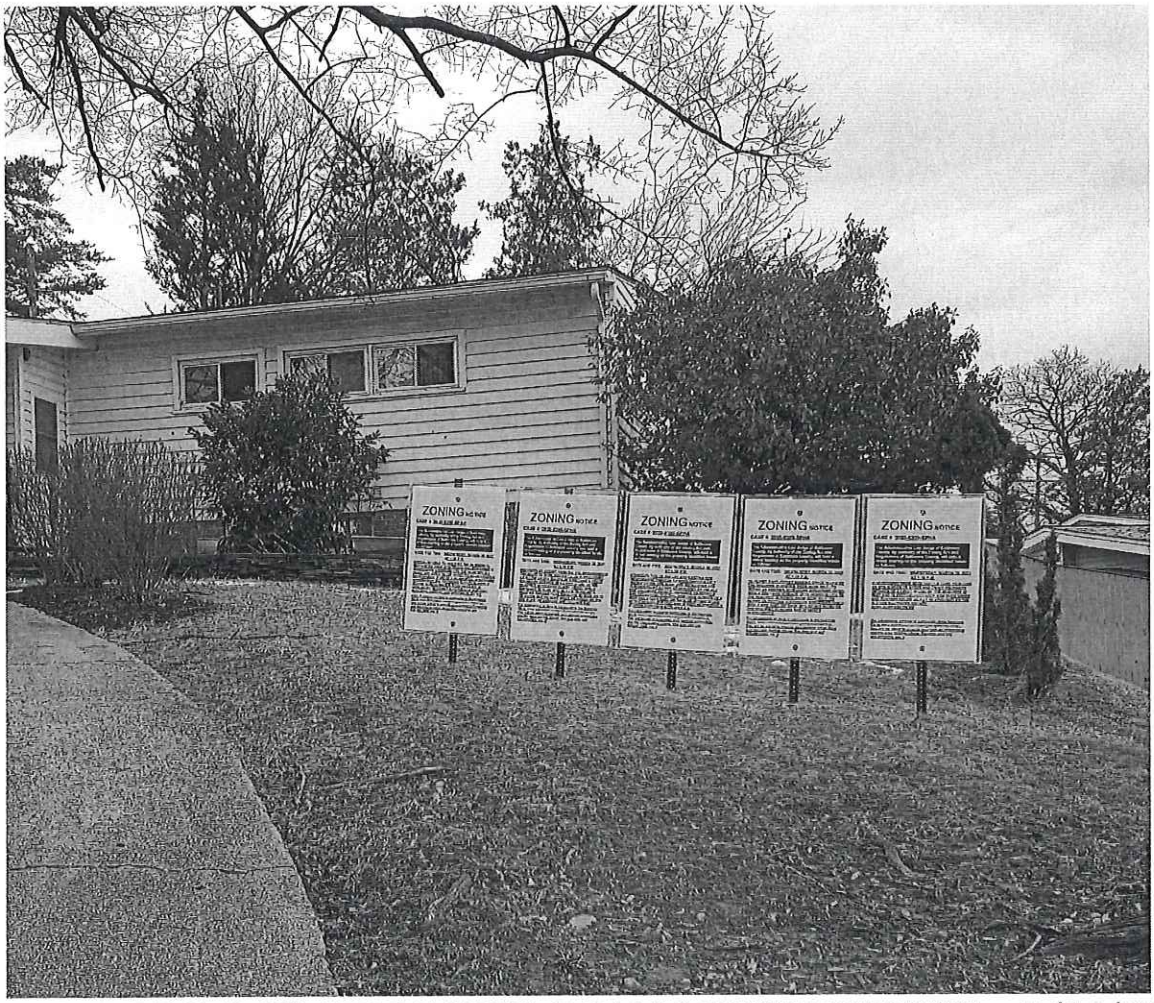
For information on how to participate in the hearings Go to www.baltimorecountymd/gov/adminhearings. You will be asked to provide your contact information and the case number above. You may also call 410-887-3868, ext. 0

SIGN #5

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

GROUP PHOTO 1ST SET OF SIGNS @ 2429 LIGHTFOOT DRIVE ~ 2/16/2021



GROUP PHOTO 2ND SET OF SIGNS @ 2429 LIGHTFOOT DRIVE ~ 2/16/2021

CASE # 2020-0309-SPHA

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 124 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov
Printed on recycled paper containing 30 percent post-consumer material

3-10-21
1:30pm

Debra Wiley

From: Kristen L Lewis
Sent: Thursday, February 11, 2021 12:09 PM
To: Donna Mignon; Debra Wiley
Subject: Webex 2020-0309-SPHA

Good afternoon,

Below is the information for a new webex. Thank you,

Case 2020-0309-SPHA
2429 Lightfoot Drive
Owners: 2429 Lightfoot, LLC
3/10/21 at 1:30 p.m.
Participant list:

(1) Zachary Wilkins: zwilkins@sgs-law.com
(2) Lawrence E. Schmidt: lschmidt@sgs-law.com
(3) Yakov Shafranovich: yakov@shaftek.org
(4) Rick Richardson: Rick@richardsonengineering.net

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... | Import Contacts...

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Zachary Wilkins	zwilkins@sgs-law.com	1-	English	New York Time	U.S.
☐	Lawrence E. Schmidt	lschmidt@sgs-law.com	1-	English	New York Time	U.S.
☐	Yakov Shafranovich	yakov@shaftek.org	1-	English	New York Time	U.S.
☐	Rick Richardson	rick@richardsonengineering.net	1-	English	New York Time	U.S.

Invite | Select All | Clear All | Delete | Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region [1] Number (with area/city code)

Time Zone: New York (Eastern Standard Time, GMT-05:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

Debra Wiley

From: Debra Wiley
Sent: Thursday, February 11, 2021 12:18 PM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - 2020-0309-SPHA

Event Information

Event:	Zoning Hearing - Case No. 2020-0309-SPHA - 2429 Lightfoot Dr.
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eea250
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e84bb2
Date and time:	Wednesday, March 10, 2021 1:30 pm Eastern Standard Time (New York, GMT-05:00)
Duration:	2 hours
Description:	Zoning Hearing Case No. 2020-0309-SPHA 2429 Lightfoot Drive 2429 Lightfoot LLC
Event number:	180 569 7552
Event password:	1234
Host key:	468056
Alternate Host:	Donna Mignon,Henry Ayakwah,Maureen Murphy
Panelist info:	
Panelist password:	
Panelist numeric password:	205965
Video Address:	1805697552@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 180 569 7552

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 2429 Lightfoot Drive; E of Lightfoot Drive & Greenspring Avenue; S/S of Lightfoot Drive 3rd Election & 2nd Councilmanic Districts Legal Owner(s): 2429 Lightfoot LLC Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2020-309-SPHA

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

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of January, 2021, a copy of the foregoing Entry of Appearance was emailed to Zachary J. Wilkins, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, lschmidt@sgs-law.com , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2020-0309-SPHA

Property Address: 2429 Lightfoot Drive

Property Description: _____

_____

Legal Owners (Petitioners): 2429 Lightfoot, L.L.C.

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Zachary J. Wilkins

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

_____

Telephone Number: 410-821-0070

Revised 7/9/2015

★ Deed reference number will be supplemented upon receipt from SDAT

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 2429 Lightfoot Drive **which is presently zoned** DR 5.5

Deed References: ★ 10 Digit Tax Account # 0302004500

Property Owner(s) Printed Name(s) 2429 Lightfoot, L.L.C.

(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

Please see attached

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

3. ✓ **a Variance** from Section(s)

Please see attached

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners): 2429 Lightfoot, L.L.C.

Moshe Hammelburger Authorized Representative of 2429 Lightfoot, L.L.C.

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

2500 Ozark Circle Baltimore MD

Mailing Address City State

21209

Zip Code Telephone # Email Address

Attorney for Petitioner:

Zachary J. Wilkins, Gildea & Schmidt, LLC

Name- Type or Print

ORDER RECEIVED FOR FILING
Date 1/4/2021
By [illegible]

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Zachary J. Wilkins, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0389-SPHA **Filing Date** 1/4/2021 **Do Not Schedule Dates:** ____ **Reviewer** ____

REV. 10/4/11

ATTACHMENT TO PETITION
ZONING RELIEF REQUESTED
2429 Lightfoot Drive (Property)

Special Hearing Relief:

1. Pursuant to BCZR § 1B01.1.B.1.h., to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1.;
2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g.(6);
3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

Variance relief:

1. From BCZR § 1B01.2.C.1.a. to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively;
2. If necessary, from BCZR § 409.6.A.4, to permit 1 off-street parking space in lieu of the required 20 spaces;
3. From BCZR § 400.1., to permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches;
4. From BCZR § 400.1.; to permit an existing accessory structure (shed) with a side yard setback of 0 inches and a rear yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively;
5. If necessary, from BCZR § 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively;
6. For such other and further relief as may be required by the ALJ for Baltimore County.

2020-0309-SPHA

★ Deed reference number will be supplemented upon receipt from SDAT

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 2429 Lightfoot Drive **which is presently zoned** DR 5.5

Deed References: ★ 10 Digit Tax Account # 0302004500

Property Owner(s) Printed Name(s) 2429 Lightfoot, L.L.C.

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

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Please see attached

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Please see attached

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)**

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Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 12/29/20
By

Attorney for Petitioner:

Zachary J. Wilkins, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners): 2429 Lightfoot, L.L.C.

Moshe Hammelburger Authorized Representative of 2429 Lightfoot, L.L.C.

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

2500 Ozark Circle Baltimore MD

Mailing Address City State

21209

Zip Code Telephone # Email Address

Representative to be contacted:

Zachary J. Wilkins, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0309-SPHA **Filing Date** 12/29/2020 **Do Not Schedule Dates:** _____ **Reviewer** RJ

REV. 10/4/11

ATTACHMENT TO PETITION
ZONING RELIEF REQUESTED
2429 Lightfoot Drive (Property)

Special Hearing Relief:

1. Pursuant to BCZR § 1B01.1.B.1.h., to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1.;
2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g.(6);
3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan; in lieu of 20
5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

Variance relief:

1. From BCZR § 1B01.2.C.1.a. to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively;
2. If necessary, from BCZR § 409.6.A.4, to permit 1 off-street parking space in lieu of the required 20 spaces;
3. From BCZR § 400.1., to permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches;
4. From BCZR § 400.1.; to permit an existing accessory structure (shed) with a side yard setback of 0 inches and a rear yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively;
5. If necessary, from BCZR § 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively;
6. For such other and further relief as may be required by the ALJ for Baltimore County.

2020-0309-SPHA

Richardson Engineering, LLC

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

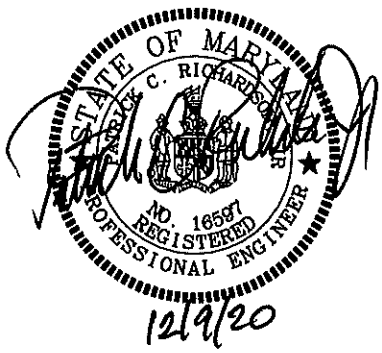
410-560-1502, fax 443-901-1208

ZONING PROPERTY DESCRIPTION FOR
2429 LIGHTFOOT DRIVE
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the south side right-of-way of **Lightfoot Drive** (50 feet wide) at a distance of 179 feet east of the centerline of the nearest improved intersecting street **Greenspring Avenue** (80 feet wide):
Thence the following courses and distances: (1) North 87 degrees 59 minutes 38 seconds East 87.00 feet, (2) South 2 degrees 00 minutes 22 seconds East 110.49 feet, (3) South 74 degrees 56 minutes 38 seconds West 43.03 feet; (4) North 42 degrees 34 minutes 30 seconds West 36.26 feet; (5) North 30 degrees 04 minutes 10 seconds 22.31 feet; (6) North 10 degrees 34 minutes 51 seconds West 73.80 feet, to the point of beginning.

Containing a net area of **8,616** square feet or **0.20** acres.

Being part of the land as recorded in Plat Liber GLB, 22, Folio 19, "Summit Park, Section III" shown as part of Lots 1, 2 and 27.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREARED 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.

2020-0309-SPHA

AFTER RECORDING, PLEASE RETURN TO:
Lawrence S. London, Esq., t/a Clear Title Group
106 Old Court Road
Suite 104
Baltimore, MD 21208
(410) 486-5456
File No. **20-8755TP**

Exempt from Baltimore County Transfer Tax
Pursuant to Baltimore County Code §11-302(a)

ASSIGNMENT

THIS DEED OF ASSIGNMENT, made this 29th day of **October, 2020**, by and between **Igor Spichinevskiy, Svetlana A. Spichinevskaya and Dmitriy Spichinevskiy,** Grantors, parties of the first part; and **2429 Lightfoot, L.L.C.**, Grantee, party of the second part.

WITNESSETH, that in consideration of the sum of **Three Hundred Ninety-Five Thousand And 00/100 Dollars ($395,000.00)**, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantors do grant and assign to the said Grantee, its successors and assigns the leasehold interest in all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

2429 Lightfoot Drive—Baltimore, MD 21209
District 03 Account 0302004500
($120.00 Annual Ground Rent)

BEGINNING FQR THE SAME on the south side of Lightfoot Drive, 50 feet wide, at a point distant 95.50 feet easterly from a point at the end of a curve at its intersection with-the northeast side of Greenspring Avenue, 30 feet wide, running thence binding on the south side of Lightfoot Drive, North 87 degrees 59 minutes 38 seconds East 87 feet to a point distant 11 feet Westerly from a point at the division line between Lots Nos. 3 and 2, Block A, as shown on a Plat of Summit Park, Section III, thence running parallel with said division line and distant 11 feet. westerly therefrom, South 2 degrees 00 minutes 22 seconds East 110.49 feet to a point in the division line between Lots Nos 2 and 26 as shown on said Plat, thence running and binding on: part of said division line, South 74 degrees. 56 minutes 38 seconds West 43.03 feet to a point at the end thereof; thence running for two new division lines through Lot No. 27 on said Plat as follows, via North 42 degrees 34 minutes 30 seconds West 36.26 feet and North 30 degrees 04 minutes 10 seconds West 22.31, feet to a point, and thence running for another new line of division through Lot No. 1 on said Plat North 11 degrees 20 minutes 32 seconds West 74.03 feet to the place of beginning. The improvements thereon being known as No. 2429 Lightfoot Drive, Baltimore, Maryland 21209.

BEING that property which, by Assignment dated August 5, 2005, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. 22538, folio 90, was granted and assigned by Binyamin Fakheri unto Igor Spichinevskiy and Svetlana A. Spichinevskaya, husband and wife, and Dmitriy Spichinevskiy, the Grantors herein.

2020-0309-SPHA

BY THE EXECUTION OF THIS DEED, the parties of the first part hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinbefore set forth.

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 the said described lot of ground and premises to the said Grantee, its successors and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever, subject to the payment of the annual rent of **$120.00 payable half-yearly on the** 30th **days** of May **and November in each** and every year.

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 assigned; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

WITNESS the hands and seals of the said Grantors.

Igor Spichinevskiy {SEAL}
Igor Spichinevskiy

Svetlana A Spichinevskaya {SEAL}
Svetlana A. Spichinevskaya

Dmitriy Spichinevskiy {SEAL}
Dmitriy Spichinevskiy

COUNTY OF Maricopa **, STATE OF** Arizona **:**

On this the 26 day of **October, 2020**, before me, a Notary Public, in the jurisdiction aforesaid, the undersigned Officer, personally appeared **Igor Spichinevskiy, Svetlana A. Spichinevskaya and Dmitriy Spichinevskiy,** known to me (satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same in my presence for the purposes therein contained.

I hereunto set my hand and official seal.

My commission expires 10/16/22

Alana K Edwards
Notary Public

ALANA K EDWARDS
Notary Public - Arizona
Maricopa County
Commission # 552727
My Comm. Expires Oct 16, 2022

2020-0309-SPHA

ZAC AGENDA

Case Number: 2020-0309-SPHA **Reviewer:** Rosalie Johnson
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: 2429 Lightfoot L.L.C
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 2429 LIGHTFOOT DR
Location: East of intersection of Lightfoot Drive and Greenspring Ave on South side of Lightfoot Drive.

Existing Zoning: DR 5.5 **Area:** 7,865 SQ FT
Proposed Zoning:
SPECIAL HEARING:
Pursuant to BCZR 1B01.1.B.1.h., to find that the Residential Transition Area (RTA) provisions contained in Paragraphs a through e of BCZR 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR 1B02.3.A.1.
If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR 1B01.1.B.1.g.(6)
If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR 1B01.1B.1.e(5)
To permit a modified parking plan pursuant to BCZR 409.12 to allow one parking space as shown on the site plan.
To approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan; for such other and further relief as may be required by the ALJ for Baltimore County.

VARIANCE:
From BCZR 1B01.2.C.1.a. To permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively.
If necessary from BCZR 409.6.A.4 To permit 1 off-street parking space in lieu of the required 20 spaces.
From BCZR 400.1 To permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches.
From BCZR 400.1 To permit an existing accessory structure (shed) with a side yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively.
If necessary from BCZR 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively.
For such other and further relief as may be required by the ALJ for Baltimore County.
Attorney: Zachary J. Wilkins Gildea & Schmidt LLC,
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: CE2000125; CP2000282
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 -** 0302004500

Owner Information

Owner Name:	2429 LIGHTFOOT L L C	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2500 OZARK CIR BALTIMORE MD 21209-	**Deed Reference:**	/43885/ 00486

Location & Structure Information

Premises Address:	2429 LIGHTFOOT DR BALTIMORE 21209-1545	**Legal Description:**	PT LT 1,2,27 2429 LIGHTFOOT DR SUMMIT PARK

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0006	0540	3060085.04	0000	3	A	1	2020	**Plat Ref:**	0022/ 0019

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1958	1,723 SF	600 SF	7,865 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	4	1 full/ 1 half	1 Carport	

Value Information

	Base Value	Value As of 01/01/2020	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	91,800	91,800		
Improvements	206,900	201,600		
Total:	298,700	293,400	293,400	293,400
Preferential Land:	0	0		

Transfer Information

Seller: SPICHINEVSKIY IGOR	**Date:** 01/04/2021	**Price:** $395,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /43885/ 00486	**Deed2:**
Seller: FAKHERI BINYAMIN	**Date:** 09/14/2005	**Price:** $325,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /22538/ 00090	**Deed2:**
Seller: BANK KENNETH COPLAN FLORENCE	**Date:** 10/26/2004	**Price:** $232,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /20882/ 00192	**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:**

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	*	BOARD OF APPEALS
2429 Lightfoot Drive 3rd Election District 2nd Councilmanic District	*	OF
	*	BALTIMORE COUNTY
2429 Lightfoot, LLC *Legal Owner* Petitioner	*	**Case No.: 2020-0309-SPHA**
	*	

* *

PETITIONER'S CLOSING MEMORANDUM

The property owner, 2429 Lightfoot, LLC (hereinafter "Petitioner), by and through their attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, submit this Closing Memorandum in support of the petitions for special hearing and variance relief for the above referenced matter and respectfully state:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals (the "Board") as a *de novo* appeal of Administrative Law Judge ("ALJ") Paul Mayhew's approval on March 30, 2021, of Petition for Special Hearing and Variance relief for the property located at 2429 Lightfoot Drive (the "Property"). In applying the *de novo* standard, the Board's findings of fact and conclusions of law will be the record made before it.

RELIEF REQUESTED

1. Does the proposed conversion of a single-family detached dwelling to a synagogue, without any development, trigger the applicability of the residential

transition area ("RTA") regulations and/or satisfy the applicable exceptions to the RTA requirements and necessitate approval?

2. Do the variance requests which result from the proposed conversion of a single-family detached dwelling to a synagogue satisfy the applicable variance regulations and necessitate approval?

STATEMENT OF THE FACTS

The Property is a part of the Summit Park development. The record plat for the Section III of the Summit Park development was recorded in Liber G.L.B. No. 22, Folio 19 (Petitioner's Exhibit No. 6). The record plat indicates that the development was approved by the Baltimore County Planning Board on July 5, 1955 and recorded in Land Records on July 15, 1955.

According to the State Department of Assessments and Taxation ("SDAT"), the primary structure was built in 1958. The Property is presently zoned Density Residential ("DR") 5.5. "Churches, other buildings for religious worship or other religious institutions" are expressly permitted by right in the DR 5.5 zone. Section 1B01.1.A.3 of the Baltimore County Zoning Regulations ("BCZR").

The Property is owned by 2429 Lightfoot, LLC. 2429 Lightfoot, LLC is wholly owned by Congregation Ohr HaTorah. Congregation Ohr HaTorah (the "Congregation") was established in 2013 and incorporated in 2014. It subscribes to the principles of Orthodox Judaism, which is more traditional than other denominations. It follows the guidance of the Rabbinical Council of Greater Baltimore/Vaad HaRabbonim. One of the key tenets of the Congregation's faith is the observance of

Sabbath, when things such as driving cars, using cell phones, or turning light switches on and off are prohibited. Another key tenet of their faith is prayer. Orthodox Jewish men pray three times a day: morning, afternoon, and evening. Prayer is done in-person with a quorum of ten men over the age of 13, known as a minyan and one of the primary purposes of synagogues is to facilitate such group prayer. The Petitioner presented testimony and evidence that the members of the Congregation are local and are seeking a place that they can walk to in order to practice their religious beliefs. The BCZR inherently fails to accommodate the Congregation's particular beliefs versus other religions.

While the Congregation has not made, nor does it plan to make any improvements to the exterior of the existing structures on the Property, the County has advised them that the mere change from one use permitted by right (a single-family detached dwelling) to another (a synagogue) must go to a public hearing to ascertain whether any zoning relief is necessitated. The Congregation sought the instant zoning relief in order to have the minimum space within their community which is necessary for them to exercise their fundamentally necessary religious practices.

The first witness was a neighbor, Mr. Paul Bycoffe, who testified in support of the requested relief. Mr. Bycoffe lives at 6901 Greenspring Avenue (also known as 6901 Lightfoot Drive). He pointed out the location of his property cattycorner to the subject site at the corner of Lightfoot Drive and Greenspring Avenue (Petitioner's Exhibit Nos. 2A, 2B and 2C). He testified that he has lived here for 28 years, that parking in the

neighborhood is not an issue, and that any accidents at the intersection he lives on have always been an issue and have nothing to do with the use of this Property.

Next, Ezra Frager, testified in support of the requested relief. Mr. Frager lives at 2417 Lightfoot Drive, which is six houses to the east of the subject site. He testified that he is a member of the local Orthodox community but is not a member of our synagogue, although he has attended services there a few times. He has been living on the block since 2013, almost as long as the Congregation has been in existence. He testified that the use does not contribute to traffic issues.

Yakov Shafranovich was next to testify. Mr. Shafranovich, who lives just across Greenspring Avenue from the subject site, testified that he serves on the Board of the Congregation, and has been intricately involved with locating a property that is centrally located to the Congregation's members (Petitioner's Exhibit No. 12). He presented pictures of the Property (Petitioner's Exhibit No. 3) and testified regarding the operations of the synagogue and how substantial efforts will be made to ensure that their 70 member families do not cause any disruption in the neighborhood. Mr. Shafranovich testified regarding his efforts to get support for the proposed use and relief requested and how he obtained signatures in support of same (Petitioner's Exhibit Nos. 7 and 8). He also testified with respect to the research he did regarding prior zoning decisions which allowed a synagogue intended to serve the local community to obtain similar zoning relief (Petitioner's Exhibit Nos. 9A and 9B) before moving forward with the purchase of this Property. Mr. Shafranovich also discussed how he has previously made arrangements with the nearby elementary school to utilize their

parking facility when special events are scheduled and will do so again in the future should the need arise (Petitioner's Exhibit Nos. 10 and 11).

Last, John Motsco, Petitioner's expert witness, testified in support of the relief requested. He prepared redlines to the Plan to Accompany the Petition for Zoning hearing (Petitioner's Exhibit No. 1) and testified regarding how the special hearing and variance standards were satisfied. Mr. Motsco's testimony will be cited throughout this memo so there's no need to recite all his testimony in the Statement of the Case.

The Protestants first witness was Arnold Frederick ("Pat") Keller III. Mr. Keller, who in a close call, was admitted as an expert in land use based upon his training, knowledge, and experience, testified in opposition to the relief requested. Mr. Keller reviewed prior cases, the regulations, and visited the site and other such facilities (although it was not clear how the other facilities are comparable). He did testify that when he visited the property in the morning while people were going to the elementary school, he did not notice any traffic. Mr. Keller relied upon "common sense" to guide his interpretation of the applicable codified provisions at issue in this case.

Next, Allen Abend, testified in opposition to the relief requested. Mr. Abend lives to the east a half a block and three quarters of a block away at 2417 Sylvale Road. He testified that he assisted in obtaining signatures in opposition to the relief requested/proposed use. His testimony was that the synagogue would cause traffic issues. He did, however, testify that pedestrian traffic was not an issue.

Jay S. Gamerman was next to testify in opposition to the relief requested. Mr. Gamerman lives at 2414 Lightfoot Drive, although on cross-examination he did

acknowledge that he was in the process of selling his house. He could not state whether the parked cars in the neighborhood were from the shul. He did opine that he lives in a similar sized structure to the one on the subject site and that 20-30 people would be extremely crowded and 40 people would be a potential fire code violation.

The last person to testify in opposition to the relief requested was Paul Margolis. Mr. Margolis testified that he lives at 7921 Winerset Ave in Baltimore, but he grew up at 2427 Lightfoot Drive, where his father still lives. While his complaints were generally with respect to traffic and parking, he doesn't think it's appropriate for a synagogue to be next to him. He testified that this is a residential neighborhood, and the shul would change the complexion of the neighborhood. He testified about a recent accident on Greenspring Avenue, but he could not say that the shul was in any way responsible for the accident.

STANDARD OF REVIEW

The Board is required to issue findings of fact and conclusions of law in support of its opinion. *Anselmo v. Mayor and City Council of Rockville*, 196 Md.App. 115 (2010). In applying the *de novo* standard of review, the Board's findings of fact and conclusions of law will be based upon the record made before it, or as if the proceedings before the administrative hearing officer had never occurred. *Halle Cos. v. Crofton Civic Ass'n*, 339 Md. 131, 139 (1994).

With respect to the questions of law, the Board must ascertain the legislative intent of the Baltimore County Council. In *Marzullo v. Kahl*, 366 Md. 158, 175-76 (2001), Judge

Cathell explains how to ascertain the intent of the legislative body, in this case the County Council of Baltimore County:

> In *State v. Bell*, 351 Md. 709, 720 A.2d 311 (1998), we stated that:
>
> "We have said that 'the cardinal rule of statutory interpretation is to ascertain and effectuate the intention of the legislature.' *Oaks v. Connors*, 339 Md. 24, 35, 660 A.2d 423, 429 (1995). Legislative intent must be sought first in the actual language of the statute. *Marriott Employees Fed. Credit Union v. Motor Vehicle Admin.*, 346 Md. 437, 44-45, 697 A.2d 455, 458 (1997); *Stanford v. Maryland Police Training & Correctional Comm'n*, 346 Md. 374, 380, 697 A.2d 424, 427 (1997) (quoting *Tidewater v. Mayor of Havre de Grace*, 337 Md. 338, 344, 653 A.2d 468, 472 (1995)); *Coburn v. Coburn*, 342 Md. 244, 256, 674 A.2d 951, 957 (1996); *Romm v. Flax*, 340 Md. 690, 693, 668 A.2d 1, 2 (1995); *Oaks*, 339 Md. at 35, 660 A.2d at 429; *Mauzy v. Hornbeck*, 285 Md. 84, 92, 400 A.2d 1091, 1096 (1979); *Board of Supervisors v. Weiss*, 217 Md. 133, 136, 141 A.2d 734, 736 (1958). Where the statutory language is plain and free from ambiguity, and expresses a definite and simple meaning, courts normally do not look beyond the words of the statute to determine legislative intent. *Marriott Employees*, 346 Md. at 445, 697 A.2d at 458; *Kaczorowski v. Mayor of Baltimore*, 309 Md. 505, 515, 525 A.2d 628, 633 (1987); *Hunt v. Montgomery County*, 248 Md. 403, 414, 237 A.2d 35, 41 (1968).
>
> This Court recently stated that 'statutory language is not read in isolation, but "in light of the full context in which [it] appears, and in light of external manifestations of intent or general purpose available through other evidence."' *Stanford v. Maryland Police Training & Correctional Comm'n*, 346 Md. 374, 380, 697 A.2d 424, 427 (1997) (alterations in original) (quoting *Cunningham v. State*, 318 Md. 182, 185, 567 A.2d 126, 127 (1989)). To this end,
>
> when we pursue the context of statutory language, we are not limited to the words of the statute as they are printed. . . . We may and often must consider other 'external manifestations' or 'persuasive evidence,' including a bill's title and function paragraphs, amendments that occurred as it passed through the legislature, its relationship to earlier and subsequent legislation, and other material that fairly bears on the fundamental issue of legislative purpose or goal, which becomes the context within which we read the particular language before us in a given case.
>
> . . . In *State v. One 1983 Chevrolet Van*, 309 Md. 327, 524 A.2d 51 (1987), . . . although we did not describe any of the statutes involved in that case as ambiguous or uncertain, we did search for legislative purpose or meaning - what Judge Orth, writing for the Court, described as 'the legislative scheme.' [*Id.* at] 344-45, 524 A.2d

at 59. We identified that scheme or purpose after an extensive review of the context of Ch. 549, Acts of 1984, which had effected major changes in Art. 27, § 297. That context included, among other things, a bill request form, prior legislation, a legislative committee report, a bill title, related statutes and amendments to the bill. See also *Ogrinz v. James*, 309 Md. 381, 524 A.2d 77 (1987), in which we considered legislative history (a committee report) to assist in construing legislation that we did not identify as ambiguous or of uncertain meaning.

Kaczorowski, 309 Md. at 514-15, 525 A.2d at 632-33 (some citations omitted)."

351 Md. at 717-19, 720 A.2d at 315-16 (some alterations in original); see *Williams v. Mayor & City Council of Baltimore*, 359 Md. 101, 115-17, 753 A.2d 41, 48-49 (2000); *Riemer v. Columbia Medical Plan, Inc.*, 358 Md. 222, 235-36, 747 A.2d 677, 684-85 (2000); *Laznovsky v. Laznovsky*, 357 Md. 586, 606-07, 745 A.2d 1054, 1065 (2000).

ARGUMENT

The two questions presented are intended to address all questions of law and findings of fact that are necessary to decide the instant request for zoning relief.

Question #1
Does the proposed conversion of a single-family detached dwelling to a synagogue, without any development, trigger the applicability of the RTA regulations and/or satisfy the applicable exceptions to the RTA requirements and necessitate approval?

Mr. Motsco, who was accepted as an expert in engineering and in interpreting Baltimore County's zoning and development regulations, testified regarding the applicable BCZR provisions. He opined that BCZR § 1B01.1.A.3 expressly provides that "Churches, other buildings for religious worship, or other religious institutions" are permitted by right in the DR 5.5 zone. He further testified that it was his understanding that Zoning Review, a division of the Department of Permits, Approvals and Inspections, would not process permits for the proposed change in use unless relief from the residential transition area ("RTA") regulations was sought by a Petition for

Zoning Hearing. In the instant case, special hearing and variance relief was sought from the RTA regulations and other bulk regulations.

A petition for special hearing "is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md.App. 194, 209 (2005). In this case, special hearing relief was requested as follows:

> 1. Pursuant to BCZR § 1B01.1.B.1.h., to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1.;
> 2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g.(6);
> 3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
> 4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
> 5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan;
> 6. For such other and further relief as may be required by the ALJ.

Preliminarily, the unrebutted testimony was that the only improvements would be to maintain the existing improvements. There is no signage proposed and the existing residential lighting would remain the same. Mr. Motsco opined that the RTA regulations are not even triggered because the proposed change in use does not satisfy or trigger the "definition and purpose" or "generation of RTA" provisions, which requires the site/property to be "developed". The "definition and purpose" of the RTA is set forth in BCZR § 1B01.1.B.1.a. BCZR § 1B01.1.B.1.a provides:

> (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**.
> (2) The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types.

He further opined that the "Generation of residential transition area" is set forth in BCZR § 1B01.1.B.1.b. BCZR § 1B01.1.B.1.b provides:

> 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.

Mr. Motsco's expert opinion was that the "definition and purpose" provision of the RTA regulations was not triggered by the use conversion as the site was not being "developed". He further opined that the proposed change in use to a use permitted by right does not "generate" the RTA regulations as, again, the property is not being "developed". The primary structure was built in 1958, according to SDAT, which predates the enactment of the original iteration of the RTA regulations by Bill No. 100-1970 and subsequent legislation which modified the RTA regulations such as Bill Nos. 109-1982, 2-1992 and 40-1992.

The "*Ware*" case was discussed by Chairman Belt at the hearing insofar as whether the reported decision from the Court of Special Appeals was persuasive regarding the instant case. Reverend Lucy Ware, like the Petitioners in the instant case, sought to convert a residence into a church. Judge Cox's Memorandum Opinion in

Baltimore County Circuit Court Case No. 03-C-18-004007 (hereinafter "Judge Cox's Opinion"). Judge Cox's Opinion best summarizes what transpired in what will be called "Ware I" and "Ware II". In Ware I, Ware "proposed to convert an existing building into a church building." *Id.* at 1. By way of background, special hearing relief was requested to allow the church "and also requested approval of reduced RTA buffers and setbacks for the building and [newly constructed] parking area", pursuant to BCZR § 1B01.1B.1.g(6). *Id.* at 1-2. Variance relief was sought related to the newly constructed parking area. *Id.* at 2.

> Following a hearing before the County Zoning Commissioner, Reverend Ware's Petitions were denied. This decision was affirmed after a de novo hearing before the Board of Appeals, by the Circuit Court on a Petition for Judicial Review, and by the Court of Appeals. *See, Ware v. People's Counsel for Balt. Cnty.*, 223 Md.App. 669 (201[5])."
>
> While the appellate process in the Ware I Litigation was pending, Reverend Ware filed the Petition that is the subject of this litigation with the Office of Administrative Hearings. (hereinafter referred to as "the Ware II Litigation"). Initially the Petition in Ware II Litigation requested special hearing for a new church and to approve reduced setbacks and buffers. However Reverend Ware amended her Petition and plan and proposed building an addition to the existing structure. Additionally, the amended Petition requested an exemption form the RTA requirements pursuant to BCZR § 1B01.1B.1(g)(4)[1], which was not addressed in the Ware I Litigation.

In *Ware v. People's Counsel for Balt. Cnty.*, 223 Md.App. 669 (2015), the Court found that there was a two-part test applicable to whether the RTA regulations applied. That test consisted of finding whether (1) the "definition and purpose" provisions of the

[1] BCZR § 1B01.1B.1.g(4) provides and exemption for "[a]n addition to an existing church or other building for religious worship, including parking areas and driveways, provided all other applicable zoning regulations including setback, parking and screening requirements, are maintained."

RTA, as set forth in BCZR § 1B01.1.B.1.a, are applicable to something other than dissimilar housing types and (2) whether the property is being "developed." *Id.* at 681.

First, it found that Ware's argument that the RTA conditions only apply to "dissimilar housing types" and not to uses listed in the residential transition use provisions of BCZR § 1B01.1.B.1.d was without merit. *Id.* at 681-84. Second, the Court found that based upon the Board's finding that Ware "created a new parking lot behind the house on the Property … [s]he planted numerous trees to screen the new parking lot and … proposed new drainage and stormwater management systems to accommodate the new use", that these improvements, as that term is defined in BCC § 32-4-101(w), constituted development, and the RTA regulations in BCZR § 1B01.1.B.1.e applied. *Id.* at 684-85.

Again, this was not the end of Ware's efforts to open a church on the property. A second Petition for Zoning Hearing (hereinafter referred to as "Ware II") was filed by Ware. After the request was amended to include an addition, it sought relief under BCZR § 1B01.1.B.1.g(4) (as opposed to BCZR § 1B01.1.B.1.g(6)). That petition, which was originally dismissed by the ALJ and the Board based upon governing principles of res judicata, was ultimately reversed by Judge Cox's Opinion.

After the Board's decision on Ware II and before Judge Cox's Opinion, "Reverend Ware also filed suit in the United States District Court for the District of Maryland against Baltimore County and the Board of Appeals under the Religious Land Use and Institutional Persons Act ("RLUIPA"), 42 U.S.C. § 2000 et. seq." *Id.* at 3. A motion to dismiss the RLUIPA Litigation was "granted by the Honorable Richard D.

Bennett on March 27, 2018." *Id.* at 4; *Jesus Christ is the Answer Ministries, Inc. v. Balt. Cty.*, 303 F. Supp. 3d 378 (2018). On appeal of that decision, the United States Court of Appeals for the Fourth Circuit reversed the United States District Court for the District of Maryland. *Jesus Christ is the Answer Ministries, Inc. v. Balt. Cty.*, 915 F.3d 256 (2019). Without getting into an intensive discussion, on remand, that case was ultimately settled, and the property was authorized to be utilized as a church.

In the instant case, no improvements, and thus no development is being proposed. As a result, the RTA regulations are not triggered under the Court of Special Appeals' holding. *Ware*, 223 Md.App. at 681. The *Ware* Court cited a prior decision by the Board wherein it noted, in dicta, that the Board found that the RTA regulations did not apply because there was no "development" proposed as part of the use of an existing parking lot in the DR zoned portion of the property. *Id.* at 683, n. 5 (citing In the Matter of Michael R. Mardiney, Jr. M.D. - Legal Owner, Case No. 13-171-SPHXA (decided Nov. 21, 2013)). Having been involved in the "In the Matter of Michael R. Mardiney, Jr. M.D." zoning case before the Board, the use was changing from a long shuttered fast-food restaurant to a drive-in restaurant (the Sonic at 2027 York Road). In the instant Petition, there is no development or improvements, so the RTA regulations would not apply to the instant request for relief under the second prong of the two-part test enunciated in *Ware*.

In the event the Board feels the RTA regulations are triggered by the "definition or purpose" provisions of BCZR § 1B01.1.B.1.a and the "generation" provisions of BCZR § 1B01.1.B.1.b, notwithstanding the fact that there are no improvements, and thus

no development, the requested special hearing relief clearly illustrates that there are two exemptions available to the proposed change of use listed in the RTA regulations, BCZR § 1B01.1.B.1.g(6) and BCZR § 1B01.1.B.1.h. In *Ware*, the Court of Special Appeals only addressed the exemption under BCZR § 1B01.1.B.1.g(6). It did not address the exemption sought in the instant matter under BCZR § 1B01.1.B.1.h.

A. *BCZR § 1B01.1.B.1.h exempts the proposed change of use for an existing development from the RTA Regulations*

BCZR § 1B01.1.B.1.h plainly and unambiguously provides that the RTA regulations do not apply to an existing development on any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board. The existing lot has been developed with a structure pursuant to a recorded subdivision which was approved by the Baltimore County Planning Board and subsequently satisfies BCZR § 1B01.1.B.1.h and BCZR § 1B02.3.A.1, notwithstanding any contrary provisions of this Article.

BCZR § 1B01.1.B.1.h provides that "[t]he 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." The provisions contained in Paragraphs "a" through "e" of Subsection B.1 refers to BCZR § 1B01.1.B.1.a-e. Existing developments described in Subsection A.1 of Section 1B02.3 refers to BCZR § 1B02.3.A.1.

BCZR § 1B02.3 provides in subsection A that "[i]n 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:" certain lots. With respect to the instant proposed change of use, BCZR § 1B02.3.A.1 (i.e., Subsection A.1 of Section 1B02.3 as referenced in BCZR § 1B01.1.B.1.h) exempts "[a]ny lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board" from BCZR § 1B01.1.B.1.a-e. It is undisputed that the Record Plat, which includes this lot, was approved by the Planning Board (Petitioner's Exhibit No. 6). Thus, BCZR § 1B02.3.A.1 applies to the use or occupancy of this lot notwithstanding contrary provisions of "this article"[2].

As discussed in the standard of review section hereof, the legislative intent of the County Council of the applicable exemption can be gleaned from prior legislation, function paragraphs, and the relationship to earlier and subsequent legislation. The earliest iteration of the instant exemption under BCZR § 1B01.1.B.1.h, which was originally enacted by Bill No. 124-1981, was repealed by Bill No. 2-1992 and quickly re-enacted by Bill No. 40-1992. The function paragraph, or purpose clause, of Bill No. 40-1992 indicated that it was adding Section 1B01.1.B.1.h of the BCZR, as amended by Bill No. 2-92, for the following reason:

> WHEREAS, the Baltimore County Council has received a final report from the Planning Board dated September 19, 1991 concerning the

[2] "[T]his Article" refers to ARTICLE 1B - DENSITY RESIDENTIAL (D.R.) ZONES.

subject legislation and held a public hearing thereon on November 26, 1991; and

WHEREAS, pursuant to that report, the Council approved Bill No. 2-92; and

WHEREAS, Bill No. 2-92 inadvertently deleted the exceptions to the residential transition area provisions, and it is the intention of this legislation to reinstate those exceptions; now, therefore

BCZR § 1B01.1.B.1.h plainly and unambiguously provides that the provisions of BCZR § 1B01.1.B.1.a through BCZR § 1B01.1.B.1.e shall not apply to existing developments as described in BCZR § 1B02.3.A.1 (i.e. Subsection A.1 of Section 1B02.3 as referenced in BCZR § 1B01.1.B.1.h). It is undisputed that the subject lot was part of a recorded residential subdivision approved by the Baltimore County Planning Board. BCZR § 1B02.3.A applies to a change in use of a lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board notwithstanding any contrary provisions of this Article of the BCZR. For the Board to find that BCZR § 1B01.1.B.1.h does not apply to the proposed change in use because the structure was built as a residence would be tantamount to changing the term "existing developments". The Board cannot delete and/or add language in order to create an intent not evidenced in the plain and unambiguous language of the codified provisions of the BCC and BCZR. *State v. Sanders*, 238 Md.App. 599, 612 (2018). If the neighbors who are opposed to the proposed use do not agree with the applicable RTA regulations, they should prevail upon the local legislature to change the law. *Anderson v. Sawyer*, 23 Md. App. 612, 625 (1974).

B. *BCZR § 1B01.1.B.1.g(6) exempts the proposed new church or other building for religious worship from the RTA Regulations provided 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.[3]

The exemption from the restrictions contained in Paragraphs "a" through "e" of BCZR § 1B01.1.B.1 for a new church or other building for religious worship, as promulgated in BCZR § 1B01.1.B.1.g(6), requires certain findings by the ALJ or Board. Those findings are all premised upon "proposed improvements". As previously argued, there are no proposed improvements. In *Ware*, the Court relied upon the Board's finding that there was development based upon the definition of development (BCC § 32-4-101(p)). 233 Md.App. at 684. In Ware, the Board found development "encompasses '[t]he improvement of property for any purpose involving building' and, under another definition in the Code, '[i]mprovements' include landscaping and any other 'improvements as determined necessary and appropriate by the county'" as provided in BCC § 32-4-101(w). *Id.*

There are no proposed improvements in the instant request for relief. Therefore, it is unnecessary to evaluate whether improvements which don't exist 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). This exemption has everything to do with improvements and nothing to

[3] Special hearing request #s 3, 5 and 6 are seeking approval of the existing setbacks through special exception relief, which is similar enough to this request and, as such, will not be specifically addressed in this closing memorandum.

do with the change in use. It is essentially the same point that the *Ware* Court made about the RTA regulations only being triggered by "development". Chairman Belt seemed to be focused on this issue during the hearing. In response to a question from Chairman Belt, who was trying to understand whether an existing structure can be converted to a different use without the need for some factual finding by the Board, Mr. Motsco testified that this conversion, without any improvements, was authorized. Mr. Motsco further pointed out that the only exemption, under BCZR § 1B01.1.B.1.g, which addresses a scenario where the use of an existing structure is being converted without any improvements, is for "[t]he conversion of a dwelling to a bed-and-breakfast home, bed-and-breakfast inn or country inn pursuant to Section 402D or Section 402E." BCZR § 1B01.1.B.1.g(12). Again, BCZR § 1B01.1.B.1.g(6) only contemplates new churches or other buildings for religious worship necessitating a public hearing under BCZR § 500.7 if there are "proposed improvements". The evidence is unrebutted that there are no proposed improvements to the exterior of the existing primary structure or to the Property. The religious use of this property is permitted by right. It is not permitted by special exception. Imposing conditions based upon the change in use to a religious one would impose a prima facie substantial burden on religious practice and would otherwise be discriminatory.

If for some reason the Board feels as if it's necessary for the Petitioner to demonstrate that the proposed religious use without any "proposed improvements" is planned in such a way that compliance, to the extent possible, makes it compatible with the character and general welfare of the surrounding residential premises, special

hearing relief would never be granted if there was any opposition thereto. "[T]hese matters cannot be resolved by a plebiscite. If the residents do not want [churches or other buildings for religious worship in their residential community in existing structures] they should prevail upon the local legislature to change the ordinance." *Turner v. Hammond*, 270 Md. 41, 60 (1973).

The primary structure was built in 1958. There has been no issue with the exterior of this structure for the last six decades, so it's presumed that the existing structure will continue to be compatible with the character and general welfare of the surrounding residential premises. This request is distinguishable from other requests as the only thing that's changing is the use. The testimony and evidence support a finding that the members will be walking to the synagogue and that, on the rare occasions where members are allowed to drive, arrangements will be made to provide parking at the elementary school. The testimony of the neighbors who oppose the proposed use was that they couldn't state whether any of the parked cars in the area were from the synagogue. Their testimony overwhelmingly pointed out that they wanted the area to remain a residential neighborhood and approval of the requested relief would change the complexion of the neighborhood, without quantifying exactly what this meant.

Protestants own expert witness, Mr. Keller, testified on cross examination that he had done no statutory interpretation other than to review the codified provisions and apply common sense. The Board accepted Mr. Keller as an expert based upon his training, knowledge, and experience, although the entire panel agreed that it was a

close call. Mr. Keller offered no insight regarding the regulations other than to say that the purpose of the RTA was to stop certain uses from being located next to residences.

To apply the RTA restrictions contained in Paragraphs "a" through "e" of BCZR § 1B01.1.B.1 to this change of use would be tantamount to precluding any religious use ever being approved without the blessing of the *entire* surrounding community. The Congregation is merely seeking to have the minimum space within their community which is reasonably necessary for them to exercise their core and fundamental religious practices.

C. *A modified parking plan pursuant to BCZR § 409.12 to allow three stacked parking spaces must be granted as any additional parking required would constitute an undue hardship*

Special hearing relief request #4 seeks a finding that an undue hardship exists where the minimum number of required off-street parking spaces, as provided in BCZR § 409, is required to be provided. It's noteworthy that this special hearing request indicated that there was only one (1) parking space which could be provided, but Mr. Motsco redlined the plan to show that three (3) stacked spaces could be provided on the Property.

In the Matter of Michael R. Mardiney, Jr. M.D. - Legal Owner, Case No. 13-171-SPHXA (decided Nov. 21, 2013), at page 19, the Board found that, for a modified parking plan, the BCZR requires the Petitioners to show an undue hardship if the BCZR were strictly applied.

BCZR § 409.1.A provides that "[a]ll structures built and all uses established hereafter shall provide accessory off-street parking and loading in accordance with the

following regulations. When an existing structure or use is enlarged, accessory off-street parking and loading shall be provided in accordance with the following regulations for the area or capacity of such enlargement." BCZR § 409.6 provides that the "Minimum Number of Required Off-Street Parking Spaces" is "1 per 4 seats in the principal place of worship" for a "[c]hurch, house of worship or religious assembly".

It is unclear exactly how many individuals will be permitted in the synagogue. Note #20 on the redlined plan to accompany (Petitioner's Exhibit No. 1) indicates that up to 80 people could be seated which would necessitate 20 off-street parking spaces. Mr. Keller testified that he did his own computation, and he foresees there being capacity for 126 seats, for which 32 parking spaces would be necessitated. Mr. Gamerman's testimony included him opining that the Fire Code would permit no more than 55 people in the structure. His testimony was based upon the fact that, while he's not an expert in the Building Code, "[he has] looked at fire codes and being an engineer, [he does] have more than just a passing knowledge of some of these things." This testimony aligns with Mr. Shafranovich's testimony that, in addition to the fact that most congregants live within walking distance (Petitioner's Exhibit No. 12), typically only 35 people would be permitted in the shul at one time unless it was a high holiday. Additionally, Mr. Shafronovich stated that if they were anticipating a larger crowd and/or people driving, they would seek permission from the vicinal elementary school to utilize their parking lot. Mr. Margolis' response to protestants counsel's question regarding whether the existing crowded parking conditions were attributable to the shul was "I couldn't say. I'm sorry." The two immediate neighbors who testified in

support of the relief requested, who have lived in the area for many years, testified that they haven't noticed any issues with traffic or parking. For these reasons, providing 20 off-street parking spaces would constitute an undue hardship.

Alternatively, the Board could simply determine that the required number of parking spaces for this particular use, given that the Congregation is merely seeking to have the minimum space within their community which is reasonably necessary for them to exercise their religious practices, is three (3) stacked off-street parking spaces. BCZR § 409.6.A provides "[i]f the required number of off-street parking spaces is not set forth for a particular type of use, the Director of Permits, Approvals and Inspections shall determine the basis of the number of spaces to be provided." Stated another way, the Board has the authority to determine that the required number of off-street parking spaces for this particular type of use, a synagogue serving the local community, is not set forth in BCZR § 409.6.A and set a required number of parking spaces of three (3) stacked off-street parking spaces.

Question # 2
Do the variances requests which result from the proposed conversion of a single-family detached dwelling to a synagogue satisfy the applicable variance regulations and necessitate approval?

These requests for variance relief are requests for existing improvements. The first request for variance relief pertains to the principal structure. The second pertains to the parking requirement (which constitutes an alternative to the special hearing request for a modified parking plan). The third and fourth pertain to the existing accessory

structures. The fifth pertains to variances from the RTA buffer (50 feet) and setback (75 feet) regulations.

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that the uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md.App. 691 (1995).

While the proposed use is permitted by right, the use conversion to a nonresidential use arguably subjects it to the building setback requirements for nonresidential principal building setbacks in DR Zones, as provided in BCZR § 1B01.2.C.1.a. As Mr. Motsco testified, while the prior residential use may not be a legally nonconforming use, the structure is legally nonconforming under the current regulations.[4] BCZR § 1B01.2.C.1.b requires a side yard setback of 15 feet and a rear yard setback of 30 feet for a residence in the DR 5.5 zone. The existing principal structure, as it stands now, is not in compliance with the current setback requirements in the DR 5.5 zone for single-family detached dwellings as the side yard setbacks are as little as 9 feet and the rear yard setback is 17 feet.

Mr. Motsco, who was accepted an expert in engineering and land use (zoning and development), testified the property was unique, considering the existing structure "was constructed prior to the current zoning code and was constructed as a single-

[4] BCZR § 104.3 provides that "[n]o nonconforming building or structure and no nonconforming use of a building, structure or parcel of land shall hereafter be extended more than 25 percent of the ground floor area of the building so used."

family dwelling that it is particular to the site" and that it is an irregularly shaped parcel even when compared to the immediately adjoining properties which are fairly rectangular. He added that a practical difficulty or unreasonable hardship exists because "were the relief not granted, it would technically require removal of the existing structure and prohibit its reuse as a synagogue."

The first variance request pertains to the setback requirements for a nonresidential use in the DR 5.5 zone. The plan (Petitioner's Exhibit No. 1) shows that the existing principal structure as it stands now has side yard setbacks of 9.1 feet (to 2431 Lightfoot Drive) and 12.6 feet (to 2427 Lightfoot Drive) and a rear yard setback of 17 feet. The building setback requirements for nonresidential principal building setbacks in DR Zones, as provided in BCZR § 1B01.2.C.1.a, require side yard setbacks of 20 feet and a rear yard setback of 30 feet. As such, a request was made for a variance from the side yard setback of as little as 9 feet and a rear yard setback of 17 feet. The Property is only approximately 80 feet wide and 115 feet deep. It would be impractical to make the Petitioner reduce the size of the existing structure. Utilization of this property with its existing dimensions, without variance relief, would preclude "[c]hurches, other buildings for religious worship or other religious institutions" from ever having a habitable space in this community.

The second variance request pertains to the minimum number of required off-street parking spaces as provided in BCZR § 409, based upon the proposed use. In the event special hearing relief is granted for a modified parking plan to approve the proposed 3 spaces on-site, no variance relief is necessitated for parking. The request was

filed as a variance for 1 space in lieu of 20. However, as previously noted, Mr. Motsco pointed out that 3 stacked spaces can be provided on-site. Without variance relief for parking, there is no way that the property could be utilized for religious purposes.

The third and fourth variance requests pertain to the existing accessory structures. The third request is for an accessory structure that is setback from the property line 18 inches and the fourth is for an accessory structure that is setback from the property line 0 inches. These structures have been here for a nondeterminate amount of time.

The fifth variance request pertains to variances from the RTA buffer (50 feet) and setback (75 feet) regulations. Assuming special hearing relief regarding the inapplicability of the RTA regulations or the proposed use's exemption from the applicability of those regulations is granted, this request is moot.

The testimony and evidence support a finding that the property is uniquely shaped, the lot does slope significantly, and the Petitioner would suffer hardship or practical difficulty if the variances were denied because the existing residence would have to be modified or removed entirely. Imposition of building setbacks based upon the use conversion alone, without variance relief, would not be within the spirit and intent of the BCZR.

CONCLUSION

The record overwhelmingly supports a finding that the RTA regulations do not apply or that the proposed use conversion is eligible for one or two exemptions from the applicability of the RTA regulations. The protestants presented very little testimony

or evidence which demonstrated that the RTA regulations should be applicable and overwhelmingly opposed the relief requested based upon unsubstantiated fears that the use ill change the fabric of the residential neighborhood.

RLUIPA prohibits land use regulations that impose a "substantial burden" on religious practice, unless they are the least restrictive means of furthering a compelling government interest. 42 U.S.C. § 2000cc(a)(1). A substantial burden exists where a regulation "puts substantial pressure on [the Petitioner] to modify its behavior." *Bethel World Outreach Ministries v. Montgomery Cty. Council*, 706 F.3d 548, 556 (4th Cir. 2013). Land use regulations can substantially burden religious exercise where an organization acquires property expecting to use it for religious purposes but is prevented from doing so by the application of a zoning ordinance. Petitioner had a reasonable expectation of using the Property as a synagogue based upon the use being permitted by right and the broadly and permissibly phrased conditions regarding the applicability of the RTA regulations and exemptions thereto.

Respectfully Submitted,

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Towson, MD 21204
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 22nd day of November, 2021, a copy of the foregoing Petitioner's Closing Memorandum was electronically mailed and mailed, postage pre-paid, to:

Jay S. Gamerman
2414 Lightfoot Drive
Baltimore, MD 21209

and

Gordon M. Levinson, Esquire
1206 St Paul Street
Baltimore, MD 21202

JASON T. VETTORI

GORDON M. LEVENSON
ATTORNEY AT LAW

1206 ST. PAUL STREET • BALTIMORE, MARYLAND 21202

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

November 16, 2021

Clerk
Board of Appeals of Baltimore County
Jefferson Building 2nd Floor
105 W Chesapeake Avenue
Towson, Maryland 21204

RE: 2429 Lightfoot Drive
Case #: 20-309-SPHA

Dear M. Clerk:

Enclosed herewith please find a Post Hearing Memorandum be filed in the above case on behalf of the Protestants.

Thank you for your cooperation and attention to this matter.

Very truly yours,

Gordon M. Levenson

Enclosure

CC: Jason Vettori, Esquire

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCES
2429 LIGHTFOOT DRIVE

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE 2020 0309 SPHA

POST HEARING MEMORANDUM

Protestants, Jay Gammermen et al, by their attorney Gordon M. Levenson, Esq. submits this Memorandum and states:

SUMMARY OF TESTIMONY

Proponents have requested complete relief and waiver of all required variances from set back and parking requirements and waiver of all RTA regulations in order to establish a Synagogue with a large and growing membership base on a small(1500 square foot) home on a small(7500 square foot) lot located on a narrow busy street.

Proponents did not testify that they did a feasibility study before they purchased the property. There was testimony that Proponents were advised by email and in person that many in the neighborhood were against these changes to a single family home in the Summit Park Neighborhood. Proponents were aware when these requests were filed that they would need waivers of variances,

parking and RTA requirements in order to establish their synagogue. Proponents, through their advertisements(admitted into evidence and attached hereto as Attachment 1) that they have established another synagogue around the corner on 6815 Greenspring Avenue. The representative of the Synagogue testified he did not need any authorization for operation of that Synagogue and are operating that synagogue without any zoning variance authorization.

Proponents lay witness who lives on the corner of Lightfoot Drive and Greenspring Avenue testified to the many accidents at that intersection over the years. He also verified the recent rollover accident that occurred at that intersection a few weeks prior to the hearing before the Board of Appeals. That intersection is located very close to the proposed synagogue.

In this case, both Baltimore County Public safety and Department of Planning departments have filed Zak notes against the proposed synagogue due to parking and traffic safety issues. There was no opposition from those departments to the synagogues on Labyrinth Road and Carla Road. (see copy of decisions on those properties attached

which were offered as exhibits by the proponents-Attachment 2.) Also attached hereto as Attachment 3 is 2012 Decision of the Zoning Board denying a request for variance waiver for a religious day school at 2422 Lightfoot Drive due to traffic and safety concerns. That house is in the same block as the 2429 synagogue.

A Representative of the 2429 synagogue testified that it was his intent to use the synagogue for only Saturday and holiday services. Their advertisement, which was introduced into the record, paints a completely different picture. It shows a schedule of daily services, meals learning classes, etc. This advertisement was put out by the synagogue to raise hundreds of thousands of dollars to purchase and improve the property. Opponents contend that it is not believable that the synagogue representative is now claiming less use when he represented to members to get the funds to purchase this property. He testified that the synagogue had grown from 50 families last March to over 70 now. Families can include husband, wife and multiple children. That would put membership somewhere between 200 to 300 people. The synagogue representative agreed that the information in their advertisement was their representations on the internet. He admitted that

they have done some interior reconstruction with more significant reconstruction per their diagrams.

James Mosco, expert retained by the Proponents testified that this property was in a DR 5.5 zone and had always been used as a single family home. He Testified that if the RTA regulations were to be applied, a complete RTA waiver would be necessary to convert the use of this property from a home to a synagogue. He testified that there were only up to 3 parking spaces on the property and that would be insufficient in order to use this property as a synagogue. He testified that all setback would require a variance, parking and RTA waiver in order to use this property as a synagogue. His services were retained in May 2021, substantially after the variances and waivers were requested. He testified that he was unfamiliar with Jewish Orthodox driving and attendance schedules other than on the sabbath. He was unaware that they can drive to daily services(morning, midday and evening). He testified that if RTA requirements were held to apply, it would be very difficult for the synagogue to comply with same. He was also unaware of the redevelopment of the Summit Park Elementary school and the traffic studies done in his evaluation of this property. He testified he was unaware

of any prior decisions supporting his interpretation of RTA requirements he was contending in this case.

Pat Keller was offered and accepted as an expert in land use and zoning. His resume was attached as an exhibit and shows extensive training and hands on experience with zoning and land use planning. He was the Director of the office of Planning For Baltimore County for over 16 years. He was personally involved in writing the RTA regulations which have been codified in the Baltimore County Code. He would have first hand knowledge of the intent behind these regulations. He testified that as part of his evaluation of this case, he went to the site several times and he observed usage of the 2429 Lightfoot drive. He also saw a school bus travel on Lightfoot drive past the synagogue. He opined that RTA regulation would apply to this synagogue as it is a change of use from a residential home to a synagogue used by over 170 members. He opined that 2429 could not meet any of the RTA requirements as the lot was too small to allow any buffering. He testified that his observation of multiple other house based synagogues in the area indicated morning and evening prayers, parking issues and traffic issues. He opined that the synagogue on Labyrinth Road and Carla Road, the synagogues that the proponents based their reliance on for

reasonable expectations were dissimilar situations with much better parking. He opined that it was not reasonable for the proponents to rely on these other approvals in their expectations. He testified that the 2429 Lightfoot was a small home on a lot of approximately 1/5th of an acre and could not accommodate the necessary parking. In response to questioning from a Board Member, whether parking is baked into the development plan at the time it was approved(in the 1950's in this case), the original use provided for on site parking. Since the proponents plan usage changes, on site parking is not available for all the seats necessary(so spaces necessary according to Pat Keller). The conclusion is that the change of use makes the original development parking calculations inconsistent with the original development plan's parking calculations. He testified his observations of other home based synagogues showed generation of large amount of trash(10 cans put out) which would created problems for the neighborhood. He testified and Opined that 2429 is not a unique lot or structure that would allow the waivers of RTA regulations(see exhibit attached which was introduced into evidence showing many of the lots are similar to the proposed 2429 lot in size , shape and grading). He opined that RTA regulation application would prevent the safe and

reasonable use of this property as a synagogue. He opined against waiver of the variances, the RTA regulations and the parking requirement. In the Labyrinth Road and Carla Road cases relied on by the proponents, which they introduced into evidence. RTA requirements were held applicable and not waived because they could be substantially complied with. That is not true in this case. The advertisement for the 2429 Synagogue shows major renovations that they are doing to the interior of the house involving significant structural changes and removal of walls rendering the home not usable any more as a single family home. He opined that the RTA regulations provide buffers for uses that differ from the original development plan and that the Proponents could not provide off street parking, buffers for trash, lighting and noise that meet the intent and purpose of requiring RTAs. He opined that the 2429 Lightfoot property was not unique to the neighborhood and that many lots in the neighborhood of summit park were similar in shape and size(see attachment 7)

Allen Abend lives at 2417 Sylvale Road less than 2 blocks from the proposed synagogue and testified in opposition to the proposed synagogue. He is retired from position as an

architect and Deputy Director of the Md Public School Construction Program . He testified that he was familiar with the plans for Summit Park Elementary. He testified that the existing Summit Park School, which is 3-4 tenths of a mile from the proposed synagogue, will be replaced with a new school, with construction to begin as early as the spring of 2022. It will double the size from 48,000 sq feet to 85,000 feet and double student capacity from 336 to 700 students. Upon completion, traffic will be directed to turn right out of the school to Sylvale road and down to Lightfoot Drive past the prosed synagogue. Traffic will increase exponentionally as it is an elementary school with lots of buses and parents picking up and dropping off kids. He testified there are already problems on Lightfoot drive with parking and traffic. He testified that the synagogue advertisement for raising funds to renovate the property which was introduced into evidence indicated at least 7 different uses for men, women and children with more programs to come(see attached advertisement for the synagogue).

Jay Gammerman, an engineer, testified that he lives on 2414 Lightfoot Drive, less than one block from the Proposed synagogue. Mr Gammerman is in opposition to the

synagogue. He described significant activity at 2429 Lightfoot Drive with many cars parked on Greenspring Avenue around the corner. This activity was not just on the Saturday sabbath but also during the week days. These parked cars obstruct the view of northbound traffic on Greenspring Avenue and make exiting Lightfoot Drive dangerous as indicated by recent accident(see exhibit photo of car on roof at intersection of Lightfoot Drive and Greenspring Avenue-also attached her as attachment). He testified he has seen approximately 10 strollers in front of the 2429 property during services that included the presence of women and children.

Brad Herling , a retired Howard County School Principal, lives across the street from the proposed synagogue. He has lived there for over 65 years. He is in opposition to the synagogue. He testified that for the past 65 years 2429 Lightfoot was used as a home. His observations were that the synagogue has been using this property on weekday mornings and evenings in addition to the Saturday Sabbath. Not only men use this property, but women and children often attend. (the synagogue representative said that only men used the premises on the sabbath-Friday night to Saturday night). Mr Herling said the use of this building

creates traffic and parking problems on Lightfoot Drive which is already a dangerous street and intersection. In addition, he testified that although the synagogue promised to remove the bright exterior lights back in March they continue to use it nightly.

Paul Margolis, is an attorney who has an ownership interest in 2427 Lightfoot Drive(directly next to 2429 Lightfoot Drive), where he grew up, and his 99 year old father still resides. He is in opposition to the proposed. The homes are in close proximity to one another(see attached photo offered by the Proponents into evidence-attachment 8). He testified that the members of the synagogue have already disturbed the peaceful use of his father's home. Several synagogue maskless members ended up entering the 2427 Lighfoot Drive property and walking around inside, startling Mr. Margolis's 99 year old father. Children end up in his back yard on several occasions. The noise from the synagogue is unsettling to his father and keeps him up at night. Mr Margolis testified he is aware of Orthodox Jewish traditions, as his brother and his family are Orthodox. He testified based on his knowledge it is common practice to have morning, midday and evening services 365 days per year as

well on religious holidays. He testified there have already been multiple car accidents on Lightfoot Drive and that the proposed synagogue will add to this problem by increased traffic and parking issues.

LEGAL ISSUES

Proponents make multi pronged attack on the application of RTA requirements.

Their first argument is that they are not subject to the RTA regulations(ie Subsections 1B01.1)and that its right to use the property is grandfathered by operation of subsection 1.h or the regulations:

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.

Proponents argues the subject property is part of an

existing development described in A.1 of Section 1B02.3.

Proponent concludes that the 2429 property is a lot in a recorded subdivision approved by the Planning Commission and is thus exempt from the RTA regulation.

Protestants disagree that the property is grandfathered under subsection 1.h. First, Petitioners use differs from the use in the approved development plan(which was for only single family home on 2429 Lightfoot Drive). There is no dispute of facts that 2429 has always been used as a single family home and there was no indication in the approved development plan that this property would be used otherwise.

Subsection A.1. of 1B02.3 requires that the property have been "used, occupied of improved in accordance with the approved subdivision plan." Consistent with grandfathering principles, this language can mean that 2429 would have had to been used as a synagogue when the plan was approved. It was not. In fact it has never been used as a synagogue until purchased by the Proponent.

Second, the subsection immediately following 1.h provision

makes it clear that in order for RTA requirements to be inapplicable, the use would have had to have been established in the original development plans. Paragraph 2 following 1.h provides:

" Use regulations 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... "

Additionally, both synagogue approvals for Labyrinth Road and Carla Road which Proponent said they relied on for their approval(which are also in developments like Summit Park that were approved prior to RTA regulation) found that RTA requirements were to be applied as the request was a change of use(In those cases the Zoning decision found that RTA requirements were met or substantially met in the development plan and did not need to be waived completely. see attachment 4). The Labyrinth road property was to be used as a small synagogue with only 40 members on a lot that was twice as large as the 2429 property. The Labyrinth road synagogue was not planned for any significant growth which is a significant difference from 2429 which is identified as a synagogue

which is growing and wants to be a hub of the community(see their advertisement attachment 1). Additionally, the Labyrinth Road synagogue has a parking lot across the street. The 2429 synagogue is proposing parking over 4 blocks away at a Summit Park Elementary School. In the Carla Road synagogue there was not a request for complete waivers of RTA requirements.

Since the use as a synagogue did not exist prior to the 2020 purchase by the Petitioner, and it does not appear on the subdivision plan which was filed when Summit Park was developed, RTA application in this case is appropriate.

Third, the Petitioners argument that RTA's don't apply in a blanket way to the community where the plan was approved prior to the enactment of RTA flies in the face of common sense and the County Councils intent on providing RTA's. If the County Council intended 1.h to exempt from the RTA regulations all lots approved by the Planning Commission regardless of how the lot was used, then subsection 2(discussed above) would be meaningless. Mr Keller, opponent's expert, testified that while working as the Director of the Baltimore County Department of

planning for Baltimore County, said he was involved in the drafting of the RTA regulations. There was no intent that the RTA requirements were to be waived for existing developments except to the extent that the property use was identified in the development plan. In this case the only use in the plan was as a single family home. The purpose behind RTA requirements in communities existing prior to RTA enactment is to protect those that bought into a community with approved plans from a subsequent purchaser of a lot in the development who wants to change the use as identified in the plan without meeting the RTA requirements to provided necessary buffers. In conclusion, it is the change of use from the existing plans approved that trigger the application of the RTA. If the Petitioners argument was accepted, most of the communities in Baltimore County which were approved prior to the enactment of RTA(which is a lot of the developments in Baltimore County) would be banned from requiring RTA's when changes in use were proposed that were not listed in the original plans. The RTA requirements were enacted to assure that adequate buffers and screening are provided between dissimilar housing types or non residential uses permitted as of right(Lucy Ware vs Peoples Council 117 A2d628(2015).

Proponent's argument in the alternative is that they are exempt from RTA requirements because only the use is being changed and not the size of the house. In Lucy Ware vs People's Council(often Referred to as Lucy Ware 1), the Court of Special Appeals held that conversion of a single family house in a DR zone into a place of worship is a residential transition use that generates the application of RTAs.[Lucy Ware 2 case in Federal Court did not overturn this finding of the Court of Special Appeals, but made a ruling finding violation of RILUPA Laws. Those Rilupa violations are not present in the 2429 Case.] In Lucy Ware 1 case the Board of Appeals
found that RTA generation does not require exterior or structural changes or additions. The Court of Special appeals accepted that finding. In any event, the exhibits offered into evidence(see attached exhibit attachment 1) show that the proponents are doing major structural changes to the interior of the premises to change the home and make it suitable for a synagogue. This exhibit also verifies that hundreds of thousands of dollars have been raised to accomplish that. They also testified that some of the work has been done inside the premises. The changes listed include removal of the kitchen and several walls to make a large open area inside the house. They testified

that they had made some changes to the sidewalk outside and added lighting.

Any argument that Proponents may make that this falls within the exception of 1B01.1.B.1g(6) is not applicable to this case. Section(6) requires a site plan to have been approved. It is my understanding there was no site plan submitted and approved. Even if there was a site plan the Proponents offer no setbacks and no plans compatible with the character and general welfare of the surrounding homes. This should also take into account that since the variances were filed, the synagogue has grown by 30% from 160 members and 50 families to 70 families. The testimony from the Proponents at the hearing was not clear exactly how many members, but admits growth. Also the initial advertisement which was introduced into evidence which was produced in the fall of 2020 said 160 members and growing and their desire to be a hub for the community.

The final argument of the Proponents appears to be that they were not developing the property since they are not changing the exterior of the building. Code 32-4-101(p) includes in their definition of "development":

" (1) the improvement of property for any purpose

involving building..."

The book used by zoning experts for definitional purposes is "The Latest Illustrated Book of Development Definitions". It defines development(see attachment 5) as:

"The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion structural alteration, relocation, or enlargement of any structure: any mining, excavation, landfill or land disturbance; or any use or extension of the use of land."

In this case, there are major structural changes to the home on 2429 Lightfoot, including eliminating interior walls, the kitchen and other rooms(see exhibit attachment 1). Clearly this property falls into both structural alterations, construction, and renovation as well as a change of use.

Although RILUPA was not addressed by the proponents, there was no testimony regarding any animus from the neighborhood regarding this synagogue. Most of the Opponents are of the Jewish Faith. The next door

neighbor(Mr Margolis who is 99 years old is in fact Orthodox per the testimony) is against this synagogue. All opposition was due to traffic, parking, noise and safety issues. Although the Proponents stated they relied on approval due to the Labyrinth and Carla Road Approvals, Opponents contends it was not reasonable. Expert Pat Keller said both of those cases were not comparable. In Labyrinth and Carla Road case the RTA's were applied and found to have been substantially complied with. In those other cases the County did not oppose the synagogue. In this case the County Planning and Traffic departments opposed same. The reliance must be "reasonable. The Proponent had no feasibility study done prior to their purchase of the property(at least none was introduced into evidence). There was no testimony from an expert that was involved at that time of the purchase that the absence of a feasibility study was reasonable. The expert offered by the Proponent did not even get involved in this case until the spring of 2021, long after the purchase. Lucy Ware 2 cites a two prong evaluation for a RILUPA Violation: 1) Is the impediment substantial and 2) who is responsible for the impediment. In this case the synagogue in their advertisement says they already have a synagogue at 6815 Greenspring Avenue(see photo attached as Opponents exhibit attachment 1). The Proponents are responsible as there was

an unreasonable reliance based on other synagogues that were not similar in nature and no feasibility study was done or introduced into evidence. In fact an email from the opponents submitted into evidence indicated that the community was opposed to this request. By the Nature of the Proponents request for waivers of all set backs and waivers of all parking requirements it is obvious that they did not reasonably believe that this would be approved and there was no submission of a plan with substantial compliance. Expert Keller testified that the property was too small and the use was too great to have even a minimum of compliance with RTA or other zoning and parking requirements.

For all these reasons, the Proponents request for variances and waivers of RTA requirements should be denied.

Gordon M. Levenson Esq.
1206 St. Paul Street
Baltimore, Maryland 21202
443-524-4529

I hereby certify that on this 16th day of November, 2021 a copy of the aforegoing Post Hearing Memorandum was Mailed First class to Jason Vittore, attorney for Proponents.

Gordon M. Levenson Esq.

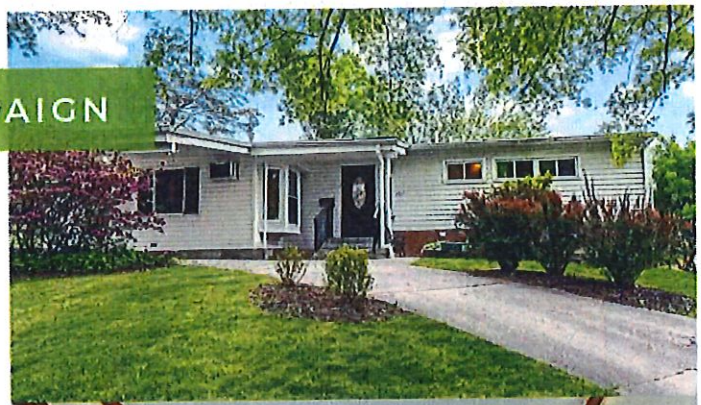
KINYAN HABINYAN CAMPAIGN

5781: KINYAN HABINYAN CAMPAIGN

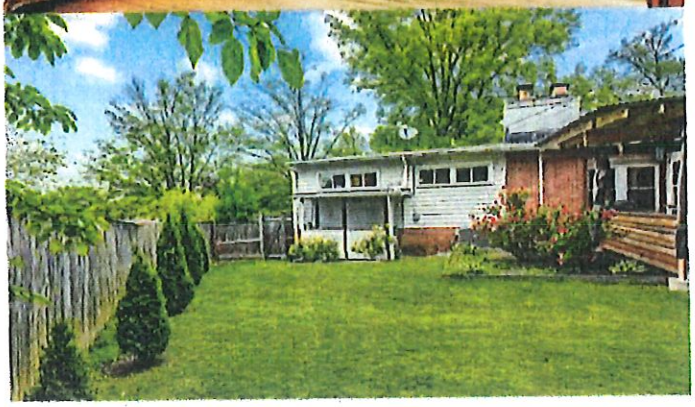
2429 Lightfoot Dr. Baltimore, MD 21209
2,323 Sq. Ft., Lot Size 7,865 Sq. Ft.

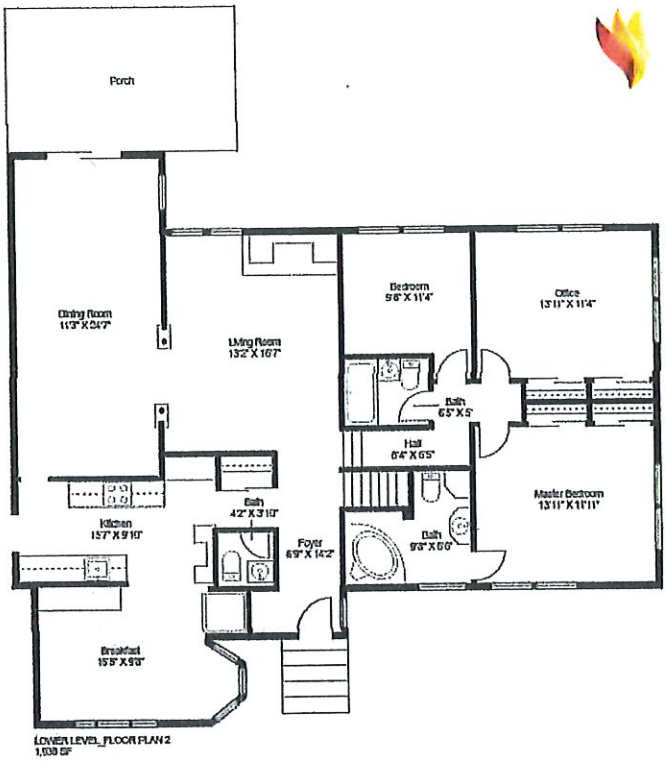
OHR HATORAH NEEDS TO EXPAND NOW!
As the cold winter months loomed ahead of us and the thought of davening outdoors was concerning, HaKadosh Baruch Hu sent us this gift at the perfect time, in the perfect location.

Not only will this new home provide us with ample space and warmth for our daily activities, it gives us the ability to provide much more for our community. B'ezras HaShem, we will now be able to host a spacious Bais Medrash and Ezras Nashim, resume our weekly Avos U'banim program (and Bnos & Pirchei groups post-Covid-19), have classrooms for shiurim, and launch new programming.



Attachment 1

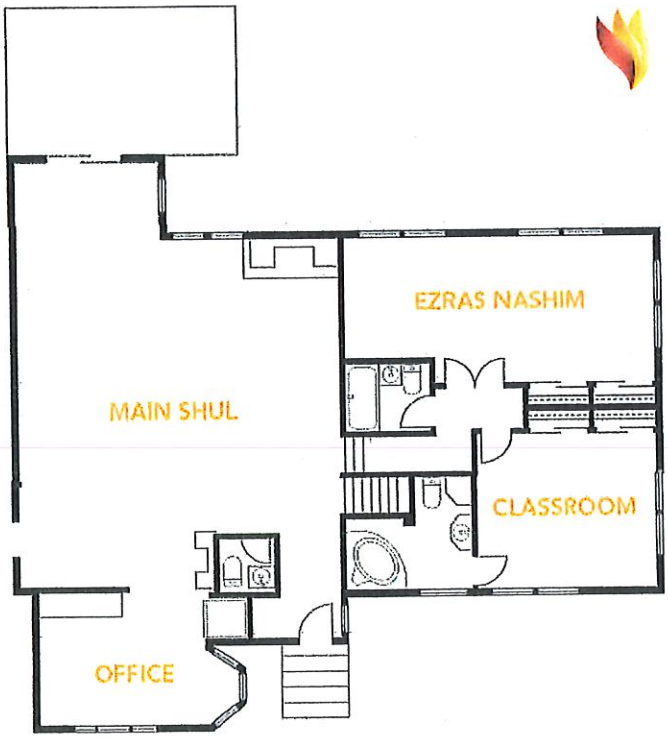




SHUL BUILD-OUT

As the neighborhood grows exponentially, we are determined to provide an infrastructure big enough to accommodate the community's needs. The purchase of this property was our immediate response to meeting those needs.

To secure this acquisition, we have set our goal at $200,000. This money will allow us to pay for the down payment, as well as cover additional costs which include basic renovation expenditures. **By joining us in this campaign, you are becoming a partner in our mission to be Mikadesh Shem Shomayim.**



THE EXPERIENCE

nder the leadership of R' Duvi Rubin, Ohr HaTorah has quickly atapulted to become part of the beautiful mosaic of wonderful huls in Baltimore! By providing insightful Shiurim, fascinating haburahs, & inspirational Drashos, this impressive Talmid hacham has elevated the spiritual landscape of our neighborhood strengthened a deeper connection to our Avodas Hashem. With ne growth of the Shul, the addition of daily minyanim, and the dditional programming of all sorts planned, the larger Baltimore ommunity & indeed Klal Yisroel at-large will benefit from even reater Harbatzas haTorah & dveikus b'Tefillah from this amazing nosad shining its Ohr HaTorah l'Shem ul'Tiferes!

Yaakov Berkowitz

'Under Rabbi Rubin's dynamic leadership and amazing energy, Ohr Hatorah has gone from a convenience minyan for a few people living on the edge of the Baltimore Community to a place where people are excited to come to shul, everyone feels at home. It has quickly become the anchor that allows our community to explode."

-Moshe Hammelburger

"Ohr HaTorah has provided a place for minyanim charged with ruach and camaraderie that previously required a 15 to 30 minute walk to reach. Since Rabbi Rubin has joined, as a group we have connected to his thrill for a deeper understanding in Torah and life. Having a place to learn and daven under his guidance has been invaluable and it has transformed the neighborhood into a true makom Torah."

-Feivel Kahn

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17

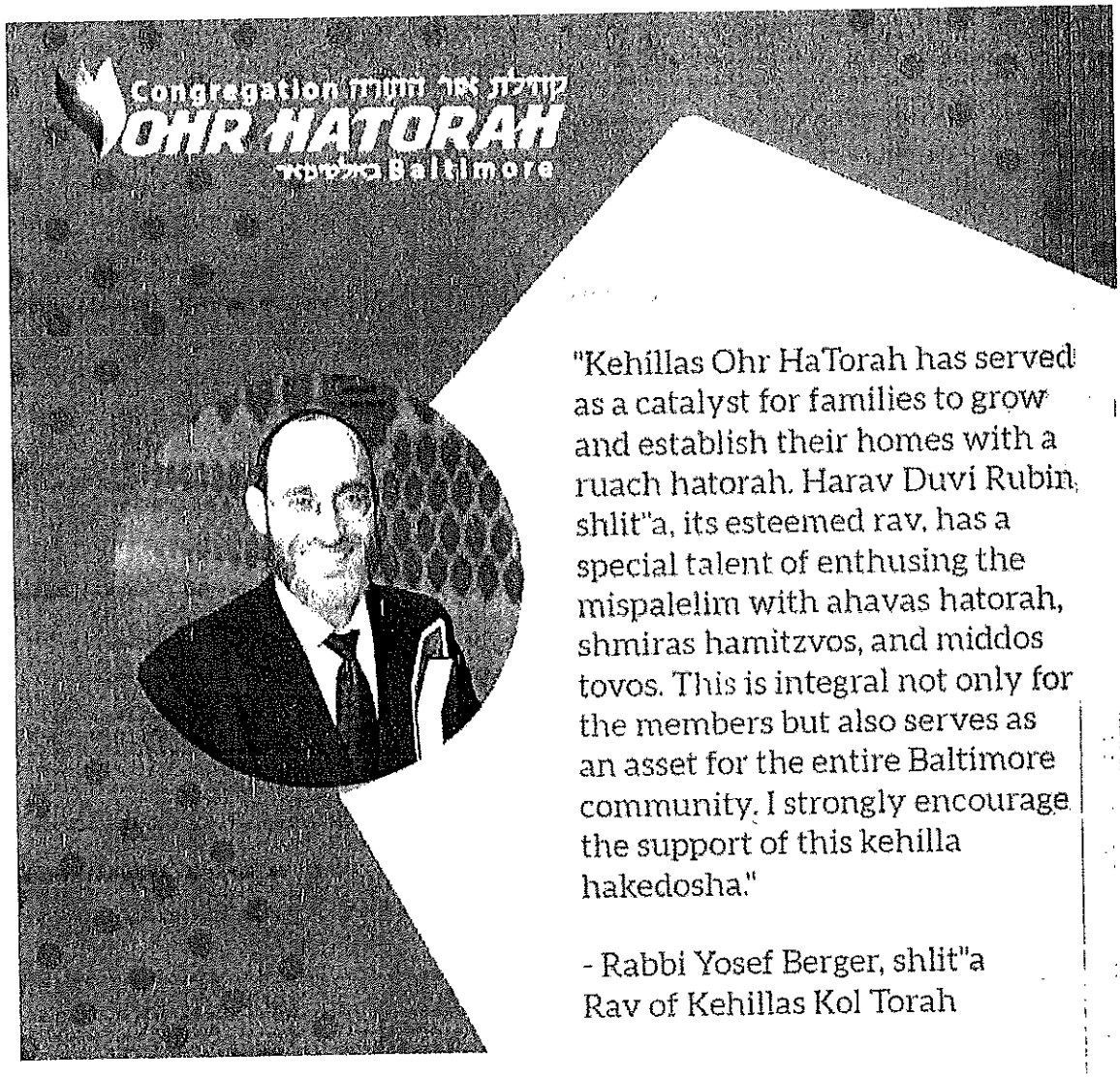
View Campaign

Team Team Levin
$319

donated by 9 people in 5 days

Goal: $1,000

Share Campaign



"Kehillas Ohr HaTorah has served as a catalyst for families to grow and establish their homes with a ruach hatorah. Harav Duvi Rubin, shlit"a, its esteemed rav, has a special talent of enthusing the mispalelim with ahavas hatorah, shmiras hamitzvos, and middos tovos. This is integral not only for the members but also serves as an asset for the entire Baltimore community. I strongly encourage the support of this kehilla hakedosha."

- Rabbi Yosef Berger, shlit"a
Rav of Kehillas Kol Torah

OHR HATORAH NEEDS TO EXPAND NOW!

DEADLINE THIS THURSDAY, OCT. 29th!

Once a convenient Friday-night minyan, Ohr HaTorah has blossomed into a thriving kehilla servicing the neighborhoods of Summit Park and Indian Village in Baltimore County. As young families move in by the dozen, the need for a community shul has become ever pressing. To this end, Ohr HaTorah has stepped up to the plate, led by the young and energetic Rav, Rabbi Duvi Rubin.

Ohr HaTorah has been developing its infrastructure to provide the neighborhood with a strong presence of Torah and Yiddishkeit and a sense of community for men, women, and children.

THE PURCHASE OF THIS PROPERTY IS OUR IMMEDIATE RESPONSE TO MEETING OUR NEEDS!

To secure this acquisition, we have set our goal at $200,000. This money will allow us to pay for the down payment, as well as cover additional costs which include basic renovation expenditures. By joining us in this campaign, you are becoming a partner in our mission to be Mikadesh Shem Shomayim!

Please click here for dedication opportunities

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Congregation קהילת אור התורה
OHR HATORAH
Baltimore בולטימור

Rabbi Duvi Rubin | 2429 Lightfoot Drive | Baltimore, MD

Congregation Ohr HaTorah - Building Phase I Dedication Opportunities

1. Dedications	
Building Dedication	$180,000
Main Sanctuary	$75,000
Aron Kodesh	$36,000
Rabbi's Office	$18,000
Ezras Nashim	RESERVED
Bimah	RESERVED
Playground	$12,000
Sukkah	$10,000
Kitchen	$10,000
Security System	$7,500
Rabbi's Shtender & Chair	RESERVED
Ner Tamid	RESERVED
Washing Station for Kohanim	$7,200
Coffee Nook	$7,200
Mechitza	$6,000
Electronic Luach	$5,400
Chazzan's Amud	$5,400
Yahrtzeit Memorial Board	$5,400
Front door Mezuza	$5,000
Menorah	$5,000
Bimah Cover (Year Round)	RESERVED
Bimah Cover (Yamim Noraim)	RESERVED
Paroches - (Year Round)	RESERVED
Paroches - (Yamim Noraim)	RESERVED
Kisei Shel Eliyahu	RESERVED
Chazzan's Amud Cover (Year Round)	RESERVED
Chazzan's Amud Cover (Yamim Noraim)	RESERVED
Interior Mezuza	$2,000
Tzedakah Box	$1,800
Decorative Candy Box	$1,800
Shul Clock	$1,800
Tables	$750
Chairs	$250

Congregation קהילת אור התורה
OHR HATORAH
Baltimore באלטימאר

Rabbi Duvi Rubin | 2429 Lightfoot Drive | Baltimore, MD

Congregation Ohr HaTorah - Building Phase I Dedication Opportunities

II. Seforim and Libraries

Seforim Library	RESERVED
Library of Halacha	RESERVED
Library of Chumash	$5,400
Library of Rishonim	$5,400
Library of Achronim	$5,400
Library of Nach	$3,600
Library of Medrash	$3,600
Library of Mussar	RESERVED
English Library	$3,600
Talmud Bavli	$2,000 | 1 of 2 Sets RESERVED
Sefer Torah Cover (Year Round)	RESERVED
Sefer Torah Cover (Yomim Noraim)	$2,000
Set of Tur	$2,000
Shulchan Aruch	$1,800
Rambam	$1,800
Bookshelves	$1,500

III. Plaque Sponsorships

Benefactor	$36,000
Founder	$18,000
Builder	$7,200
Patron	$5,000
Sponsor	$2,500
Friend	$1,000

**Other options available upon request*

ABOUT

Once a convenient Friday-night minyan, Ohr HaTorah has blossomed into a thriving kehilla servicing the neighborhoods of Summit Park and Indian Village.

As young families move in by the dozen, the need for a community shul has become ever pressing. To this extent, Ohr HaTorah has stepped up to the plate, led by the young and energetic rav, Rabbi Duvi Rubin.

Ohr HaTorah has been developing its infrastructure over the past 18 months to provide the neighborhood with a strong presence of Torah and Yiddishkeit and a sense of community for men, women, and children. It is our dream to see the shul grow into a spiritual hub where all members of the community will feel connected to each other, the rav, and especially Hakadosh Baruch Hu.

Located between Summit Park and Indian Village, our shul, led by the young and energetic **Rabbi Duvi Rubin, offers an authentic Torah experience: high-level shiurim, meaningful tefillos, community get-togethers, and weekly programming for children**. We believe that every family deserves a strong connection with the Torah and accessibility to the Rav for inspiration and guidance.

KINYAN HABINYAN CAMPAIGN

OUR RAV

WHAT WE DO:

Congregation קהילת אור התורה
OHR HATORAH
Baltimore באלטימאר

About Us/Mission Statement

Mission Statement

Our shul was founded in October 2013 to act as our spiritual home for the Greenspring/ Indian Village/ Summit Park area with a commitment to Orthodox Judaism and the greater community to enrich our unique identity through ritual, prayer services, celebration of scholarship and faith, education and social action. We offer Shabbos and Yom Tov davening, learning programs and shiurim as well as meals and hospitality. We warmly invite all who wish to join us.

Current Leadership

Rabbi
Rabbi Duvi Rubin

Board of Trustees
Moshe Hammelburger, President
Yakov Shafranovich, Vice-President & Webmaster
Feivel Kahn, Treasurer
Avi Feldman, Secretary

To contact us, see this page

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Congregation Ohr HaTorah Schedule - Winter 5781 (2020/2021) : Sheet1

Congregation Ohr HaTorah Schedule - Winter 5781 (2020/2021)

We strive to start promptly, please respect the tzibur by coming on time as each person makes this

Date	Parsha	Candles / Mincha	Shacharis	Early Mincha	Chumash Shiur
10/16/2020	Bereishis / Mevorchim Cheshvan	6:07 PM	7 AM / 8:45 AM	2:15 PM	4:45 PM
10/23/2020	Noach	5:57 PM	7 AM / 8:45 AM	2:15 PM	4:45 PM
10/30/2020	Lech Lecho	5:49 PM	7 AM / 8:45 AM	2:15 PM	4:30 PM
	Daylight Savings Time (DST) ends, move clocks back one hour				
11/6/2020	Vayera	4:41 PM	7 AM / 8:45 AM	2:15 PM	3:30 PM
11/13/2020	Chaye Sarah / Mevorchim Kislev	4:35 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
11/20/2020	Toldos	4:30 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
11/27/2020	Vayetzei	4:26 AM	7 AM / 8:45 AM	2:15 PM	3:15 PM
12/4/2020	Vayishlach	4:25 AM	7 AM / 8:45 AM	2:15 PM	3:15 PM
	Start Tal uMatar on Dec 5th at Maariv				
12/11/2020	Vayeshev / Mevorchim / Chanukah	4:25 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
12/18/2020	Miketz	4:27 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
12/25/2020	Vayigash	4:31 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
1/1/2021	Vayechi	4:36 PM	7 AM / 8:45 AM	2:15 PM	3:15 PM
1/8/2021	Shemos / Mevorchim Shevat	4:42 PM	7 AM / 8:45 AM	2:15 PM	3:30 PM
1/15/2021	Vaera	4:50 PM	7 AM / 8:45 AM	2:15 PM	3:30 PM
1/22/2021	Bo	4:57 PM	7 AM / 8:45 AM	2:15 PM	3:45 PM
1/29/2021	Beshalach	5:06 PM	7 AM / 8:45 AM	2:15 PM	3:45 PM
2/5/2021	Yisro / Mevorchim Adar	5:14 PM	7 AM / 8:45 AM	2:15 PM	4:00 PM
2/12/2021	Mishpatim / Shekalim / Rosh Chodesh	5:22 PM	7 AM / 8:45 AM	2:15 PM	4:00 PM
2/19/2021	Terumah / Parshas Zachor	5:30 PM	7 AM / 8:45 AM	2:15 PM	4:15 PM
2/26/2021	Purim - TBD	TDB	TDB		TDB
2/26/2021	Tetzaveh / Shushan Purim	5:38 PM	7 AM / 8:45 AM	2:15 PM	4:15 PM
3/5/2021	Ki Sisa / Parshas Parah	5:45 PM	7 AM / 8:45 AM	2:15 PM	4:30 PM
3/12/2021	Vayakhel-Pekudei / RH / Mevorchim	5:52 PM	7 AM / 8:45 AM	2:15 PM	5:45 PM
	Daylight Savings Time (DST) begins, move clocks forward one hour				
3/19/2021	Vayikra	7:00 PM	7 AM / 8:45 AM	2:15 PM	5:45 PM

Sheet1

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Congregation קהילת אור התורה
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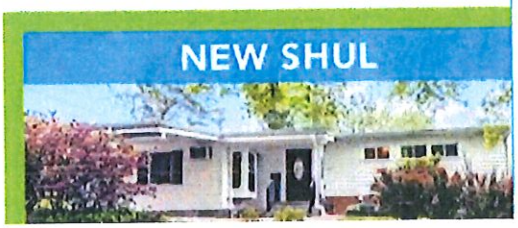
Baltimore באלטימאר

Home

Building. Baltimore. Together.

Our location at 6815 Greenspring Ave has been our home base that allowed us to grow to over 160 individuals. We are now at max capacity and have no room to breathe.



Congregation Ohr HaTorah of Baltimore County

WELCOME

Here at Congregation Ohr HaTorah, we are driven by a unifying goal – to provide a spiritual anchor for the growing suburban communities of Baltimore.

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: D'Andrea L. Walker, Acting Director DLW
Department of Public Works

DATE: March 3, 2021

SUBJECT: Case No: 2020-0309-SPHA
2429 Lightfoot Drive, Baltimore, Maryland 21209

The subject case is to determine whether or not the Administrative Law Judge should approve several requests with a Special Hearing. One particular variance is to permit 1 off-street parking space in lieu of the required 20 spaces

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request.

The Department of Public Works is not in favor of the approval of this variance.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, Bureau of Traffic Engineering and Transportation Planning
Peter M. Zimmerman, People's Council

Attachment 2

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/3/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-309

INFORMATION:
Property Address: 2429 Lightfoot Drive
Petitioner: 2429 Lightfoot, LLC
Zoning: 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. Pursuant to BCZR § 1B01.1.B.1.h, to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g. (6);
3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

Variances

1. From BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively;
2. If necessary, from BCZR § 409.6.A.4, to permit 1 off-street parking space in lieu of the required 20 spaces;
3. From BCZR § 400.1, to permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches;
4. From BCZR § 400.1; to permit an existing accessory structure (shed) with a side yard setback of 0 inches and a rear yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively;
5. If necessary, from BCZR § 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively;

6. For such other and further relief as may be required by the ALJ for Baltimore County.

A site visit was conducted on February 16, 2021. The area is entirely residential (single family detached) in character. The petitioner is proposing to convert the dwelling into a synagogue. Although Places of Worship are permitted in residential zones, the Residential Transition Area (RTA) should be applied to the fullest extent possible. By proposing a zero (0) foot RTA buffer, the RTA requirement is being eliminated altogether.

Although the petition states that one (1) parking space is shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for the parking space. The parking arrangement should be confirmed with the Administrative Law Judge and whether or not on-street parking would be required for any special events.

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.

For *Special Hearing* requests 1-4, the Department recommends denial. Places of Worship are permitted in residential, but the RTA should be applied to the fullest extent possible. Additionally, based on the information provided, one (1) parking space does not appear to be adequate for this type land use change within a residential neighborhood. Should the petitioner propose a modified parking plan and/or agreement that eliminate any need for possible on-street parking, then the Department shall concur with the decision of the Administrative law Judge on said parking arrangement.

Based on the recommendations for the above *Special Hearing* requests, the Department recommends denial of *Variance* requests 2 and 5, as they also pertain to parking and RTA relief.

For all other requested relief, the Department has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. To the satisfaction of the Administrative Law Judge, any proposed parking arrangement(s) should limit on-street parking in order to prevent any negative impacts onto the surrounding community.

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
Zachary J. Wilkins, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING NW of Lightfoot Drive, 78' SW of the c/line of Rohr Road 3rd Election District 2nd Council District **(2422 Lightfoot Drive)** Moshe Y. and Malka Markowitz Petitioners	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2012-0274-SPH**

* * * * * * *

ORDER AND OPINION

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

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

Attachment 3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
W side of Labyrinth Road; 165 feet N of the c/l of Smith Avenue	*	DEPUTY ZONING
3rd Election District	*	COMMISSIONER
2nd Councilmanic District		
(7602 Labyrinth Road)	*	FOR BALTIMORE COUNTY
Netivot Shalom The New Shul of Baltimore, Inc. *		
By Howard M. Lederman, President		
Petitioner	*	**Case No. 2009-0317-SPHA**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Netivot Shalom The New Shul of Baltimore, Inc., by Howard M. Lederman, President. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To determine pursuant to Section 1B01.1.B.1.g(6) of the Baltimore Zoning Regulations (B.C.Z.R.) that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and
- To approve a modified parking plan pursuant to Section 409.12.B of the B.C.Z.R.; and
- To approve a modification of landscaping standards pursuant to Section 409.8.A.1 of the B.C.Z.R.

Petitioner is also requesting Variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front non-residential building setback in a D.R.5.5 Zone

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Developer's Exhibit 9B

Attachment 4

of 38 feet in lieu of the 40 feet required; and side non-residential building setbacks in a D.R.5.5 Zone of 8 and 10 feet in lieu of 20 feet required. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Howard M. Lederman, President, on behalf of Petitioner Netivot Shalom The New Shul of Baltimore, Inc. (hereinafter "Petitioner" or "Netivot Shalom"), and Jeffrey Coleman, Treasurer. Also appearing in support of the requested relief was Deborah C. Dopkin, Esquire, attorney for Petitioner, and Kenneth J. Colbert with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. The case garnered interest from the surrounding community and a number of neighbors and interested persons attended in support of the requested relief. Their names and addresses are listed on the "Petitioner's Sign-In Sheet" contained within the case file. Also attending were several interested citizens who were opposed to the relief in some respects. They were identified as Charles Walder of 3216 Smith Avenue and Ruth Goldstein of 3226 Midfield Road.

Testimony and evidence presented revealed that the subject property is a rectangular-shaped property consisting of approximately 14,670 square feet or 0.337 acre, more or less, zoned D.R.5.5. The property is located on the west side of Labyrinth Road just north of Smith Avenue, east of Seven Mile Lane and one quarter mile north of the Baltimore City/Baltimore County line. As shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is situated in a residential area and is also close by a shopping center and several schools, with Pikesville High School located directly across the street on Labyrinth Road. The property is improved with an existing one-story masonry structure with a finished basement and a driveway that runs along the south side of the property to a side porch. The structure

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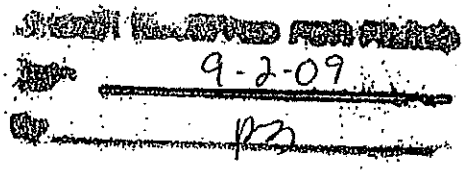
consists of approximately 1,500 square feet and was originally built in 1960 as a single-family dwelling as part of Section 1 of the "Labyrinth" subdivision shown on the subdivision plat that was marked and accepted into evidence as Petitioner's Exhibit 3.

The structure had been used over the years as a dwelling; however, Petitioner purchased the property in August 2005 and the structure has been used as a synagogue for Petitioner's membership since that time. In order for that use to continue, Petitioner has requested certain zoning relief to legitimize existing conditions, including special hearing relief to determine that the synagogue is planned in such a way to be compliant, to the extent possible, with Residential Transition Area (RTA) use requirements, and will be maintained and is compatible with the character and general welfare of the surrounding residential premises; to approve a modified parking plan; and to approve modification of landscaping standards. Petitioner has also requested variance relief to permit an existing front non-residential building setback of 38 feet in lieu of the 40 feet required and existing side non-residential building setbacks of 8 and 10 feet in lieu of 20 feet required.

In support of the special hearing and variance requests, Kenneth Colbert, a professional engineer with Colbert Matz Rosenfelt, Inc., was called to testify and was offered and accepted as an expert in land use, zoning, and interpretation of the Baltimore County Zoning Regulations. Mr. Colbert has been a professional engineer for approximately 40 years and testified as to his knowledge of the subject property and his involvement in the preparation of the site plan. He also submitted an exhibit containing photographs of the property and the surrounding areas of Labyrinth Road that was collectively marked and accepted into evidence as Petitioner's Exhibit 4. These photographs essentially show a residential neighborhood with similar looking structures and



the large parking lot of Pikesville High School directly across the street and in the closest proximity to the subject property.

Particularly as to the special hearing request regarding the Residential Transition Area (RTA) requirements, Mr. Colbert explained that although a synagogue is a permitted use in the D.R.5.5 Zone, its existing location at the subject property makes full compliance with the RTA requirements impossible. The location is an existing, mature neighborhood with well-established structures and setbacks. As shown on the RTA Setback Exhibit that was marked and accepted into evidence as Petitioner's Exhibit 5, due to the size and width of the property, the 75 foot RTA setback requirement would completely overlap both sides of the property, rendering strict compliance with this requirement unattainable. Mr. Colbert also indicated that the present use of the property as a synagogue and the limited number of members, as well as the fact that the property will retain its residential aspect and appearance, make strict compliance impractical and unnecessary. As to the request for a modified parking plan and modification of landscape standards, Mr. Colbert further explained that most members of the synagogue live in close proximity and walk to services. Petitioner also has the consent of the nearby high school to utilize the parking across the street should the need ever arise. In addition, a review of the two photographs of the subject property that were marked and accepted into evidence as Petitioner's Exhibit 6 show the existing landscaping to be more than sufficient to give the property a residential look and in keeping with the rest of the neighborhood. A schematic of the existing landscaping with identification of trees and shrubs was also marked and accepted into evidence as Petitioner's Exhibit 7. Mr. Colbert opined that any additional landscaping or changes to the existing landscaping would not be in character with the neighborhood.

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As to the variance request, Mr. Colbert discussed the constraints on the property in its use as a synagogue. Under Section 1B02.3.C.1 of the B.C.Z.R., as a single-family residence, the minimum front yard depth would be 25 feet and the minimum side yard widths would be 10 feet on each side; however, in using the structure as a building for religious worship -- such as a synagogue, which is a use permitted as of right pursuant to Section 1B01.1.A.3 of the B.C.Z.R. -- the non-residential setbacks contained in Section 1B01.2.C.1.a of the B.C.Z.R. are much greater, with minimum front yard setbacks of 40 feet and side yard setbacks on each side of 20 feet. Initially, Mr. Colbert pointed out that the existing 8 foot side yard setback at the northern rear corner of the building would not comply with the setback requirements in any event, whether residential or non-residential. He also indicated that strict compliance with the non-residential setback requirements would force Petitioner to demolish the existing building and construct a much smaller and narrower structure -- one that would definitely not be in keeping with the look and character of the neighborhood. It would also have the practical effect of preventing a permitted and desirable use of the property as a small synagogue, rather than the unkempt residential rental property it was used as previously.

In addition, Mr. Colbert briefly discussed the 502.1 standards set forth in the B.C.Z.R. for special exception uses, which -- although not directly on point in the instant matter -- are instructive to show how slight the impact of the synagogue use is at the subject property. He opined that the use would not be detrimental to the health, safety, or general welfare of the locale and would not have any negative impacts on the other 502.1 criteria. Indeed, the past three to four years bear out that the synagogue has fit in very well with the residential appearance and character of the community, and has benefited members of the community who worship at the synagogue.

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Finally, Mr. Colbert also pointed out that the existing sign is in compliance with the sign regulations for the non-residential use as a synagogue.

Also testifying in support of the relief was Jeffrey Coleman of 3111 Hatton Road located approximately three blocks from the subject property on the south side of Smith Avenue. Mr. Coleman is the treasurer of Petitioner's congregation and is a certified public accountant. He indicated that the congregation was started in 2004 and incorporated as a 501(c)(3) non-profit organization under the Internal Revenue Code. Mr. Coleman indicated the property was acquired in August 2005 from an absentee landlord living in Florida who rented the home as a dwelling, but allowed the property to erode into a state of disrepair. After purchasing the property, the members of the congregation used several weekends during the ensuing fall to clean up the property and make improvements. Their efforts were memorialized in a number of photographs that were collectively marked and accepted into evidence as Petitioner's Exhibit 8. A number of "before" photographs showing the interior condition of the building prior to the cleanup and renovations were also collectively marked and accepted into evidence as Petitioner's Exhibit 9.

Mr. Coleman advised that the full membership of the congregation is approximately 40 people and services at the subject property occur mainly on Friday mornings, Saturday mornings and evenings, and Sunday mornings, as well as during high holidays. Photographs showing the areas of worship located in the basement of the building were collectively marked and accepted into evidence as Petitioner's Exhibit 11. There are essentially two areas of worship divided by a curtain that bisects the basement and provides separate areas for men and women of the congregation, as well as a reader's table and area for the scrolls. The bedrooms on the main upstairs level are used for children's programs during services and the living room/dining room areas are used for socializing after services. Mr. Coleman noted that the kitchen is not used for

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cooking or food preparation, but rather the running water and refrigerator are used as a convenience to the congregation. Finally, Mr. Coleman stressed that the current congregation is a close-knit community and, while membership may fluctuate slightly from time to time and new members are welcome, there are no plans to physically change or alter or expand the existing configuration or layout of the building. According to Mr. Coleman, the property and the existing building provide the congregation with ample room for their religious activities.

Testifying as an interested citizen was Charles Walder of 3216 Smith Avenue. Mr. Walder's property is just south of the subject property. His rear yard abuts the subject property and his front yard fronts Smith Avenue. He has lived there for almost 20 years. Presently, he is concerned about Petitioner's requested relief because he is apprehensive that this would be the first step toward further expansion of the property and changes in the residential appearance of the property, especially so close to his property. On the one hand, Mr. Walder indicated he is not opposed to the property being used as a place for people to pray, and has no objection to the existing sign in front of the subject property; however, on the other hand, he feels that the property should continue to be a house instead of designated as a "synagogue." His testimony was also summarized in a letter to this Commission dated August 5, 2009, which was marked and accepted into evidence as Protestant's Exhibit 1.

Also testifying as an interested citizen was Ruth Goldstein of 3226 Midfield Road. Ms. Goldstein's property is located approximately one half mile north of the subject property. She is also President of the Greater Midfield Association. Ms. Goldstein presented a letter dated July 29, 2009 from Barry Holt Blank, Vice President of the Pikesville-Greenspring Community Coalition, Inc., indicating his organization voted to oppose a requested sign variance submitted by Netivot Shalom. This letter was marked and accepted into evidence as Protestant's Exhibit 2. Ms.

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Goldstein indicated that her organization, Greater Midfield Association, does not have a formal position on the instant matter; however, she also indicated that as a neighbor and interested citizen, her main concern and objection is with the existing sign on the front lawn of the subject property. She believes that because the neighborhood is residential, even though Petitioner is using the property for a permitted non-residential use, the sign should be a size (approximately one foot by one foot) that is permitted for a residential use. In Ms. Goldstein's view, allowing a larger sign for a non-residence only exacerbates the non-residential look of the property and makes it stand out in a negative way.

Finally, a letter dated August 10, 2009 from Ann Halpern of 7606 Labyrinth Road was submitted expressing opposition to a variance that allows the subject property to change its use or future uses and opposition to any sign that needs a variance to permit it. This letter was marked and accepted into evidence as Protestant's Exhibit 3. In response, Petitioner submitted 12 letters from various neighbors in and around the Greater Midfield Association, including adjacent neighbors, that expressed support for the synagogue and the related special hearing and variance requests. These letters were collectively marked and accepted into evidence as Petitioner's Exhibit 12.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 6, 2009 which indicates that the Office does not oppose Petitioner's request.

Turning first to the Petition for Special Hearing, I am persuaded to grant the requested relief. As to the Residential Transition Area (RTA) requirements, Section 1B01.1.B.1.g(6) of the B.C.Z.R. states that the RTA restrictions do not apply to a building for religious worship provided the site plan for which has been approved after a public hearing, as well as a finding that proposed

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improvements to the property are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. In the instant matter, I am easily persuaded that the purposes of the RTA will be fulfilled and that the property and the building will be compatible with the character and general welfare of the community. The property has been used as a synagogue for a number of years with no changes to the building or the overall appearance of the property in that time. In addition, Petitioner's representatives repeatedly testified that there are no plans to significantly increase the number of members in the congregation or make any changes in, or expansion of, the existing building.

As to the request for a modified parking plan and modification of landscaping standards, I am also persuaded to grant these requests. It is clear from the evidence -- and from the experience of the last five years -- that the existing parking situation is more than adequate to meet the needs of the congregation. Most members live in close proximity to the subject property -- within the community "Eruv" -- and walk to services. Moreover, in the unlikely event that more parking is required, there is availability in the parking lot of adjacent Pikesville High School across the street. It is also clear from the evidence that the existing landscaping is in keeping with the residential character of the neighborhood. Based on the photographs in evidence, I believe that any changes to the landscaping -- whether more or less or different landscaping -- would make the subject property stand out and be less similar to the other residential properties.

As to the variance requests, considering all of the testimony and evidence presented, I am convinced that the requests should be granted. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The use of the property as a place for religious worship is a use permitted by right, yet even though the physical

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appearance of the property is unchanged and unaltered from that of a dwelling and fits in with the residential neighborhood, the setback requirements are significantly more demanding for this non-residential use and impacts the subject property disproportionately as compared to other similar properties in the zoning district. Hence, I find the property to be unique in a zoning sense. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty and undue hardship upon Petitioner. Petitioner would be compelled to make significant alterations or demolish the existing structure in order to erect a much smaller and narrower structure that would comply with the non-residential setback requirements.

Lastly, I find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of September, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To determine pursuant to Section 1B01.1.B.1.g(6) of the Baltimore Zoning Regulations (B.C.Z.R.) that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and
- To approve a modified parking plan pursuant to Section 409.12.B of the B.C.Z.R.; and

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- To approve a modification of landscaping standards pursuant to Section 409.8.A.1 of the B.C.Z.R.,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's variance requests from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front non-residential building setback in a D.R.5.5 Zone of 38 feet in lieu of the 40 feet required; and side non-residential building setbacks in a D.R.5.5 Zone of 8 and 10 feet in lieu of 20 feet required be and are hereby GRANTED, subject to the following:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Any additions or changes to the residential appearance or character of the existing property or structure shall require a special hearing to reassess the Residential Transition Area use requirements, and a determination as to whether the proposed improvements to the property are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

9-2-09

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (7644 & 7646 Carla Road) 3rd Election District 2nd Council District	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
The Pikesville Jewish Congregation, Inc. *Legal Owner* Petitioner	*	FOR BALTIMORE COUNTY **Case No. 2018-0219-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 The Pikesville Jewish Congregation, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking: (1) A consolidation of Lot Nos. 7 & 8, shown in Section 1, Block 8 of the plat of Labyrinth; (2) A modified parking plan and modified parking requirements for the proposed uses; (3) A finding that the existing/proposed improvements shown on the site plan are planned to comply to the extent possible with applicable Residential Transition Area ("RTA") and buffer requirements; and (4) Continued use of the building at 7644 for synagogue purposes, including child programs, teaching and offices.

A petition for variance seeks: (1) To permit a front yard setback of 25 ft. in lieu of the 40 ft. required, an interior side yard setback of 11.5 ft. in lieu of the 20 ft. required, and a corner street side yard setback of 18 ft. in lieu of the 35 ft. required; (2) Alternatively, relative to the applicable RTA, if the requested special hearing finding and/or determination are not granted: (a) To permit the proposed one-story building for religious worship; and (b) To permit accessory parking in a RTA, with a setback of 10 ft. and landscaped buffer of 0 ft. in lieu of the 75 ft. and 50 ft. required

Developer's Exhibit 9A

respectively; and (3) Alternatively, if the request for approval of a modified parking plan is not approved; to permit a total of 16 parking spaces for a new synagogue use with 300 seats.

The original site plan filed with the petition was marked and accepted into evidence as Petitioner's Exhibit 1, and a revised plan incorporating several changes requested by the community was marked as Petitioner's Ex. 2.

Professional engineer Rick Richardson appeared in support of the requests. Howard L. Alderman, Jr., Esq. represented the Petitioner. Several community members attended the hearing to express concern with certain aspects of the project. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), The Bureau of Development Plans Review ("DPR") and the Department of Public Works ("DPW").

SPECIAL HEARING

The petition for special hearing essentially contains two substantive zoning requests: approval of a modified parking plan and a finding that a sufficient RTA buffer is shown on the site plan. The synagogue will have 300 seats, which under the BCZR would require 75 parking spaces. BCZR §409.6. Neither the Petitioner nor the community believe that number of spaces is required, especially since the great majority of congregants will walk to the synagogue. In addition, counsel indicated Petitioner is in the process of securing approval for parking on Saturday/Sunday at the nearby Pikesville High School. In these circumstances I believe the parking shown on the revised site plan (Pet. Ex. 2, with 16 spaces) will be more than adequate.

In terms of the RTA, it would be physically impossible for Petitioner to provide the requisite setbacks on this property. The plan shows that a 10 foot wide landscaping strip will be provided where the site adjoins existing dwellings. In addition, the County landscape architect

will require Petitioner to submit a landscape plan demonstrating compliance with the Landscape Manual, which will require plantings along each of the property boundaries. In these circumstances I believe the buffer provided will adequately screen the arguably "dissimilar" uses, and this aspect of the petition for special hearing will also be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is situated at the intersection of two public streets, which makes the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. Several conditions (including those proposed by the community) will be included below which are designed to minimize the synagogue's impact upon the surrounding residential neighborhood.

Several neighbors inquired whether a dumpster (as shown on the site plan) was in fact required in this case. Baltimore County considers buildings for religious use to be institutional or nonresidential, and Condition H of the Landscape Manual (pp. 39-40) provides specific requirements and guidelines for the use of dumpsters in this setting. As such, this is a matter that must be considered by the County landscape architect when he reviews the landscape plan for the

site. I will however include a condition restricting the hours during which the dumpster may be emptied, so adjoining neighbors are not disturbed in the early morning or late evening hours.

Both DPR and DPW submitted comments (dated March, 2018) concerning the existence of a riverine floodplain on the site. Since that time Petitioner engaged a contractor to perform a floodplain study, which has been submitted for review by Baltimore County. Therefore, I trust those agencies will ensure that Petitioner complies with all floodplain regulations. Both agencies also expressed concern with whether the proposed parking lot would be built over an existing sewer main. Mr. Richardson explained that the size of the parking lot has been greatly reduced, but that a small portion of the paving would in fact be over the 8-inch sewer main. A condition will be included below requiring Petitioner to convey to Baltimore County at no cost the necessary easements to provide access for future repairs/maintenance of that infrastructure.

THEREFORE, IT IS ORDERED this **10th** day of **September, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR) seeking: (1) A consolidation of Lot Nos. 7 & 8, shown in Section 1, Block 8 of the plat of Labyrinth; (2) A modified parking plan and modified parking requirements for the proposed uses; (3) A finding that the existing/proposed improvements shown on the site plan are planned to comply to the extent possible with applicable Residential Transition Area ("RTA") and buffer requirements; and (4) Continued use of the building at 7644 for synagogue purposes, including child programs, teaching and offices, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a front yard setback of 25 ft. in lieu of the 40 ft. required, an interior side yard setback of 11.5 ft. in lieu of the 20 ft. required, and a corner street side yard setback of 18 ft. in lieu of the 35 ft. required, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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.
2. No school or day care services shall be provided at the subject property.
3. Only residential style lighting and fixtures shall be permitted on the exterior of the subject property.
4. The dumpster and any other trash cans shall be kept within a masonry enclosure, the design of which must satisfy the requirements set forth in the Landscape Manual.
5. Petitioner shall submit for approval by Baltimore County landscape and lighting plans for the site.
6. All signage must be located on the building and must be in compliance with B.C.Z.R. §450.
7. No temporary or freestanding signs shall be permitted on the subject property.
8. The dumpster at the property may be emptied only between the hours of 9 a.m.-7 p.m., Monday-Friday.
9. Petitioner must convey to Baltimore County at no cost easements deemed necessary by DPW/DPR to provide access to the 48-inch storm drain and 8-inch sewer main on the subject property.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

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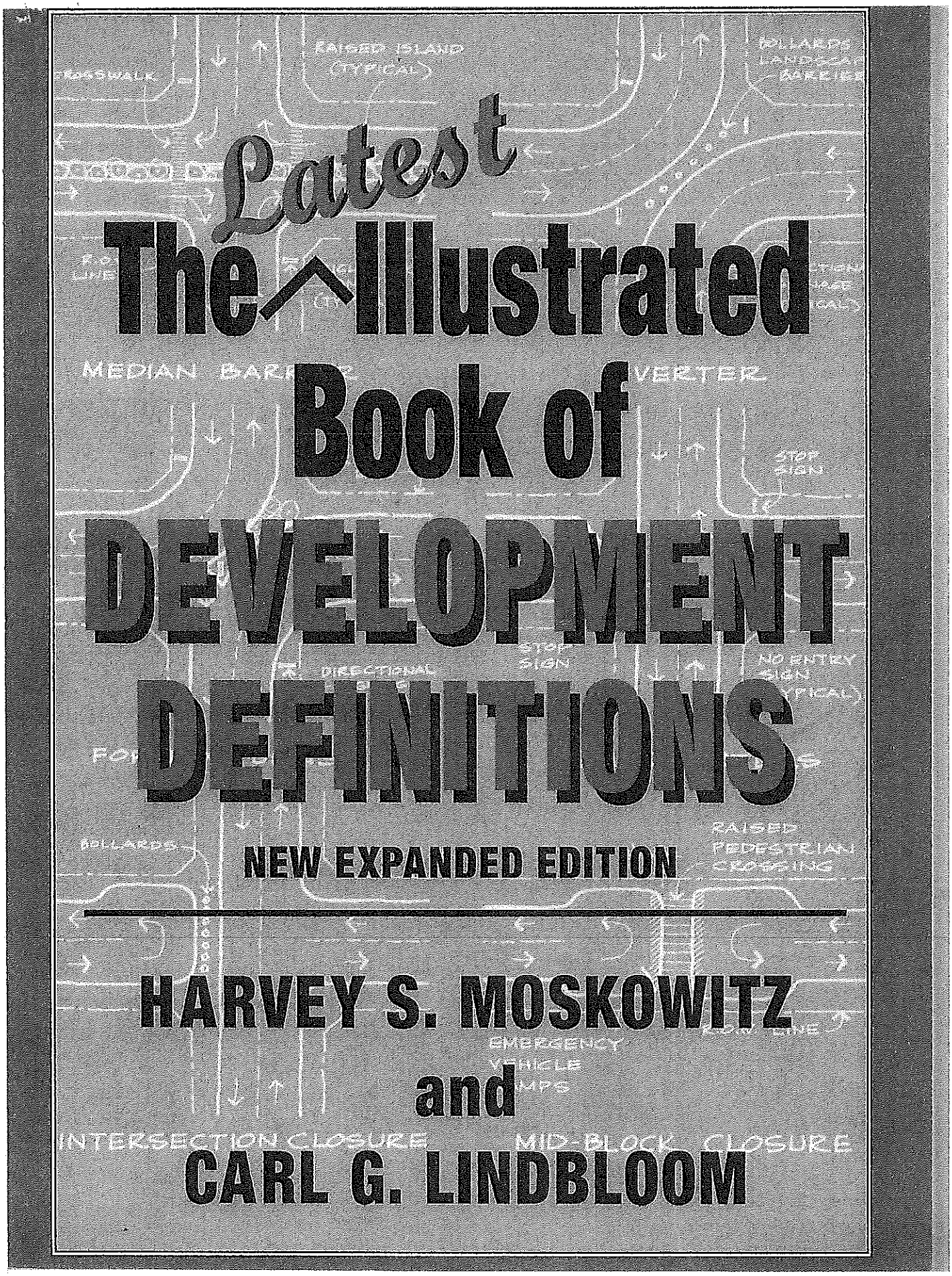

Attachment 5

CHAIN

A lineal measure equal to 66 feet.

Comment: This surveyor's measure is no longer in use. Many street right-of-way widths were laid out as 33 feet, or half a chain.

CHAIN STORE

Retail outlets with the same name, selling similar types of merchandise, operating under a common merchandising policy, and usually owned or franchised by a single corporate entity.

CHANGE OF USE

Any use that substantially differs from the previous use of a building or land.

Comment: Change of use is important in that any such change usually requires site plan approval. Most courts have indicated that a change of occupancy or a change of ownership in and by itself should not be construed as a change of use. To be considered a change, a new use has to be substantially different from the previous use. Thus, a retail clothing store selling men's clothes would not be substantially different from a retail clothing store selling women's clothes. Whether a retail clothing store would be substantially different from a drugstore is debatable. One possibility is to define "substantially different" as a use that is in a different sector level (two-digit code) as set forth in the *North American Industry Classification System (NAICS)*, which replaced the old *Standard Industrial Classification (SIC)* system in 1997. *See* NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM.

From a zoning perspective, change of use is important only if it affects any of the usual elements involved in site plan review: parking, drainage, traffic, circulation, landscaping, signage, building arrangements, and nuisance factors, such as lighting and noise. If they remain the same, it is questionable as to why a new site plan is needed, and a waiver of that requirement may be appropriate.

A New Jersey Supreme Court case (*Belleville v. Parrillo's, Inc.*, 83 N.J. 309 [1980]) provides further insight as to when a change of use takes place. Cox (2003) writes:

> In that case a restaurant was changed to a "disco" and a proceeding was brought in the Municipal Court charging violation of the zoning ordinance. The defendant's conviction was reversed by the Appellate Division, which held that there was not a change of use, but the Supreme Court disagreed. The Appellate Division had found that each aspect of the "new" business

had been conducted previously, e.g., food had been served previously and continued to be; there had been music in the restaurant and continued to be; there was serving of alcoholic beverages previously and continued to be. The Supreme Court held that this quantitative analysis was improper and that the focus in cases of this type must be on the quality, character and intensity of the use viewed in their totality and with regard to the overall effect on the neighborhood and zoning plan (83 N.J. 309 at 314). As a restaurant it had been open every day but now was open only one day and three evenings; the primary use of the dance hall had been incidental to dining but was now a primary use; the music was formerly provided by live bands and was now recorded; admission charges were now made whereas there had been none; the bulk of the prior business was food catering, which now was discontinued. The Court concluded that there had indeed been a change of use and that the defendant was properly convicted. . . . The Supreme Court [also] noted that "an increase in the time period during which a conforming use is operated may justifiably be the basis for finding an unlawful extension thereof, just as changes in the functional uses of the land or increases in the area of use have been."

(*Belleville v. Parrillo's, Inc.* at 317–18)

CHANNEL

A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

CHANNELIZATION

(1) The straightening and deepening of channels and/or the surfacing thereof to permit water to move rapidly and/or directly; (2) a traffic control device that forces vehicles into certain traffic flows or turning movements.

CHARACTER

Special physical characteristics of a structure or area that set it apart from its surroundings and contribute to its interest and/or individuality.

Comment: Examples of an area's character might include: a pattern of residential gridiron, tree-lined streets with alleys for garage access and trash removal; a business district with uniformity in building scale, materials, setbacks, street furniture, and sign design; or a waterfront promenade with fountains, public art, and design-coordinated street furniture of benches, light standards, and trash receptacles.

DEVELOPMENT

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

DEVELOPMENT, CONVENTIONAL

Development other than planned development or cluster development.

DEVELOPMENT, MAJOR

Any development involving more than three lots and/or involving a land area of more than 5 acres.

DEVELOPMENT, MINOR

Any development involving three or fewer lots and/or involving a land area of less than 5 acres and not requiring the extension of any new streets or other municipal or governmental facilities. *See* DEVELOPMENT.

Comment: The definition of development is sufficiently broad to cover all types of activity relating to land and building. The designation of an application as a minor development relieves the applicant of the need to meet the more stringent requirements of a major application, including advertising, notification of neighbors, and a public hearing. The number of lots and land area is strictly a local determination. In many built-up communities, where the streets and major infrastructure are already installed, five lots or less may be considered a minor subdivision. In urban areas, the 5-acre standard for site plans may be too large, and a smaller minimum may be desirable.

There are two recurring problems with respect to minor developments. The first is the danger that the land will come in at some subsequent time for another minor—"the creeping major." This problem can be addressed by requiring any application involving land previously approved as a minor development to be submitted as a major application. The second problem is how the developer proposes to use the remaining land. While applicants will often claim that they have no intention of developing the remainder, the prudent board will require at least a concept plan for the remaining land to ensure that the minor development does not pose future problems.

DEVELOPMENT, PLANNED

See PLANNED DEVELOPMENT.

DEVELOPMENT ANALYSIS STUDY

An analysis of potential uses and markets, whether permitted by zoning or not, for a parcel of real estate to determine the type and intensity of development. *See* FEASIBILITY STUDY.

First published 2004 by Rutgers, The State University of New Jersey

Published 2015 by Transaction Publishers

Published 2017 by Routledge
2 Park Square, Milton Park, Abingdon, Oxon OX14 4RN
711 Third Avenue, New York, NY 10017, USA

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ISBN-13: 978-0-88-285177-8 (pbk)

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REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1008

September Term, 2014

LUCY WARE

v.

PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY, ET AL.

Eyler, Deborah S.,
Meredith,
Leahy,

JJ.

Opinion by Eyler, Deborah S., J.

Filed: July 2, 2015

Attachment 6

Lucy Ware, the appellant, appeals from a judgment of the Circuit Court for Baltimore County affirming a decision of the Board of Appeals for Baltimore County ("the Board"). The Board's decision denied Ware's petitions for a special hearing and for zoning variances, both of which arose from her proposal to convert a single family home into a church. The appellees are the People's Counsel for Baltimore County ("People's Counsel") and 21 nearby residents who appeared before the Board as protestants and participated in the judicial review proceedings.[1]

Ware presents four questions for review, which we have combined and rephrased as follows:

I. Did the Board err when it determined that the residential transition area regulations set forth in the Baltimore County Zoning Regulations ("BCZR") imposed conditions upon Ware's proposed change in use of the property?

II. If the Board correctly determined that the RTA regulations applied, was the Board's decision to deny Ware an exception from those regulations legally correct and supported by substantial evidence in the record?[2]

---

[1]The protestants are: Barbara Roberson, Jimmie Roberson, Ruthanne Otto, Tom Otto, Barry Powell, Sylvia Powell, Gayle Emerson, Lillian Nolley, Helen Aiken, Linda Miller, Tim Lang, Peggy Lang, Wade Young, II, Dale Watkins, Rathea Mims, Al Michel, Evelyn Michel, E. Eddie Daniels, Muriel Lyles, Clyde Lyles, and Ella Green.

While the protestants filed a separate brief in this Court, they also adopted the arguments raised in People's Counsel's brief. We shall refer to the appellees collectively as "People's Counsel" unless otherwise necessary.

[2]As framed by Ware, the questions are:

1. Did the Board err when it determined that Residential Transition Area ("RTA") regulations are applicable in this instance, considering that the purpose of the RTA is to regulate housing types?
2. Did the Board err when it determined that the RTA regulations applied notwithstanding that the Property is not being developed and instead the

(continued...)

For the reasons to follow, we shall affirm the judgment of the circuit court.

FACTS AND PROCEEDINGS

Ware was born and educated in Kenya, where she earned a degree in construction engineering. She has lived in the United States for over 20 years. In 1996, she established a non-denominational Christian church known as "Jesus Christ is the Answer Ministries" ("the Church"). For many years, the Church operated in rented space in a hotel at Cross Keys, in Baltimore City. In 2005, Ware became an ordained minister.

On August 31, 2012, Ware purchased a 2,900 square-foot rancher style house on a 1.2 acre lot at 4512 Old Court Road, in Milford Mill ("the Property"). The Property was built in 1951 and is located in "Diana Acres," a residential subdivision. It is zoned Density Residential ("DR") 3.5 (3.5 units permitted per acre), and is situated in the middle of a residential block. All the surrounding properties are single-family homes that are zoned DR 5.5 (5.5 units permitted per acre).

The Property was used as a single-family residence from the time it was built until Ware purchased it (61 years). Ware and her husband do not live at the Property; they live in

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[2](...continued)

use of the building thereon is being converted from a single family dwelling to a church?

3. Did the Board err when it applied the RTA as a use regulation and considered the impacts of the proposed church use on the neighborhood?
4. Did the Board err when it found that the proposed use/conversion of the property was not an exception to the application of the RTA regulations?

a house on Liberty Road. Ware bought the Property in order to convert it from use as a single-family residence to use as a church, *i.e.*, for the operation of the Church.

A. The Pertinent Zoning Regulations

Article 1B of the BCZR governs DR Zones in Baltimore County ("the County").[3] A church or any other building used for religious worship is a use "permitted as of right" in a DR zone. § 1B01.1.A.3. Even a permitted use in a DR zone must comply with section 1B01.1.B, however, which establishes "[d]welling-type and other supplementary use restrictions based on existing subdivision and development characteristics." One such restriction pertains to residential transition areas ("RTA"), which are buffer and screening areas. § 1B01.1.B.1. An RTA is a "one-hundred-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." § 1B01.1.B.1.a(1).

As relevant here, an RTA is "generated" if the property "to be developed is zoned D.R. and lies adjacent to land zoned . . . D.R.3.5 [or] D.R.5.5" containing a "single-family detached . . . dwelling within 150 feet of the tract boundary." § 1B01.1.B.1.b. A property owner may seek a variance from the RTA buffer requirements, but only if 1) the variance is recommended by certain County agencies *or* 2) there is a finding at a development review hearing, pursuant to Article 32, subtitle 4 of the County Code ("the Code"), that a modification to the RTA satisfies compatibility criteria and that a reduction in the RTA "will

[3]All citations are to the BCZR unless otherwise indicated.

not adversely impact the residential community . . . adjacent to the property to be developed." § 1B01.1.B.1.c.

An RTA "use is any use" permitted as of right or by special exception in the zone or "[a]ny [business or industrial] parking area permitted under Section 409.8.B subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan." § 1B01.1.B.1.d.

Section 1B01.1.B.1.e establishes the "[c]onditions" in an RTA. Any single-family detached, semi-detached, or duplex dwelling is permissible within an RTA. A "parking lot" must be "set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer." § 1B01.1.B.1.e(2). The "buffer" must be an "upgraded, uncleared, landscaped buffer" and may not contain drainage areas, stormwater management ponds, or accessory structures, unless otherwise directed by the hearing officer upon the recommendation of the County. § 1B01.1.B.1.e(3).

There are "[e]xceptions to residential transition" that, if applicable, eliminate the "conditions" set forth above for a proposed site plan. § 1B01.1.B.1.g. Four of the exceptions pertain to churches. As relevant here, subsection (6) excepts 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" if there is 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."

B. The Proposed Changes to the Property

The house on the Property is situated on the eastern side of the lot, 28 feet from the property line of the neighboring property at its closest point. When Ware purchased the Property, it had a macadam driveway that ran from Old Court Road to the east of the house. The driveway emptied into a wide paved parking area that extended nearly to the eastern property line.

Ware replaced the roof of the house and added a deck. She did not make any other changes to the exterior of the house, and does not plan to do so. Significant to the issues in this case, Ware created a parking lot to the rear of the house by covering the grass in that area with gravel. To access this parking lot, cars must drive beyond the end of the macadam driveway along the eastern side of the house and turn left onto the gravel lot. Ware planted 45 Leyland Cypress trees along the eastern and northern Property lines to partially screen the new parking lot.[4]

In October of 2012, Ware held two Church events on the Property: a cookout and a party. During both events, parishioners parked on the gravel parking lot and also on the lawn at the rear of the Property. Neighbors counted 50 cars at the Property. They complained to

[4]Ware plans to renovate the interior of the house to accommodate its use as a church. At the time of the relevant proceedings, she had not undertaken any such changes.

County zoning authorities, who contacted Ware and advised her that she could not use the Property as a church until she brought it into compliance with the BCZR.

C. The Zoning Petitions

On December 21, 2012, Ware filed petitions for a special hearing and zoning variances with the County Department of Permits, Approvals, and Inspection. Her petition for special hearing sought to change the Property's use from a single-family residence to a church; to allow an RTA buffer of 0 feet in lieu of the required 50 feet; and to allow an RTA setback of 0 feet in lieu of the required 75 feet from a tract boundary to a parking lot. Ware sought variances from parking regulations that require every parking space to have direct access to an aisle (section 409.4); the surface of the lot to be "durable and dustless" (section 409.8A2); and the lot to be striped (section 409.8A6).

In January of 2013, People's Counsel entered its appearance in the case.

On February 27, 2013, a hearing was held before an Administrative Law Judge ("ALJ") at the Office of Administrative Hearings. On March 7, 2013, the ALJ issued a written decision recommending denial of Ware's petitions. Ware noted a timely appeal to the Board.

On June 18, 2013, the Board conducted a *de novo* hearing. Ware testified and called two Church members who supported her petitions. She also called as an expert witness Bruce Doak, P.E., the engineer and property line surveyor who prepared her site plan.

The site plan shows the contours of the existing house on the Property with the gravel parking lot at the rear. It shows that the parking lot has 16 spaces, which is the number required for a "principal place of worship" with 64 seats, under section 409.6. The easternmost parking space is only a few feet from the property line with the adjacent residential property. All or part of six of the parking spaces are within the 50-foot RTA buffer and all or part of 10 of the parking spaces are within the 75-foot RTA setback area. The driveway is entirely within the 50-foot buffer.

Ware testified that the Church has 30 adult members. They bring their children to services and are permitted to bring guests. She hopes to increase church membership, but will determine the maximum size based upon fire department occupancy regulations. She expects that parishioners will travel to the church by car and by bus. If the parking lot is full, they can "park on the grass." She plans to hold one traditional service on Sunday mornings, prayer and worship services on Monday and Friday evenings from 7:00 p.m. to 8:30 p.m., and prayer services on Wednesday evenings in the same time frame.

Doak testified that without zoning relief Ware cannot use the Property as a church because there is no area of the Property for a parking lot that will not infringe on the 75-foot RTA setback area and the 50-foot RTA buffer. Doak presented an alternate site plan to show that a parking lot could be reconfigured to move more of the parking out of the buffer and setback areas, but even this site plan (which the parties agree was not before the Board for approval) would include some parking within those areas. With respect to the driveway,

Doak explained that if the Property were used as a dwelling, it would not need to comply with the RTA conditions; once the use changed to a church, the driveway was within the RTA buffer and zoning relief was necessary to bring it into compliance.

Doak also testified that three other churches are located on Old Court Road in close proximity to the Property. Two are in a DR 5.5 zone and one is in a DR 3.5 zone. Doak did not testify about whether these church properties comply with the RTA conditions.

Finally, with respect to the parking variances, Doak opined that the Property is unique because it is larger than many lots in the area and had not reached maximum density.

Seven of the protestants testified in opposition to the petitions. They expressed concern about increased traffic and noise that will result if the Property is allowed to be converted for use as a church, and about decreased property values. Dale Watkins, who lives in a house behind the Property, testified that a parking lot and additional parking at the rear of the Property likely will cause "noise and commotion," especially during the evening hours when the area is dark.

The protestants called James Patton, P.E., as an expert witness. He testified that Ware's site plan did not satisfy even the minimal RTA requirements. With respect to the variance requests, he opined that the Property was not unique and that the hardships Ware was claiming were self-imposed because she did not investigate the zoning requirements for a church before she purchased the Property.

101(w). The Board found that the County had required Ware to landscape the Property to "screen the parking lot from the adjoining property." Further, the County had required Ware to provide off-street parking for the proposed church use, which also qualified as an improvement "determined necessary and appropriate by the [C]ounty."

The Board then turned to the question whether the church use "qualifie[d] for an exception from the RTA restrictions under 1B01.1.B.1.g(6)," the only exception that possibly could apply to the Property. The Board opined:

> [T]he proposed Church does not even minimally comply with the RTA requirements. The proposal is for no buffer and no setbacks. The evidence did not show that the plan submitted by [Ware] would be compatible with the character or general welfare of the surrounding homes which homes are occupied by the Protestants who testified. The Board finds credible the concerns voiced by the Protestants concerning increased traffic generated by this use in the middle of a residential block.
>
> While [Ware] testified that there were 30 members, the parking calculations on the site plan revealed that this was a 64 seat church. [Ware] agreed that members could bring guests and family members as well as children. We see this Church as being in the early stage of growth and we expect and anticipate that it will continue to grow, particularly given the charitable work that it does. The modest size of this single family home, on 1.2 acres, is not sufficient to house the planned functions and services.

The Board noted that photographs of the other three churches on Old Court Road showed that each property had adequate space for a parking lot that was "paved and striped," so that the "impact on the surrounding properties" was less intense. In contrast, it was "not compatible with the neighborhood for cars to park on the grass [of the Property] for church activities that [would] occur during the week and on weekends." For all of these reasons, the

Board determined that the subsection g(6) exception was not satisfied and denied the petition for special hearing.

The Board's denial of Ware's petition for special hearing rendered moot her petition for parking variances. The Board stated, however, that had it considered that issue, it would have denied the requested variances because the Property was not unique and because the hardships resulting in any practical difficulty all were self-imposed.

Ware timely filed an action for judicial review in the Circuit Court for Baltimore County. That court affirmed the decision of the Board. This appeal followed.

We shall include additional facts as necessary to our discussion of the issues.

STANDARD OF REVIEW

In an appeal from a judgment entered on judicial review of a final agency decision, we look "through" the decision of the circuit court to review the agency decision itself. *People's Counsel v. Country Ridge Shopping Center, Inc.*, 144 Md. App. 580, 591 (2002). Our role "in reviewing [the final] administrative agency adjudicatory decision is narrow.'" *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 67 (1999) (citing *United Parcel v. People's Counsel*, 336 Md. 569, 576 (1994)). It is limited to determining whether "'there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law.'" *Id.* at 67–68 (quoting *United Parcel*, 336 Md. at 577).

"An agency's fact-finding is based on substantial evidence if 'supported by such evidence as a reasonable mind might accept as adequate to support a conclusion.'" *Kim v. Md. State Bd. of Physicians*, 196 Md. App. 362, 370 (2010) (quoting *People's Counsel v. Surina*, 400 Md. 662, 681 (2007)). "The agency's decision must be reviewed in the light most favorable to it; because it is the agency's province to resolve conflicting evidence and draw inferences from that evidence, its decision carries a presumption of correctness and validity." *State Bd. of Physicians v. Bernstein*, 167 Md. App. 714, 751 (2006). In contrast, while we may "give weight to an agency's experience in interpretation of a statute that it administers, . . . it is always within our prerogative to determine whether an agency's conclusions of law are correct." *Schwartz v. Md. Dep't of Natural Res.*, 385 Md. 534, 554 (2005).

DISCUSSION

I.

Ware contends the Board erred as a matter of law in ruling that the RTA regulations apply to the proposed change in use of the Property. She offers two reasons in support. First, the RTA regulations are expressly intended to *"assure that . . . adequate buffers and screening are provided between dissimilar housing types."* § 1B01.1.B.1.a(2) (emphasis added). Ware maintains that because she is proposing an institutional use on the Property, the RTA regulations do not come into play. Second, Ware asserts that the RTA regulations only apply when a property is being "developed." According to Ware, the changes she

proposes to the use of the Property do not amount to "development" within the dictionary meaning of that term.

People's Counsel responds that Ware is "bound by the four corners of her petition for special hearing," in which she sought relief from the RTA buffer and setbacks, and may not now argue that the RTA conditions do not apply to the Property at all. In any event, People's Counsel maintains that the RTA conditions apply to any "residential transition use," which includes a church use. With respect to Ware's argument that she is not developing the Property, People's Counsel responds that the landscaping and creation of a new parking lot plainly amount to development of the Property under the definitions in the Code and in the dictionary.

Our interpretation of the RTA regulations in the BCZR is governed by the well-established principles of statutory interpretation.

> We have said time and again that "the paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature." The process of statutory interpretation begins with the plain language of the statute, where we "read[ ] the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory." If the plain language of the statute is clear and unambiguous, the process ends and "no further sleuthing of statutory interpretation is needed."

Fisher v. E. Corr. Inst., 425 Md. 699, 706-07 (2012) (citations omitted).

We begin with Ware's argument that the RTA conditions only apply to "dissimilar housing types." She maintains that because she is proposing to change the use of the Property from a residential dwelling to a church, the Property need not comply with any RTA

conditions. We disagree. The language Ware cites appears in section 1B01.1.B.1.a, which is the purpose clause of the RTA regulations. It states that "the purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types." Although this may be a central purpose of the RTA regulations, subsection d makes plain that the regulations apply even when a proposed use is not residential in character. As relevant here, subsection d defines a "residential transition use" to be "***any*** use . . . permitted as of right under Section 1B01.1.A." (Emphasis added.) That section permits as of right many non-residential uses within a DR zone, including hospitals, day care facilities, schools, and churches. Subsection d applies to "any" of these uses, without regard to whether the use is residential or non-residential. Ware's proposal to convert a single-family dwelling in a DR 3.5 zone into a church involves a "residential transition use." The Board's legal conclusion to this effect was correct.[5]

---

[5]Ware argues that the Board's decision in this case is contrary to a prior Board decision and, as such, its legal conclusion that the RTA was applicable is erroneous as a matter of law. We disagree. The prior decision of the Board, which Ware acknowledges is not binding on this Court, involved the development of a Sonic fast food restaurant on a split-zoned parcel. *See In the Matter of Michael R. Mardiney, Jr. M.D. - Legal Owner*, Case No. 13-171-SPHXA (decided Nov. 21, 2013). The restaurant was to be built on the front of the Property, which was zoned commercial, and an existing parking lot was to be repaved and screened on the back part of the Property, which was in a DR zone. The Board determined that because "[n]o housing [was] proposed to be constructed," the RTA did not apply and because the property owner was not constructing a parking lot on the DR portion of the property, but was continuing its permitted use in that regard, there also was no development of the DR zoned portion of the property. No petition for judicial review was filed.

(continued...)

This conclusion also is borne out by the exceptions to the RTA conditions. If compliance with RTA conditions only would be required when a property owner proposed the development of a "dissimilar housing type," there would be no need for the four exceptions for church uses, the exception for a child care center, or the exception for transit facility or rail passenger facility. None of these uses involve housing and all are expressly excepted from the application of the RTA conditions. *See Fisher*, 425 Md. at 706 ("we 'read[ ] the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.'")(citation omitted).

We now turn to whether Ware is "develop[ing]" the Property for use as a church. In her memorandum of law submitted to the Board following the hearing, Ware argued that she is not developing the Property, citing the definition of that term as it appears in section 32-4-101(p) of the Code. The Board rejected her argument, noting that that definition encompasses "[t]he improvement of property for any purpose involving building" and, under another definition in the Code, "[i]mprovements" include landscaping and any other "improvements as determined necessary and appropriate by the county." Code § 32-4-101(w).

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[5](...continued)

For the reasons already explained, we have held as a matter of law that the plain language of the RTA regulations makes the buffer and setback conditions applicable to RTA uses, not just to dissimilar housing types. Thus, to the extent the two decisions are in conflict, we conclude that the Board's decision in the instant case correctly interpreted the RTA regulations.

Before this Court, Ware now argues that the Board erred as a matter of law by relying on the definition *she* cited to it. She asserts that the Board should have looked to the dictionary definition of "development" because the BCZR instructs that any term not defined therein shall have "the ordinarily accepted definition as set forth in the most recent edition of Webster's Third International Dictionary of the English Language, Unabridged." § 101. The pertinent Webster's definition of "develop" is "to make actually available or usable . . . as (1) to convert (as raw land) into an area suitable for residential or business purposes."

Under either definition, Ware's changes to the Property amounted to "development." As discussed, she created a new parking lot behind the house on the Property. Although she did not pave or stripe the lot (and sought variances to avoid having to do so), she poured gravel over the area to establish the lot. She planted numerous trees to screen the new parking lot and agreed to plant additional trees if the relief requested in her petition for special hearing were granted. She proposed new drainage and stormwater management systems to accommodate the new use. These changes to the Property were necessitated by the conversion of the Property from use as a single-family residence to a 64-seat church. The changes are improvements under the Code definition. They also are necessary to make the Property usable as a church, under the dictionary definition, because, unlike a single-family residence, which only requires parking to accommodate residents, a church (especially a 64-seat church) requires parking for parishioners who will be coming to services and events. Indeed, that is the very reason that Ware put a gravel parking lot on the Property. For all of

these reasons, we perceive no error in the Board's finding that the Property was being developed by Ware for use as a church.

II.

Ware contends the Board erred by denying her relief from the RTA because, even if the RTA regulations apply (which we have held they do), the Property is excepted from the buffer and setback conditions. People's Counsel responds that the Board correctly found that Ware's site plan failed even to minimally comply with the RTA conditions and that the "incompatibility with the general welfare of the surrounding premises [was] conspicuous."

As discussed, section 1B01.1.B.1.g(6) states that 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" may be excepted from the RTA conditions if two requirements are met. First, "the proposed improvements [must be] planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained." § 1B01.1.B.1.g(6). Second, the "plan [must] be compatible with the character and general welfare of the surrounding residential premises." *Id.*

The Board found that neither prong of the exception was met. Ware's site plan did not comply with the RTA use requirements at all because it proposed no buffer and no set back between the parking lot and the eastern boundary of the Property. As mentioned, Doak acknowledged in his testimony that Ware could configure the parking lot to reduce its infringement upon the RTA. The Board's finding that the site plan did not comply with the

RTA to the extent possible was supported by substantial evidence in the record and validates its conclusion that the exception does not apply.

The Board also found that the "plan" could not "otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises." Ware takes issue with the Board's finding that the *use* of the Property as a church would be incompatible with the surrounding residential premises. She points out that a church is a use as of right in a DR zone and argues that the RTA regulations do not restrict use; they only restrict building or developing land within the buffer. She argues that the Board improperly considered how the *use* would affect the neighboring properties.

Although the Board commented on the testimony from the protestants concerning noise and traffic occasioned by the change in use, it also found that the physical layout of the Property was not suited for the planned use. The other church properties in the area are situated on larger lots and have sufficient space for parking. In contrast, the planned 16-space parking lot immediately adjacent to a residential property, mostly within the RTA buffer and setback areas, is not compatible with the character and general welfare of the neighborhood. These findings are supported by substantial evidence in the record and are a sufficient basis to support the Board's incompatibility finding.

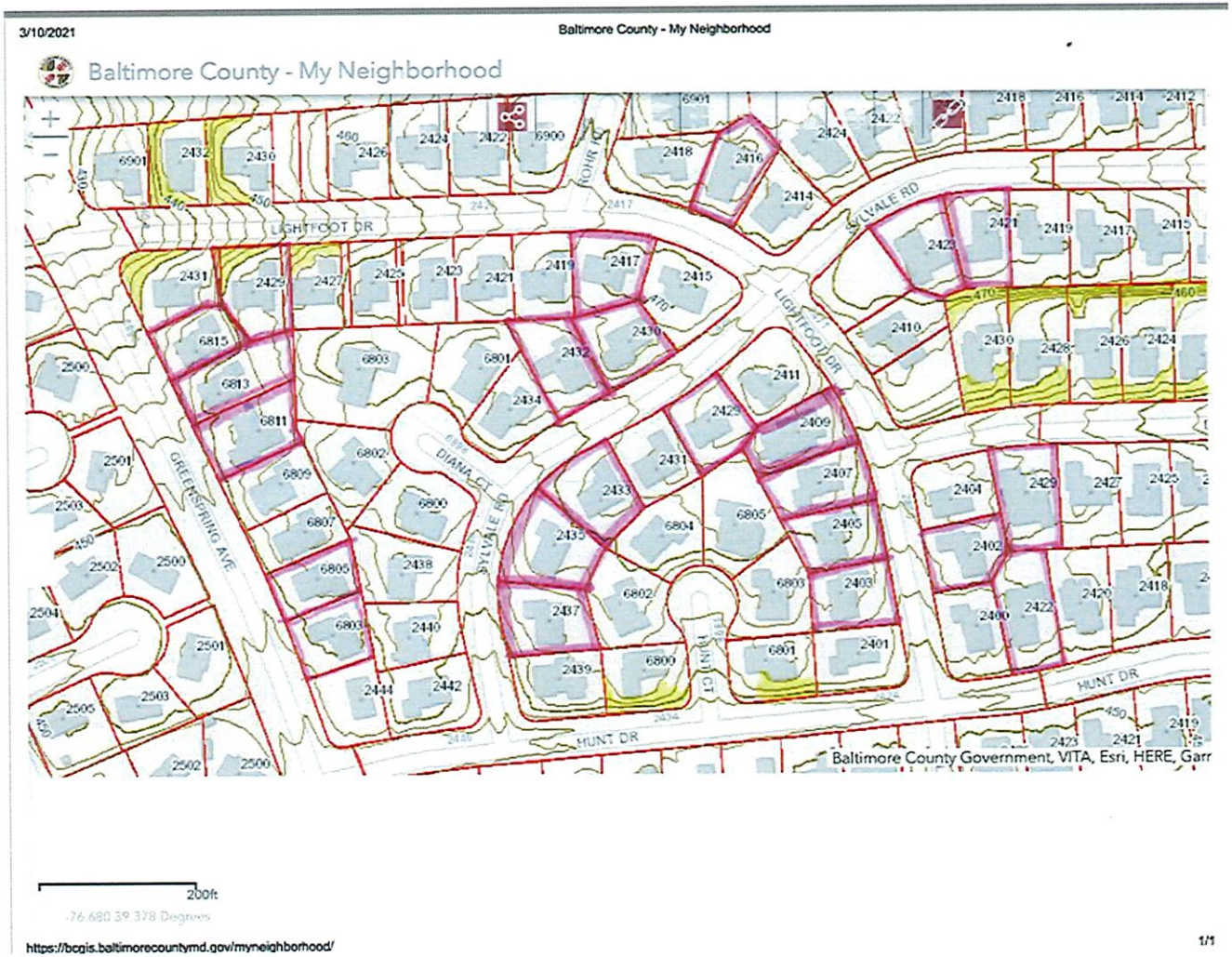
For all of these reasons, the Board did not err by concluding that the RTA conditions applied to the Property, that the proposed site plan did not satisfy the conditions, and that the Property was not excepted from those conditions. In light of our holding, we need not

address the Board's alternative ruling on Ware's petition for variances from parking regulations.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY THE APPELLANTS.

Attachment 7

Yellow areas are slopes similar to 2429 Lightfoot Drive's and pink lots are similarly shaped, many tapering to the back of the lot.



Developer's Exhibit 30

Attachment 8

Board of Appeals

Exhibit List Lightfoot LLC

Case No.: 20-309-SPHA Case Name: ~~22~~ 20-309-SPHA

Party: Developer Date: 10/20/21

Exhibit No.	Description	ID Only
2-A-B-C	Aerials	
3A-K	Photos	
4	Congregation Newsletters	
9A	ALJ order - Labyrinth Road	
9B	ALJ order - Case No 2009-0317-SPHA	
10	Emails with BCPS	
11	Off-site Parking Approval	
7	Letters of Support - Indian Village	
8	Letter of Support - Summit Park	
5	Motsco CU - Revised	
1	Site Plan - Revised	
6	Subdivision Plat	
	VERIFIED BY: Jay DATE: 11/3/21	

Board of Appeals

Exhibit List Lightfoot LLC

Case No.: 20-309-SPHA Case Name: ~~22~~ 20- 309-SPHA

Party: Protestants Date: 10/20/21

Exhibit No.	Description	ID Only
✓ 16	CV- Pat Keller	
✓ 14	BC Dept. of Public Works letter	
✓ 15	BC Dept of Planning letter	
✓ 12	Plat map	
✓ 18	Legal Memorandum of Support	
✓ 8	Photos of Parking Issues	
	VERIFIED BY: Jay DATE: 11/3/21	

Board of Appeals

Exhibit List Lightfoot LLC

Case No.: 20-309-SPHA Case Name: ~~22~~ 20-309-SPHA

Party: Developer Date: 10/20/21

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	VERIFIED BY: Jay DATE: 11/3/21	

Board of Appeals

Exhibit List Lightfoot LLC

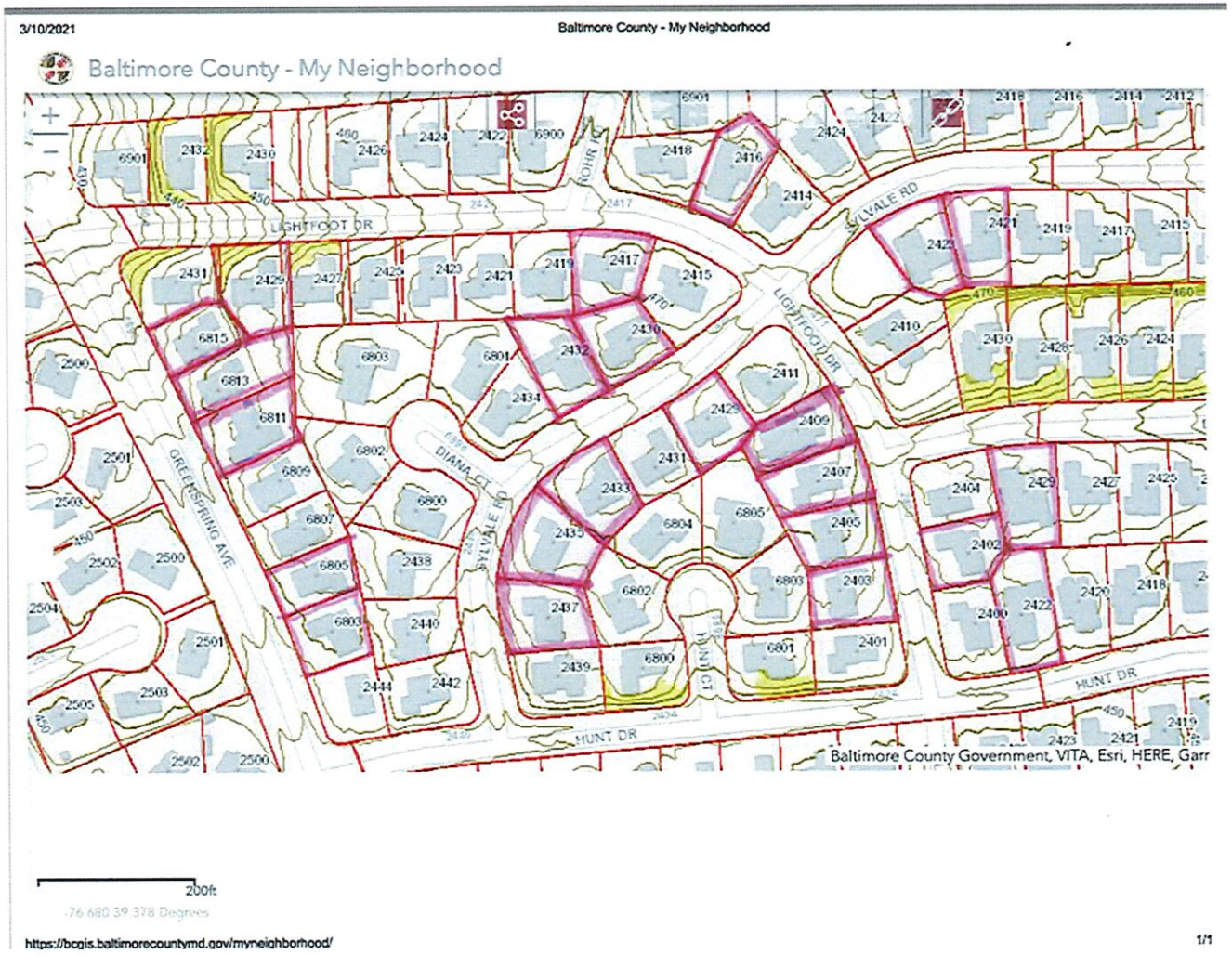
Case No.: 20-309-SPHA Case Name: ~~22~~ 20- 309-SPHA

Party: Protestants Date: 10/20/21

Exhibit No.	Description	ID Only
✓ 16	CV- Pat Keller	
✓ 14	BC Dept. of Public Works letter	
✓ 15	BC Dept of Planning letter	
✓ 12	Plat map	
✓ 18	Legal Memorandum of Support	
✓ 8	Photos of Parking Issues	
	VERIFIED BY: Jay DATE: 11/3/21	

SPEED
LIMIT
30

Yellow areas are slopes similar to 2429 Lightfoot Drive's and pink lots are similarly shaped, many tapering to the back of the lot.



50

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: D'Andrea L. Walker, Acting Director DLW
Department of Public Works

DATE: March 3, 2021

SUBJECT: Case No: 2020-0309-SPHA
2429 Lightfoot Drive, Baltimore, Maryland 21209

The subject case is to determine whether or not the Administrative Law Judge should approve several requests with a Special Hearing. One particular variance is to permit 1 off-street parking space in lieu of the required 20 spaces

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request.

The Department of Public Works is not in favor of the approval of this variance.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, Bureau of Traffic Engineering and Transportation Planning
Peter M. Zimmerman, People's Council

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/3/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-309

INFORMATION:
Property Address: 2429 Lightfoot Drive
Petitioner: 2429 Lightfoot, LLC
Zoning: 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. Pursuant to BCZR § 1B01.1.B.1.h, to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g. (6);
3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

Variances

1. From BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively;
2. If necessary, from BCZR § 409.6.A.4, to permit 1 off-street parking space in lieu of the required 20 spaces;
3. From BCZR § 400.1, to permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches;
4. From BCZR § 400.1; to permit an existing accessory structure (shed) with a side yard setback of 0 inches and a rear yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively;
5. If necessary, from BCZR § 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively;

6. For such other and further relief as may be required by the ALJ for Baltimore County.

A site visit was conducted on February 16, 2021. The area is entirely residential (single family detached) in character. The petitioner is proposing to convert the dwelling into a synagogue. Although Places of Worship are permitted in residential zones, the Residential Transition Area (RTA) should be applied to the fullest extent possible. By proposing a zero (0) foot RTA buffer, the RTA requirement is being eliminated altogether.

Although the petition states that one (1) parking space is shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for the parking space. The parking arrangement should be confirmed with the Administrative Law Judge and whether or not on-street parking would be required for any special events.

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.

For *Special Hearing* requests 1-4, the Department recommends denial. Places of Worship are permitted in residential, but the RTA should be applied to the fullest extent possible. Additionally, based on the information provided, one (1) parking space does not appear to be adequate for this type land use change within a residential neighborhood. Should the petitioner propose a modified parking plan and/or agreement that eliminate any need for possible on-street parking, then the Department shall concur with the decision of the Administrative law Judge on said parking arrangement.

Based on the recommendations for the above *Special Hearing* requests, the Department recommends denial of *Variance* requests 2 and 5, as they also pertain to parking and RTA relief.

For all other requested relief, the Department has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. To the satisfaction of the Administrative Law Judge, any proposed parking arrangement(s) should limit on-street parking in order to prevent any negative impacts onto the surrounding community.

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
Zachary J. Wilkins, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Resume

Arnold F. (Pat) Keller, III
9704 Bernard Lewis Court
Perry Hall, MD 21128
pkeller57@verizon.net
H: 410-256-0868
C: 410-818-7211
July 1, 2019

University of Maryland – Urban Studies and Planning
School of Architecture, Planning and Preservation
3835 Campus Drive / College Park, MD 20742
301.405.8000 / archinfo@umd.edu

URSP 603-0101: Land Use Planning and Law
Concepts and Techniques Fall 2020 and Fall 2021

URSP 603 - Land Use Planning: Concepts & Techniques (3)
Land use concepts and definitions: legal context for planning; markets and planning; planning for housing; community services, employment, utilities, and transportation; zoning; subdivision regulations; growth management; plan implementation.

Maryland Department of Planning
Assistant Secretary, Planning Services
September 2017 – Present
301 West Preston Street, Suite 1101
Baltimore, MD 21201
pat.keller@maryland.gov
W: 410-767-0901

- Manage Offices of Planning Coordination and Planning Data and Research

  Planning Services: Environmental matters including participation on the Maryland Commission on Climate Change, Maryland Bay Cabinet, Critical Areas Commission, Chesapeake Bay Program, Water Resources Management, Salt Water Intrusion, Maryland Agriculture Land Preservation, Patuxent River Commission. Environmental studies and plans, Brownfields, Rural Economies, Project Green Classrooms. Staff to Interagency Commission for School Construction. Work projects for MDOT-TSO, TOD Dashboard, TOD Procedures and Policies, including staffing BRTB. This group also provides assistance to local governments for planning, transportation and environmental items. MDP has planning staff assigned to each of the six regions of Maryland.

  Planning Data and Research: Real property mapping, State Data Center – census, public

school enrollment projections, Statewide demographic analysis, emergency operations support, data publication and local assistance. Geographic information systems development and analysis including modeling, program/policy support, grants, special projects.

Special Projects: State Development Plan (Fall 2017 - July 2019), State Growth Model rebuild (Spring 2018 – present). Regional Resources Group, manage for Commerce SubCabinet.

Maryland Transit Administration
Deputy Chief Administrative Officer - Statewide Service Development
February 2011 – September 2017
Maryland Transit Administration
12th Floor, 6 Saint Paul Street
Baltimore, MD 21202

- Manage Offices of Local Transit Support and Office of Planning and Capital Programming, MARC Train and Commuter Bus.

  Office of Local Transit Support: Supports transit in all Counties and local jurisdictions throughout the State. Support includes assisting with Transit Development Plans, provides Federal and State capital/ operating funding of 100 million dollars per year. This office is also responsible for assuring local compliance with Federal and State regulations and requirements.

  Office Planning and Capital Programming: The Office of Planning is responsible for the creation and development of statewide specialized transit plans such as Baltimore Link, Bus Rapid Transit, bus on shoulder, transit corridor studies, MAGLEV, etc. Internal MTA studies include transit facilities, community outreach, site development, etc. The group also conducts environmental and historic reviews. The office manages the MTA capital program which is approximately $581m dollars and the federal and state grant programs.

  MARC Train and Commuter Bus: This group runs the MARC Train and Commuter Bus programs which are contracted services with multiple providers. The group is responsible for the operation of these services (scheduling, on time performance, maintenance, and contract management). Currently Acting Director of Commuter Bus which provides 643 daily trips on coach buses across the State with a budget of $60m annually.

- Serve as Transit Oriented Development Coordinator. MTA has 41 MARC Stations, 14 Metro Stations, 32 Light Rail Stations as well as commuter park and ride lots. MTA is committed to redeveloping many of these surface parking lots into mixed use development as feasible.

- Serve as Maryland Transit Administration's representative to the Baltimore Regional Transportation Board.

Baltimore County Office of Planning
Director, Office of Planning

May 1994 - December 2010
Baltimore County Office of Planning
Jefferson Building
105 W. Chesapeake Ave.
Suite 101
Towson, MD 21204

- Manage a department that oversees planning for a jurisdiction in excess of 801,000 residents covering 612 square miles with no incorporated municipalities.
- Reports to elected County Executive and an elected County Council.
- Serves as Secretary to the Planning Board.
- Staff to Design Review Panel, Landmarks Preservation Commission.

The office consists of five sections:
- Office of the Director
- Community Planning
- Development Review & Design
- Strategic Planning/ CIP/ Information Systems
- Preservation Services
- Design Studio

The office provides the following planning services:

- Baltimore County Master Plan 2020 - Adopted November 2010.
- Comprehensive Zoning Map Process - Adopted Countywide zoning September 2008, next County wide process to begin August 2011.
- Review cycle zoning petitions every 6 months and public interest requests on an as needed basis. The next County zoning will begin March 2008.
- Development Review - Provide project review and recommendations, including PUD's and Renaissance projects (special legislative oversight using charrette process).
- Community Planning - Since 1990 over 43 community plans have been adopted as part of the Master Plan. Next generation charrette planning using form based codes as well as UDAT type plans have been undertaken in several areas of the County. Created in-house Design Studio to conduct charrettes.
- Special Exceptions, Hearings, and Variances - Develop recommendations and provide testimony before the Zoning Commissioner, Board of Appeals.
- Historic Preservation - Currently conducting County wide survey, existing legislation for tax incentives as well as general code update have been rewritten.
- Zoning Regulations - Review, update and write zoning legislation (Renaissance, PUD, and historic tax credits most recent legislation).
- Capital Improvements Program - Develop and review 1.2 billion dollar program for County based on a two-year bond cycle.
- Maintain Geographic Information System, and County census data.
- Serve as secretary to and staff the Planning Board, Landmarks Preservation Commission, and Design Review Panel.
- Liaison with Baltimore County Schools (107,000 students) regarding issues such as schools,

school capacity and APFO through monthly meeting

Baltimore County Office of Planning
Deputy Director
March 1988 to May 1994
Baltimore County Office of Planning
Jefferson Building
105 W. Chesapeake Ave.
Suite 101
Towson, MD 21204

- Assisted the Director in the supervision and administration of the Office of Planning.
- Supervised the Community Planning and Strategic Planning sections.

Lancaster County Planning Commission
Lancaster, PA
Chief County Planner
January 1987 to March 1988

- Supervised professional planners and interns within the County Planning Section.
- Specific work projects included completion of the county comprehensive plan, and completion of water resources and solid waste management plans.
- Ongoing activities included permit review, scenic rivers review, human needs assessment, housing planning, transportation planning, and local government assistance.

City of Annapolis
Annapolis Maryland
Chief, Division of Comprehensive Planning
September 1985 to January 1987, Senior Planner, March 1984 to September 1985

- Responsibilities included supervision of professional planners, graphic personnel, and interns within the Comprehensive Planning Section.
- Work items included: department budget, development review, sector studies, park planning and environmental planning
- A new Master Plan, maritime zoning regulations, and zoning codes were completed.
- Served as departmental representative to citizen groups, city council, and planning commission.

City of Iowa City
Iowa City, Iowa
Associate Planner
April 1981 to March 1984

Planner I, April 1979 to April 1981

- Responsibilities included CDBG planning and implementation, historic preservation planning and review, and development review.

Coopers & Lybrand
Washington, DC
Consultant,
1977 to April 1979

- Monitored management contract with the Department of Housing and Urban Development, and local housing.
- Participated in the analysis of resource recovery systems with the Environmental Protection Agency and local governments.

Department of Housing and Urban Development
Washington, DC
Intern,
1976 to August 1977

- Participated in the Director of Program Services internship program.
- Worked on the organizational network of regional and local field offices for HUD.

Memberships and Affiliations

- MDOT 2018 Attainment Report Advisory Group - Chair 2018
- MDOT I-495 & I-270 Transit Work Group – member 2019
- Morgan State University, Department of Urban Studies, member planning advisory committee, September 2000 - present.
- American Planning Association, American Society of Landscape Architects – 2010 national conventions presented sessions – Retrofitting Suburban Strip Corridors.
- Transition Team – Planning and Smart Growth, Governor Elect Martin O'Malley, 2006.
- Board Member, University of Maryland, Curriculum Review Committee, urban studies program, 1996 to 2005.
- Certified - Charrette manager, by National Charrette Institute.
- Certified – Form Based Codes, Smart Codes, by Form Based Codes Institute.
- Chair, Baltimore Metropolitan Council, Planning Directors Committee, 2002-2008, member since 1988.
- Chair, Maryland Association of Counties, Planning Directors Committee 2003-2004, member since 1988.
- Member, State of Maryland, Governors Development Capacity Task Force 2003-2004.
- President, Maryland American Planners Association, 1998 and 1999, member since 1988.
- Member, Greater Baltimore Committee, leadership class of 1998.
- Guest lecturer, Johns Hopkins University, school of continuing education.

- Coach, women's (daughters) lacrosse and soccer teams, 1994 to 1998.
- Member, American Institute of Certified Planners (AICP), 1986 to 2012.

Education

Northfield Mount Hermon – High School, 1973
George Washington University – BA, Urban Studies, 1977
University of Iowa – MPA, Public Administration, 1981

IN RE: PETITION FOR SPECIAL HEARING and VARIANCES	*	BEFORE THE
	*	OFFICE OF ADMINISTRATIVE
8th Election District 2nd Councilmanic District **(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

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

October 25, 2021

NOTICE OF DELIBERATION

IN THE MATTER OF: 2429 Lightfoot, LLC – Legal Owner
2429 Lightfoot Drive
20-309-SPHA 3rd Election District; 2nd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to:

- find that under BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
- if necessary, to permit a synagogue (church), including parking areas and driveways, on the property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g(6);
- if necessary, to allow a RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively pursuant to BCZR § 1B01.1.B.1.e(5);
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
- to approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan;
- for such other and further relief as may be required by the ALJ.

Petition for Variance as follows:

- from BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively;
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively;
- if necessary, from BCZR § 1B01.1.B.1.e(5) to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively; and
- for such other and further relief as may be required by the ALJ.

3/30/21 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to:

- BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1; and
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan; was GRANTED with conditions; and

The Petition for Variance:

- BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively; a
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces; and
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.; and

- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively; was GRANTED with conditions.

This matter having been heard and concluded on October 20, 2021, a public deliberation has been

ASSIGNED FOR: DECEMBER 14, 2021, 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 **November 22, 2021 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 : Lawrence E. Schmidt, Esquire
: Jason Vettori, Esquire
Legal Owner : 2429 Lightfoot, LLC

Protestant/Appellant *pro se* : Jay S. Gamerman

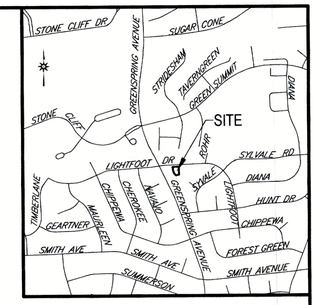
Counsel for Protestants : Gordon M. Levenson, Esquire
Protestants : Brad Herling, Arthur Abramson, Uri Avin, Paul Margolis, Jill Margolis, Ivan Lutwin, Allen Abend, Amy Zimmerman, Fred Zimmerman, Jayne Gerson, Paul Sheinberg, Rabbi Duvi Rubin

Dino C. La Fiandra, Esquire
Patrick E. Richardson, P.E./Richardson Engineering, LLC

Moshe Hammelburger

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
James R. Benjamin, Jr., County Attorney

Office of People's Counsel
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNER:
   2429 LIGHTFOOT LLC
   2429 LIGHTFOOT DRIVE
   BALTIMORE, MD. 21209
2. SITE AREA:
   GROSS: 10,791 Sq.Ft. or 0.25 Ac.±
   NET: 8,616 Sq.Ft. or 0.20 Ac.±
3. EXISTING BUILDING AREA: 1,752 Sq.Ft.
4. UTILITIES
   PUBLIC WATER
   PUBLIC SEWER
5. DEED REF: ~~NOT YET RECORDED~~ 43835/486 (1)
6. TAX ACCOUNT: #0302004500
7. EXISTING ZONING: DR 5.5
   (PER 200 SCALE GIS TILE # 078C1)
8. TAX MAP #78, GRID #6, PARCEL #540, SECTION 3, BLOCK A, LOT PT #1,2&27
9. PLAT REF: 22-19 "SUMMIT PARK"
10. NO PREVIOUS PERMITS ON FILE
11. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. NO FLOODPLAINS EXISTS ON SITE AS PER FEMA MAP #2400100245F DATED AUGUST 2, 2011.
13. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
14. BASIC SERVICE MAPS (2019)

TYPE	DEFICIENT (Y/N)	NOTE
WATER	N	–
SEWER	N	–
TRANSPORTATION	N	–

15. PREVIOUS ZONING CASE: NO PREVIOUS ZONING CASES.
16. ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
17. SETBACKS FOR DR 5.5 NON-RESIDENTIAL

TYPE	REQUIRED	PROVIDED
FRONT	40'	40'±
SIDE (INTERIOR)	20'	9'±
REAR	30'	17'±

18. ENTIRE SITE IS IN A RESIDENTAL TRANSITION AREA (RTA)

	REQUIRED	PROPOSED
RTA SETBACK	75'	8.5'
RTA BUFFER	50'	0'

19. USE
    EXISTING: SINGLE FAMILY DWELLING
    PROPOSED: SYNAGOGUE
20. PARKING
    REQUIRED:
    1 PER 4 SEATS @ 80 SEATS/4 = 20 SPACES
    PROVIDED:
    (1) ~~1 SPACE~~ 3 SPACES
21. THE PURPOSE OF THIS PLAN IS TO CHANGE THE USAGE FROM SINGLE FAMILY DWELLING TO A SYNAGOGUE.

FOR REVISION (1) ONLY 10/18/2021

PROFESSIONAL CERTIFICATION:

"I HEREBY CERTIFY THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44112, EXPIRATION DATE: 6/9/2023"

STATE OF MARYLAND — ROBERT C. RICHARDSON, JR. — No. 44112 — PROFESSIONAL ENGINEER

SIGNATURE 10/18/2021 DATE

DSThaler & ASSOC., LLC
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3647 www.dsthaler.com

Richardson Engineering, LLC
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208
RICK@RICHARDSONENGINEERING.NET

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 — PATRICK C. RICHARDSON, JR. — NO. 16597 — REGISTERED PROFESSIONAL ENGINEER

PLAN TO ACCOMPANY ZONING PETITION FOR

2429 LIGHTFOOT DRIVE

BALTIMORE, MARYLAND 21209

BALTIMORE COUNTY — MARYLAND
3RD ELECTION DISTRICT — 2ND COUNCILMANIC DISTRICT

REVISIONS

DRAWN BY:	CHECKED BY:	SCALE:
AAR	PCR	1" = 20'
DATE: 11-25-20	JOB NO.: 20170	SHEET NO.: 1 OF 1

Revised Exhibit 1

PROFESSIONAL QUALIFICATIONS
John A. Motsco, PE

jmotsco@dsthaler.com

D.S. THALER & ASSOC., LLC
7115 Ambassador Road, PO Box 47428
Baltimore, Maryland 21244-7428
Tel: 410-944-3647

EDUCATION

The Pennsylvania State University, *Bachelors of Science – Civil Engineering – Graduated May 2004*

PROFESSIONAL ENGINEER – Maryland

TECHNICAL SKILLS

AutoCAD Civil 3D 2019	TR-20, TR-55	AutoCAD Land Desktop 2004
HEC-RAS, HEC-HMS	eONE Design Assistant 8.0	Microsoft Office

TECHNICAL KNOWLEDGE

Septic System Design	Geometric Road Design	Zoning Regulations
Floodplain analyses	Site Grading	Environmental Site Design
Storm Drain Hydrology and Hydraulics	Pressure Sewer Design	Stormwater Management Design
Costal Floodplain Construction	Land Planning	Erosion and Sediment Control

WORK EXPERIENCE

D.S. Thaler & Assoc., LLC Senior Project Manager *– August, 2020 - present*

Little & Associates, a Division of Century Engineering, Inc., Hunt Valley, MD
Senior Project Engineer / Manager - *April, 2019 – July, 2020*

Little & Associates, Inc., Towson, MD – Senior Project Engineer / Manager
September, 2004 – April, 2019

Schedule, design, and manage all engineering, permitting and public contract administration, for a variety of residential and commercial projects. Act as the primary liaison between Investors, Construction Superintendents, and Government Agencies. Provide construction inspection and Utility As-Built documentation for security reduction and contract suitability.

Provide expert testimony in matters of Land Development, Land Planning, Zoning, Stormwater Management, and Engineering. Accepted as an expert witness by the Baltimore County Administrative Law Judge and the Baltimore County Board of Appeals.

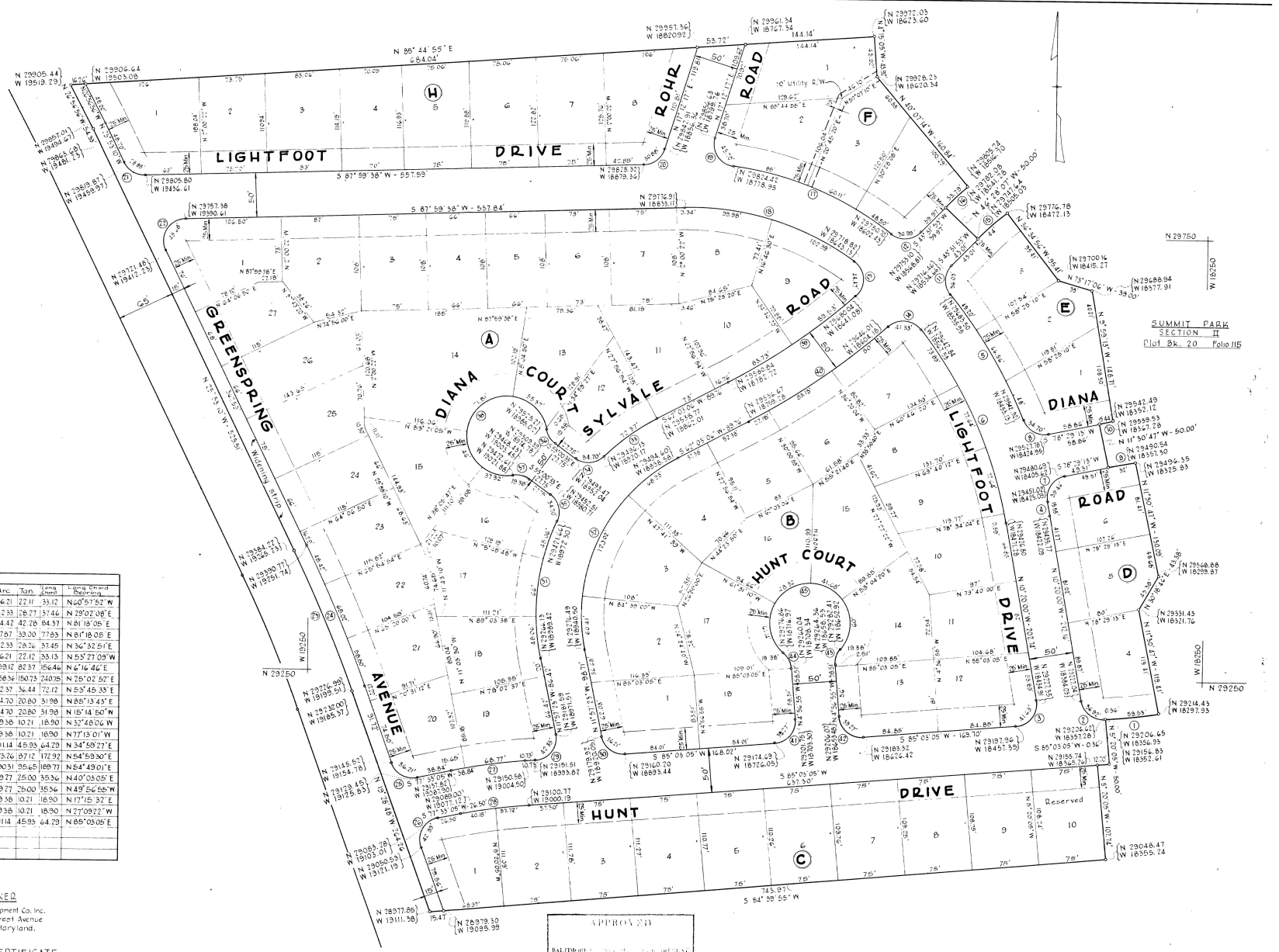
PROFESSIONAL SOCIETY MEMBERSHIPS

Maryland Society of Professional Engineers – Member: 2015 – present
Vice President, Legislation – 2019-2021
Director-at-Large – 2019-2020

TRAINING, CERTIFICATIONS AND AWARDS

Maryland Professional Engineer License Number 44112
State of Maryland – Erosion & Sediment Control (Green Card) Certification
Baltimore County Soil Conservation District Consulting Firm of the Year – 2004, 2005 & 2016
Autodesk Civil 3D: Fundamentals training
Maximizing AutoCAD Productivity Seminar

Developers' Exhibit 5



GLB 22 FOLIO 19

RECEIVED for Record
JUL 15 1955 at 8 M
same day recorded in Liber
G.L.B. No.____folio____
One of the____Records of
Baltimore County and ex-
amined, per

Clerk

CURVE DATA

No	Radius	Δ	Arc	Tan.	Long Chord	Long Chord Bearing	No	Radius	Δ	Arc	Tan.	Long Chord	Long Chord Bearing
1	665	5°07'45"	59.53	29.78	59.50	N 81° 29' 14" E	25	25	82°58'07"	36.21	22.11	33.12	N 40° 57' 52" W
2	25	84°36'55"	36.92	22.76	33.66	N 50° 38' 28" W	26	25	97°01'53"	42.33	28.27	37.46	N 29° 02' 08" E
3	25	88°23'05"	41.65	27.47	36.98	N 37° 21' 32" E	27	665	7°30'00"	84.42	42.28	84.37	N 81° 18' 05" E
4	550	17°37'10"	16.65	7.77	16.54	N 11° 08' 35" W	28	535	7° 30' 00"	77.67	39.00	77.63	N 81° 18' 05" E
5	550	11°03'34"	106.16	53.49	106.16	N 30° 30' 19" W	29	25	97°00'28"	42.33	28.26	37.45	N 36° 32' 51" E
6	500	27°21'43"	238.76	121.71	236.52	N 24° 00' 52" W	30	25	82°59'30"	36.21	22.12	33.13	N 53° 27' 09" W
7	25	90°00'00"	39.46	25.19	35.49	N 32° 16' 01" E	31	250	36°28'17"	159.12	82.37	156.46	N 6° 16' 46" E
8	25	79°52'16"	34.70	20.81	31.98	N 61° 44' 39" W	32	200	74°00'29"	258.36	150.73	240.75	N 25° 02' 52" E
9	875	2°05'43"	32.00	16.00	32.00	N 73° 32' 05" E	33	250	16°35'07"	172.37	86.44	172.12	N 53° 45' 33" E
10	925	0°57'13"	15.44	7.72	15.44	N 76° 57' 54" E	34	25	79°31'28"	34.70	20.80	31.98	N 85° 13' 43" E
11	25	85°33'19"	36.33	21.95	32.99	N 27° 14' 54" E	35	25	79°31'28"	34.70	20.80	31.98	N 15° 14' 50" W
12	75	64°45'56"	56.28	31.51	53.72	N 85° 54' 51" E	36	25	44°24'55"	19.38	10.21	18.90	N 32° 48' 06" W
13	25	101°55'30"	44.47	30.83	38.84	N 5° 01' 51" W	37	25	44°24'55"	19.38	10.21	18.90	N 77° 13' 01" W
14	25	94°43'21"	41.33	27.15	36.78	N 85° 03' 24" W	38	45	268°49'50"	211.14	45.93	64.29	N 34° 58' 27" E
15	255	9°53'11"	44.00	22.05	43.96	N 46° 28' 28" E	39	70346	14°07'12"	173.26	87.12	172.92	N 54° 59' 30" E
16	305	6°20'53"	33.79	16.91	33.76	N 46° 42' 20" E	40	75346	14°28'10"	190.31	95.65	189.77	N 54° 49' 01" E
17	355	31°15'36"	193.61	99.32	191.28	N 67° 19' 59" W	41	25	90°00'00"	39.27	25.00	35.36	N 40° 03' 05" E
18	305	36°00'46"	202.37	105.06	198.66	N 72° 59' 59" W	42	25	90°00'00"	39.27	25.00	35.36	N 49° 56' 55" W
19	25	100°10'05"	43.70	29.88	38.35	N 32° 52' 45" W	43	25	44°24'55"	19.38	10.21	18.90	N 17° 15' 32" E
20	25	70°47'21"	30.88	17.76	28.96	N 52° 35' 58" E	44	25	44°24'55"	19.38	10.21	18.90	N 27° 09' 22" W
21	25	64°07'12"	28.05	16.27	27.08	N 58° 56' 46" W	45	45	268°49'50"	211.14	45.93	64.29	N 85° 03' 05" E
22	25	113°52'48"	49.68	38.41	41.90	N 31° 03' 14" E							
23	1525	6°24'22"	170.51	85.34	170.42	N 22° 40' 59" W							
24	1540	6°24'22"	172.24	86.18	172.09	N 22° 40' 59" W							

GLB No.____ Folio____

OWNER

Sylvale Development Co. Inc.
4017 Rosecrest Avenue
Baltimore, Maryland.

OWNER'S CERTIFICATE

Certification is hereby made that the requirements of the annoted code of Maryland, chapter 1016, Act of 1945 have been complied with on this plat.
(Sylvale Development Co., Inc.)

(President)

ENGINEERS

Whitman Requardt & Associates
2 West Preston Street
Baltimore, 2, Maryland

THOMAS S CASSEDY
Registered Land Surveyor
No. 866

APPROVED
BALTIMORE COUNTY PLANNING BOARD
William H. B. Hackett, Jr.
Date July 5, 1955

Coordinates shown are extensions made from Baltimore City Coordinates as established by the Baltimore City Topographical Commission. Bearings refer to true North at Baltimore and based on Baltimore County Metropolitan District control points "1097, "1098 and "1248.

The streets or roads shown hereon 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 especially reserved in the owner.

Approved Baltimore County Planning Board
By William H. Hackett Date: July 5, 1955

Approved Baltimore County Highways Department
By Charles J. Conner Date: July 12, 1955

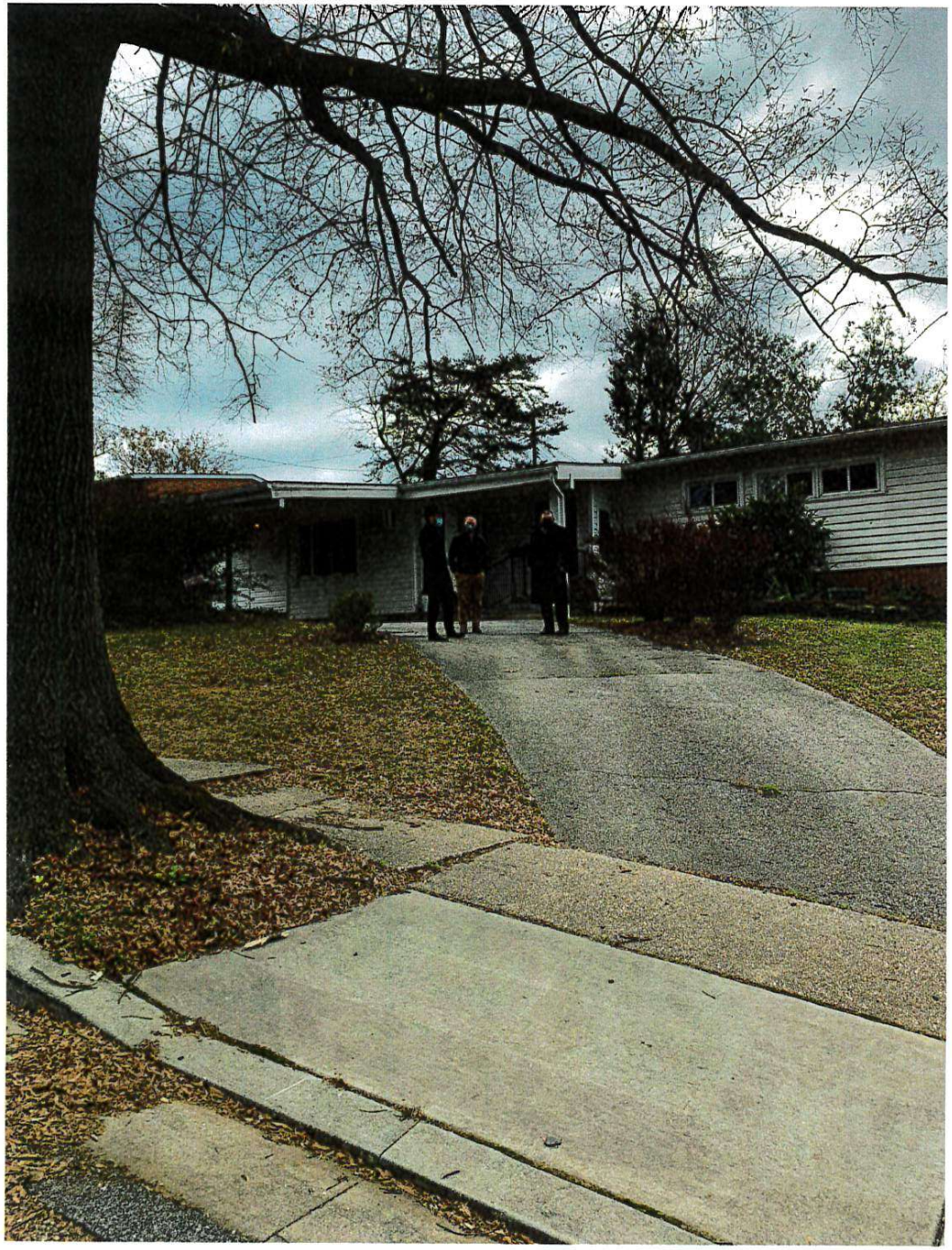
SECTION III
SUMMIT PARK
OF MOUNT WASHINGTON

ELECTION DISTRICT 3
BALTIMORE COUNTY, MARYLAND

March 31, 1955 SCALE: 1"=50'

MSA SSU 1836 - 1893

Developer's Exhibit 6



Developer's Exhibit 3A

Developer's Exhibit 3B

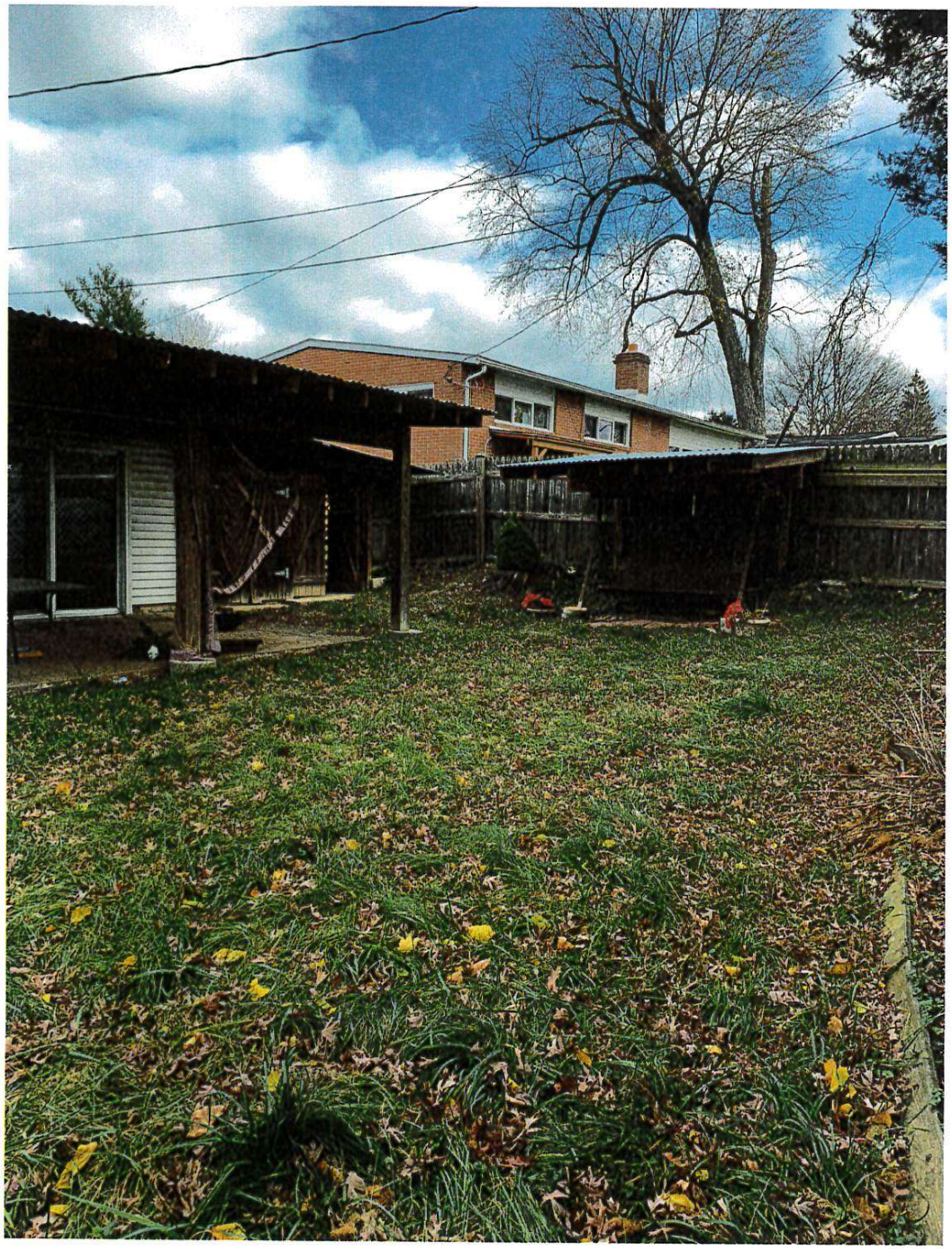
Developer's Exhibit 3C

Developer's Exhibit 3D

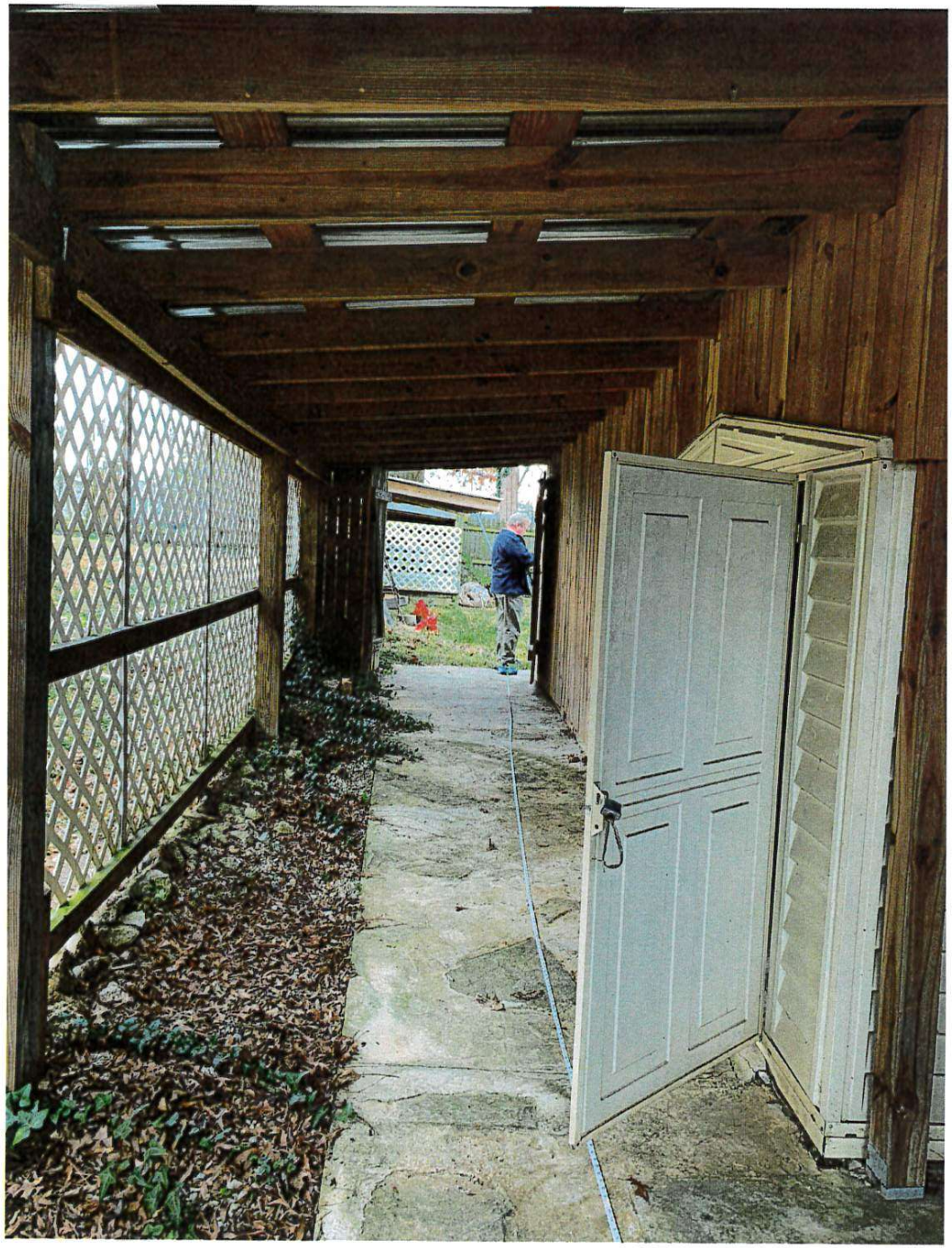
Developer's Exhibit 3E

Developer's Exhibit 3F

Developer's Exhibit 3G



Developer's Exhibit 3H



Developer's Exhibit 3I

Developer's Exhibit 3K

Developer's Exhibit 2A

Baltimore County - My Neighborhood

Developer's Exhibit 2B

Baltimore County - My Neighborhood

Developer's Exhibit 2C

Name: YAKOV & LISA SHAFRANOVICH

Address: 2700 APACHE CIR
Baltimore, MD 21209

Date: 11/6/2020

To Whom It May Concern:

(we) I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Developer's Exhibit 7

Name: Maia R. Bar Am

Address: 2500 Blackhawk Cir
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Maia R. Bar Am

Name: Philip Kehn

Address: 2500 Ozark Cir
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Rachamim Shoub

Address: 2501 Apache circle
Baltimore, MD 21209

Date: Nov - 19-20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

R. Shoub

Name: *Baruch Caplan*

Address: *2501 Blackhawk Circle*
Baltimore, MD 21209

Date: *11/19 /20*

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Moshe Gabay
Address: 2501 Ozark Cir
Baltimore, MD 21209

Date: Nov 18 2020

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Moshe Gabay

Name: Joseph + Shira Beckhofe

Address: 2503 Apache Circle
Baltimore, MD 21209

Date: 11/12/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

JBeckhofe
Joseph Beckhofe

Name: Benjamin Liebman

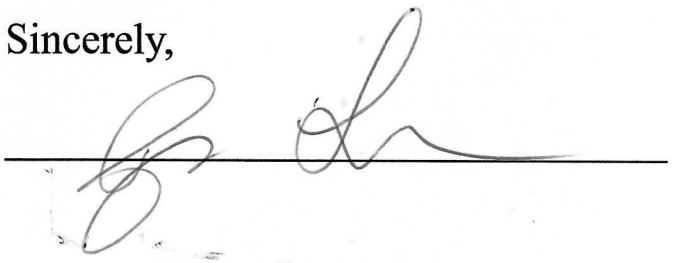
Address: 2504 Apache Circle
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Name: Malka Liebman

Address: 2504 Apache Circle
Baltimore, MD 21209

Date: Nov. 17, 2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

M. Liebman

Name: Binyamin Friedman

Address: 2504 Lightfoot Dr.
Baltimore, MD 21209

Date: 11/20/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: William I. Schaffer, Jr.

Address: 2504 Ozark Circle
Baltimore, MD 21209

Date: 11/21/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

William I Schaffer Jr

Name: Kevin Amster

Address: 2505 Apache Circle
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Ariel Fellman

Address: 2510 Lightfoot Dr.
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Ruth Feldman

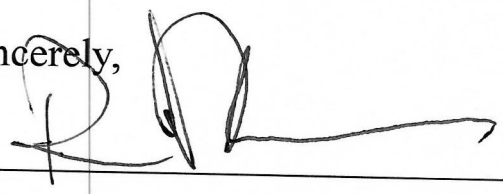
Address: 2510 Lightfoot Dr.
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Name: Mordy & Dassi Lazar

Address: 2511 Lightfoot Dr
Baltimore, MD 21209

Date: 11/23/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: ____Dov Gluck_____

Address: ___2707 Maurleen Ct._____
Baltimore, MD 21209

Date: __11-18-20_____

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Dov Gluck
_____

Name: Mikhal Katz

Address: 6707 Chippewa Drive (at Navajo drive)
Baltimore, MD 21209

Date: Wednesday, November 18, 2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Joseph + Tzipporah Levin

Address: 6805 Maryleen Rd
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Avi & Elisheva Goldsmith

Address: 6812 Cherokee Dr.
Baltimore, MD 21209

Date: 11/17/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Joseph Esrig

Address: 6814 Navajo Drive
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Shaal Edelman

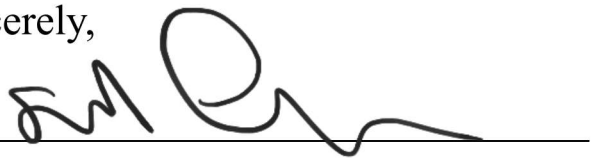
Address: 6816 Navajo Dr
Baltimore, MD 21209

Date: 11/24

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Name: Abraham AGRICH

Address: 6817 Cherokee Drive
Baltimore, MD 21209

Date: 11.18.2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

A Agrich

Name: Yoni Sebbag

Address: 6817 Chippewa Drive
Baltimore, MD 21209

Date: 11/21/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Jonathan Sebbag

Name: JEFF & ESTHER BERKOVICH

Address: 6820 NAVAJO DR.
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Jeff Berkovich

Esther Berkovich

Name: Leon Sheynman

Address: 6822 Navajo dr.
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

L. Sheynman

Name: Adam Rubin

Address: 6826 Navajo Dr.
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: David E. Delaney

Address: 6903 Chippewa Drive
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

David Delaney

Name: Mark Sobel

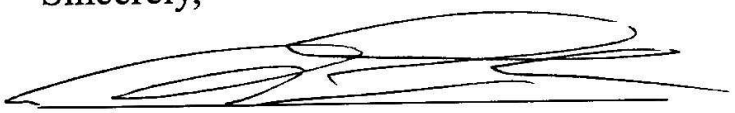
Address: 6904 Chiffeng Drive
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Name: **Joseph Mimoun**

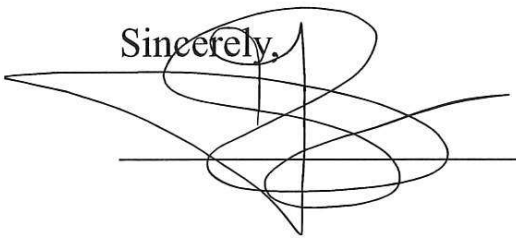
Address: **2422 Lightfoot Dr**
Baltimore, MD 21209

Date: **March 7 , 2021**

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Developer's Exhibit 8

Name: Rafael Cohn

Address: 2401 Sylvale Road
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Rafael Cohn

Name: Asriel Marizan

Address: 2402 Lightfoot Drive
Baltimore, MD 21209

Date: 11/16/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Miriam Marizan

Address: 2402 Lightfoot Dr.
Baltimore, MD 21209

Date: 11/16/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Miriam Marizan

Name: Shmuel Segal

Address: 2403 Lightfoot Dr.
Baltimore, MD 21209

Date: 11/20/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Yitzhok Bortz

Address: 2403 Sylvale Road
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

LAWRENCE AND HELEN LONDON
2404 Diana Road
Baltimore, MD 21209
410-486-5456
***Fax* 410-486-4678**
***Internet:* lawrenceslondon@aol.com**

November 24, 2020

To Whom It May Concern

Re: 2429 Lightfoot Zoning Relief

We have lived at our current address for the last 42 years. Yes, the area grown. Corn fields that were across Summit Park Elementary now house scores of single-family homes. What was once a stone quarry is now a mini-city. Where there were no Greenspring Ave, traffic lights until Old Court Road—there are now several. Allowing 2429 Lightfoot to be used for religious services will have no more adverse impact on the immediate and surrounding neighborhood than any other change we have seen over the years.

Use of this property for religious services will make our neighborhood more attractive to young families and that will encourage residents to stay and improve their homes. It is no secret that home prices rise when young, 2-income families join a neighborhood. Denying zoning for this property would not be in the community interest.

Sincerely yours,

Lawrence S. London

Samuel J. Grayman
2405 Lightfoot Drive
Baltimore, MD 21209

11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Moshe Gabay
Address: 2407 Sylvale Rd
Baltimore, MD 21209

Date: Nov 18 2020

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Moshe Gabay

Name: Yitzchok + Devora Bloch

Address: 2409 Lightfoot Drive
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Nechama & Michel Hefter

Address: 2415 Lightfoot Drive
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Ezra + Selma Frager

Address: 2417 Lightfoot Dr.
Baltimore, MD 21209

Date: 11-17-2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Simon Gorenstein

Address: 2419 Hunt Drive
Baltimore, MD 21209

Date: November 27, 2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Jonathan Katibian

Address: 2420 Diana Road
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Gabriel Delrahim

Address: 2421 Lightfoot Drive
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: YISRAEL KRAINES

Address: 2423 LIGHTFOOT DRIVE
Baltimore, MD 21209

Date: 11/16/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Rachel Brodsky

Address: 2424 Lightfoot Drive
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Rachel Brodsky

Name: Svetlana Bakaev
Address: 2429 Diana Rd
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely, Vadim Bakaev

_____

Name: Joseph Shpilman

Address: 2429 Hunt Drive
Baltimore, MD 21209

Date: 11/23/2020

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

J. Shpilman

Name: Zalman Kuperman

Address: 2431 Lightfoot Drive
Baltimore, MD 21209

Date: 11/17/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Zalman Kuperman

Name: Chaim Greenspan

Address: 2434 Forest Green Road
Baltimore, MD 21209

Date: 11/22/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Greg Shpilman

Address: 2436 Forest Green Road
Baltimore, MD 21209

Date: 11/23/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Shpilman

Name: Michael Weissmann

Address: 2438 Forest Green Road
Baltimore, MD 21209

Date: 11/23/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Nafeoli Tropper

Address: 2441 Hunt drive
Baltimore, MD 21209

Date: Nov. 16, 2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Cyrus and Shahnaz Noorani
Address: 2445 Hunt Drive
Baltimore, MD 21209

Date: Nov. 24, 2020

To Whom It May Concern:

We reside at the property referenced above, and we support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: SAMAN SOURI

Address: 2508 Stone cliff Dr.
Baltimore, MD 21209

Date: 11/19/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Steven Berman

Address: 6635 Chippewa Drive
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Steven Berman

Name: Samuel Romer

Address: 6703 Greenspring Ave.
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Yirmiyah Rabastay

Address: 6717 Old Pimlico
Baltimore, MD 21209

Date: 11/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Cyrus and Shahnaz Noorani
Address: 6725 Greenspring Ave
Baltimore, MD 21209

Date: Nov, 24, 2020

To Whom It May Concern:

We own the property referenced above, and we support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Sarah Itzkowitz

Address: 6727 Greenspring Ave.
Baltimore, MD 21209

Date: Nov 18, 20

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Sarah Itzkowitz

Name: MARVIN ITZKOWITZ

Address: 6729 Greenspring Ave
Baltimore, MD 21209

Date: 11/18/25

To Whom It May Concern:

I own the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Gabriel Delrahim

Address: 6801 Diana Court
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Duvi Rubin

Address: 6801 Hunt Ct.
Baltimore, MD 21209

Date: Nov 24, 2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Dov Becker

Address: 6803 Diana Ct
Baltimore, MD 21209

Date: 11/23

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Yakov Mark

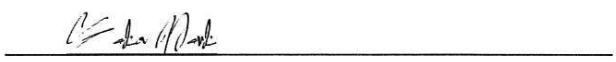
Address: 6803 Greenspring Ave
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,



Name: Cary Maister

Address: 6809 Greenspring Ave.
Baltimore, MD 21209

Date: 11/19/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

CMaister

Name: Greg Shpilman

Address: 6811 Greenspring Avenue
Baltimore, MD 21209

Date: 11/23/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Shpilman

Name: Daniel Berliant

Address: 6813 Greenspring Ave.
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Daniel Berliant

Name: Moshe & Miriam Hammelburg

Address: 6815 Georgia Ave
Baltimore, MD 21209

Date: 11/16/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Name: Keith and Michelle Rosenblum

Address: 6823 Pimlico Drive
Baltimore, MD 21209

Date: 11/17/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Keith Rosenblum

Name: MARCIA Bycoffe

Address: 6901 Greenspring Ave
Baltimore, MD 21209

Date: 11/18/2020

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

Marcia Bycoffe

Name: Nachum Herman

Address: 6917 Diana Rd_
Baltimore, MD 21209

Date: 1/18/20

To Whom It May Concern:

I reside at the property referenced above, and I support the use of the property located at 2429 Lightfoot Drive, Baltimore, MD 21209 for religious use, and the necessary zoning relief required thereof.

Sincerely,

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(7644 & 7646 Carla Road)	*	OFFICE OF
3rd Election District		
2nd Council District	*	ADMINISTRATIVE HEARINGS
The Pikesville Jewish Congregation, Inc.	*	FOR BALTIMORE COUNTY
Legal Owner		
Petitioner	*	**Case No. 2018-0219-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 The Pikesville Jewish Congregation, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking: (1) A consolidation of Lot Nos. 7 & 8, shown in Section 1, Block 8 of the plat of Labyrinth; (2) A modified parking plan and modified parking requirements for the proposed uses; (3) A finding that the existing/proposed improvements shown on the site plan are planned to comply to the extent possible with applicable Residential Transition Area ("RTA") and buffer requirements; and (4) Continued use of the building at 7644 for synagogue purposes, including child programs, teaching and offices.

A petition for variance seeks: (1) To permit a front yard setback of 25 ft. in lieu of the 40 ft. required, an interior side yard setback of 11.5 ft. in lieu of the 20 ft. required, and a corner street side yard setback of 18 ft. in lieu of the 35 ft. required; (2) Alternatively, relative to the applicable RTA, if the requested special hearing finding and/or determination are not granted: (a) To permit the proposed one-story building for religious worship; and (b) To permit accessory parking in a RTA, with a setback of 10 ft. and landscaped buffer of 0 ft. in lieu of the 75 ft. and 50 ft. required

Developer's Exhibit 9A

respectively; and (3) Alternatively, if the request for approval of a modified parking plan is not approved; to permit a total of 16 parking spaces for a new synagogue use with 300 seats.

The original site plan filed with the petition was marked and accepted into evidence as Petitioner's Exhibit 1, and a revised plan incorporating several changes requested by the community was marked as Petitioner's Ex. 2.

Professional engineer Rick Richardson appeared in support of the requests. Howard L. Alderman, Jr., Esq. represented the Petitioner. Several community members attended the hearing to express concern with certain aspects of the project. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP"), The Bureau of Development Plans Review ("DPR") and the Department of Public Works ("DPW").

SPECIAL HEARING

The petition for special hearing essentially contains two substantive zoning requests: approval of a modified parking plan and a finding that a sufficient RTA buffer is shown on the site plan. The synagogue will have 300 seats, which under the BCZR would require 75 parking spaces. BCZR §409.6. Neither the Petitioner nor the community believe that number of spaces is required, especially since the great majority of congregants will walk to the synagogue. In addition, counsel indicated Petitioner is in the process of securing approval for parking on Saturday/Sunday at the nearby Pikesville High School. In these circumstances I believe the parking shown on the revised site plan (Pet. Ex. 2, with 16 spaces) will be more than adequate.

In terms of the RTA, it would be physically impossible for Petitioner to provide the requisite setbacks on this property. The plan shows that a 10 foot wide landscaping strip will be provided where the site adjoins existing dwellings. In addition, the County landscape architect

will require Petitioner to submit a landscape plan demonstrating compliance with the Landscape Manual, which will require plantings along each of the property boundaries. In these circumstances I believe the buffer provided will adequately screen the arguably "dissimilar" uses, and this aspect of the petition for special hearing will also be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is situated at the intersection of two public streets, which makes the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. Several conditions (including those proposed by the community) will be included below which are designed to minimize the synagogue's impact upon the surrounding residential neighborhood.

Several neighbors inquired whether a dumpster (as shown on the site plan) was in fact required in this case. Baltimore County considers buildings for religious use to be institutional or nonresidential, and Condition H of the Landscape Manual (pp. 39-40) provides specific requirements and guidelines for the use of dumpsters in this setting. As such, this is a matter that must be considered by the County landscape architect when he reviews the landscape plan for the

site. I will however include a condition restricting the hours during which the dumpster may be emptied, so adjoining neighbors are not disturbed in the early morning or late evening hours.

Both DPR and DPW submitted comments (dated March, 2018) concerning the existence of a riverine floodplain on the site. Since that time Petitioner engaged a contractor to perform a floodplain study, which has been submitted for review by Baltimore County. Therefore, I trust those agencies will ensure that Petitioner complies with all floodplain regulations. Both agencies also expressed concern with whether the proposed parking lot would be built over an existing sewer main. Mr. Richardson explained that the size of the parking lot has been greatly reduced, but that a small portion of the paving would in fact be over the 8-inch sewer main. A condition will be included below requiring Petitioner to convey to Baltimore County at no cost the necessary easements to provide access for future repairs/maintenance of that infrastructure.

THEREFORE, IT IS ORDERED this **10th** day of **September, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR) seeking: (1) A consolidation of Lot Nos. 7 & 8, shown in Section 1, Block 8 of the plat of Labyrinth; (2) A modified parking plan and modified parking requirements for the proposed uses; (3) A finding that the existing/proposed improvements shown on the site plan are planned to comply to the extent possible with applicable Residential Transition Area ("RTA") and buffer requirements; and (4) Continued use of the building at 7644 for synagogue purposes, including child programs, teaching and offices, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a front yard setback of 25 ft. in lieu of the 40 ft. required, an interior side yard setback of 11.5 ft. in lieu of the 20 ft. required, and a corner street side yard setback of 18 ft. in lieu of the 35 ft. required, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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.
2. No school or day care services shall be provided at the subject property.
3. Only residential style lighting and fixtures shall be permitted on the exterior of the subject property.
4. The dumpster and any other trash cans shall be kept within a masonry enclosure, the design of which must satisfy the requirements set forth in the Landscape Manual.
5. Petitioner shall submit for approval by Baltimore County landscape and lighting plans for the site.
6. All signage must be located on the building and must be in compliance with B.C.Z.R. §450.
7. No temporary or freestanding signs shall be permitted on the subject property.
8. The dumpster at the property may be emptied only between the hours of 9 a.m.-7 p.m., Monday-Friday.
9. Petitioner must convey to Baltimore County at no cost easements deemed necessary by DPW/DPR to provide access to the 48-inch storm drain and 8-inch sewer main on the subject property.

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

_____Signed_____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
W side of Labyrinth Road; 165 feet N of the c/l of Smith Avenue	*	DEPUTY ZONING
3rd Election District	*	COMMISSIONER
2nd Councilmanic District		
(7602 Labyrinth Road)	*	FOR BALTIMORE COUNTY
Netivot Shalom The New Shul of Baltimore, Inc. * **By Howard M. Lederman, President**		
Petitioner	*	**Case No. 2009-0317-SPHA**

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Netivot Shalom The New Shul of Baltimore, Inc., by Howard M. Lederman, President. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To determine pursuant to Section 1B01.1.B.1.g(6) of the Baltimore Zoning Regulations (B.C.Z.R.) that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and
- To approve a modified parking plan pursuant to Section 409.12.B of the B.C.Z.R.; and
- To approve a modification of landscaping standards pursuant to Section 409.8.A.1 of the B.C.Z.R.

Petitioner is also requesting Variance relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front non-residential building setback in a D.R.5.5 Zone

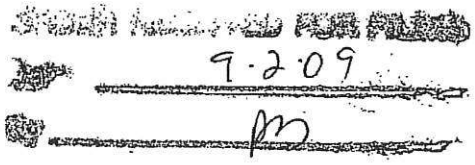
9-2-09

Developer's Exhibit 9B

of 38 feet in lieu of the 40 feet required; and side non-residential building setbacks in a D.R.5.5 Zone of 8 and 10 feet in lieu of 20 feet required. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief was Howard M. Lederman, President, on behalf of Petitioner Netivot Shalom The New Shul of Baltimore, Inc. (hereinafter "Petitioner" or "Netivot Shalom"), and Jeffrey Coleman, Treasurer. Also appearing in support of the requested relief was Deborah C. Dopkin, Esquire, attorney for Petitioner, and Kenneth J. Colbert with Colbert Matz Rosenfelt, Inc., the professional engineer who prepared the site plan. The case garnered interest from the surrounding community and a number of neighbors and interested persons attended in support of the requested relief. Their names and addresses are listed on the "Petitioner's Sign-In Sheet" contained within the case file. Also attending were several interested citizens who were opposed to the relief in some respects. They were identified as Charles Walder of 3216 Smith Avenue and Ruth Goldstein of 3226 Midfield Road.

Testimony and evidence presented revealed that the subject property is a rectangular-shaped property consisting of approximately 14,670 square feet or 0.337 acre, more or less, zoned D.R.5.5. The property is located on the west side of Labyrinth Road just north of Smith Avenue, east of Seven Mile Lane and one quarter mile north of the Baltimore City/Baltimore County line. As shown on the aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is situated in a residential area and is also close by a shopping center and several schools, with Pikesville High School located directly across the street on Labyrinth Road. The property is improved with an existing one-story masonry structure with a finished basement and a driveway that runs along the south side of the property to a side porch. The structure



consists of approximately 1,500 square feet and was originally built in 1960 as a single-family dwelling as part of Section 1 of the "Labyrinth" subdivision shown on the subdivision plat that was marked and accepted into evidence as Petitioner's Exhibit 3.

The structure had been used over the years as a dwelling; however, Petitioner purchased the property in August 2005 and the structure has been used as a synagogue for Petitioner's membership since that time. In order for that use to continue, Petitioner has requested certain zoning relief to legitimize existing conditions, including special hearing relief to determine that the synagogue is planned in such a way to be compliant, to the extent possible, with Residential Transition Area (RTA) use requirements, and will be maintained and is compatible with the character and general welfare of the surrounding residential premises; to approve a modified parking plan; and to approve modification of landscaping standards. Petitioner has also requested variance relief to permit an existing front non-residential building setback of 38 feet in lieu of the 40 feet required and existing side non-residential building setbacks of 8 and 10 feet in lieu of 20 feet required.

In support of the special hearing and variance requests, Kenneth Colbert, a professional engineer with Colbert Matz Rosenfelt, Inc., was called to testify and was offered and accepted as an expert in land use, zoning, and interpretation of the Baltimore County Zoning Regulations. Mr. Colbert has been a professional engineer for approximately 40 years and testified as to his knowledge of the subject property and his involvement in the preparation of the site plan. He also submitted an exhibit containing photographs of the property and the surrounding areas of Labyrinth Road that was collectively marked and accepted into evidence as Petitioner's Exhibit 4. These photographs essentially show a residential neighborhood with similar looking structures and

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the large parking lot of Pikesville High School directly across the street and in the closest proximity to the subject property.

Particularly as to the special hearing request regarding the Residential Transition Area (RTA) requirements, Mr. Colbert explained that although a synagogue is a permitted use in the D.R.5.5 Zone, its existing location at the subject property makes full compliance with the RTA requirements impossible. The location is an existing, mature neighborhood with well-established structures and setbacks. As shown on the RTA Setback Exhibit that was marked and accepted into evidence as Petitioner's Exhibit 5, due to the size and width of the property, the 75 foot RTA setback requirement would completely overlap both sides of the property, rendering strict compliance with this requirement unattainable. Mr. Colbert also indicated that the present use of the property as a synagogue and the limited number of members, as well as the fact that the property will retain its residential aspect and appearance, make strict compliance impractical and unnecessary. As to the request for a modified parking plan and modification of landscape standards, Mr. Colbert further explained that most members of the synagogue live in close proximity and walk to services. Petitioner also has the consent of the nearby high school to utilize the parking across the street should the need ever arise. In addition, a review of the two photographs of the subject property that were marked and accepted into evidence as Petitioner's Exhibit 6 show the existing landscaping to be more than sufficient to give the property a residential look and in keeping with the rest of the neighborhood. A schematic of the existing landscaping with identification of trees and shrubs was also marked and accepted into evidence as Petitioner's Exhibit 7. Mr. Colbert opined that any additional landscaping or changes to the existing landscaping would not be in character with the neighborhood.

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As to the variance request, Mr. Colbert discussed the constraints on the property in its use as a synagogue. Under Section 1B02.3.C.1 of the B.C.Z.R., as a single-family residence, the minimum front yard depth would be 25 feet and the minimum side yard widths would be 10 feet on each side; however, in using the structure as a building for religious worship -- such as a synagogue, which is a use permitted as of right pursuant to Section 1B01.1.A.3 of the B.C.Z.R. -- the non-residential setbacks contained in Section 1B01.2.C.1.a of the B.C.Z.R. are much greater, with minimum front yard setbacks of 40 feet and side yard setbacks on each side of 20 feet. Initially, Mr. Colbert pointed out that the existing 8 foot side yard setback at the northern rear corner of the building would not comply with the setback requirements in any event, whether residential or non-residential. He also indicated that strict compliance with the non-residential setback requirements would force Petitioner to demolish the existing building and construct a much smaller and narrower structure -- one that would definitely not be in keeping with the look and character of the neighborhood. It would also have the practical effect of preventing a permitted and desirable use of the property as a small synagogue, rather than the unkempt residential rental property it was used as previously.

In addition, Mr. Colbert briefly discussed the 502.1 standards set forth in the B.C.Z.R. for special exception uses, which -- although not directly on point in the instant matter -- are instructive to show how slight the impact of the synagogue use is at the subject property. He opined that the use would not be detrimental to the health, safety, or general welfare of the locale and would not have any negative impacts on the other 502.1 criteria. Indeed, the past three to four years bear out that the synagogue has fit in very well with the residential appearance and character of the community, and has benefited members of the community who worship at the synagogue.

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Finally, Mr. Colbert also pointed out that the existing sign is in compliance with the sign regulations for the non-residential use as a synagogue.

Also testifying in support of the relief was Jeffrey Coleman of 3111 Hatton Road located approximately three blocks from the subject property on the south side of Smith Avenue. Mr. Coleman is the treasurer of Petitioner's congregation and is a certified public accountant. He indicated that the congregation was started in 2004 and incorporated as a 501(c)(3) non-profit organization under the Internal Revenue Code. Mr. Coleman indicated the property was acquired in August 2005 from an absentee landlord living in Florida who rented the home as a dwelling, but allowed the property to erode into a state of disrepair. After purchasing the property, the members of the congregation used several weekends during the ensuing fall to clean up the property and make improvements. Their efforts were memorialized in a number of photographs that were collectively marked and accepted into evidence as Petitioner's Exhibit 8. A number of "before" photographs showing the interior condition of the building prior to the cleanup and renovations were also collectively marked and accepted into evidence as Petitioner's Exhibit 9.

Mr. Coleman advised that the full membership of the congregation is approximately 40 people and services at the subject property occur mainly on Friday mornings, Saturday mornings and evenings, and Sunday mornings, as well as during high holidays. Photographs showing the areas of worship located in the basement of the building were collectively marked and accepted into evidence as Petitioner's Exhibit 11. There are essentially two areas of worship divided by a curtain that bisects the basement and provides separate areas for men and women of the congregation, as well as a reader's table and area for the scrolls. The bedrooms on the main upstairs level are used for children's programs during services and the living room/dining room areas are used for socializing after services. Mr. Coleman noted that the kitchen is not used for

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cooking or food preparation, but rather the running water and refrigerator are used as a convenience to the congregation. Finally, Mr. Coleman stressed that the current congregation is a close-knit community and, while membership may fluctuate slightly from time to time and new members are welcome, there are no plans to physically change or alter or expand the existing configuration or layout of the building. According to Mr. Coleman, the property and the existing building provide the congregation with ample room for their religious activities.

Testifying as an interested citizen was Charles Walder of 3216 Smith Avenue. Mr. Walder's property is just south of the subject property. His rear yard abuts the subject property and his front yard fronts Smith Avenue. He has lived there for almost 20 years. Presently, he is concerned about Petitioner's requested relief because he is apprehensive that this would be the first step toward further expansion of the property and changes in the residential appearance of the property, especially so close to his property. On the one hand, Mr. Walder indicated he is not opposed to the property being used as a place for people to pray, and has no objection to the existing sign in front of the subject property; however, on the other hand, he feels that the property should continue to be a house instead of designated as a "synagogue." His testimony was also summarized in a letter to this Commission dated August 5, 2009, which was marked and accepted into evidence as Protestant's Exhibit 1.

Also testifying as an interested citizen was Ruth Goldstein of 3226 Midfield Road. Ms. Goldstein's property is located approximately one half mile north of the subject property. She is also President of the Greater Midfield Association. Ms. Goldstein presented a letter dated July 29, 2009 from Barry Holt Blank, Vice President of the Pikesville-Greenspring Community Coalition, Inc., indicating his organization voted to oppose a requested sign variance submitted by Netivot Shalom. This letter was marked and accepted into evidence as Protestant's Exhibit 2. Ms.

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Goldstein indicated that her organization, Greater Midfield Association, does not have a formal position on the instant matter; however, she also indicated that as a neighbor and interested citizen, her main concern and objection is with the existing sign on the front lawn of the subject property. She believes that because the neighborhood is residential, even though Petitioner is using the property for a permitted non-residential use, the sign should be a size (approximately one foot by one foot) that is permitted for a residential use. In Ms. Goldstein's view, allowing a larger sign for a non-residence only exacerbates the non-residential look of the property and makes it stand out in a negative way.

Finally, a letter dated August 10, 2009 from Ann Halpern of 7606 Labyrinth Road was submitted expressing opposition to a variance that allows the subject property to change its use or future uses and opposition to any sign that needs a variance to permit it. This letter was marked and accepted into evidence as Protestant's Exhibit 3. In response, Petitioner submitted 12 letters from various neighbors in and around the Greater Midfield Association, including adjacent neighbors, that expressed support for the synagogue and the related special hearing and variance requests. These letters were collectively marked and accepted into evidence as Petitioner's Exhibit 12.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated July 6, 2009 which indicates that the Office does not oppose Petitioner's request.

Turning first to the Petition for Special Hearing, I am persuaded to grant the requested relief. As to the Residential Transition Area (RTA) requirements, Section 1B01.1.B.1.g(6) of the B.C.Z.R. states that the RTA restrictions do not apply to a building for religious worship provided the site plan for which has been approved after a public hearing, as well as a finding that proposed

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improvements to the property are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. In the instant matter, I am easily persuaded that the purposes of the RTA will be fulfilled and that the property and the building will be compatible with the character and general welfare of the community. The property has been used as a synagogue for a number of years with no changes to the building or the overall appearance of the property in that time. In addition, Petitioner's representatives repeatedly testified that there are no plans to significantly increase the number of members in the congregation or make any changes in, or expansion of, the existing building.

As to the request for a modified parking plan and modification of landscaping standards, I am also persuaded to grant these requests. It is clear from the evidence -- and from the experience of the last five years -- that the existing parking situation is more than adequate to meet the needs of the congregation. Most members live in close proximity to the subject property -- within the community "Eruv" -- and walk to services. Moreover, in the unlikely event that more parking is required, there is availability in the parking lot of adjacent Pikesville High School across the street. It is also clear from the evidence that the existing landscaping is in keeping with the residential character of the neighborhood. Based on the photographs in evidence, I believe that any changes to the landscaping -- whether more or less or different landscaping -- would make the subject property stand out and be less similar to the other residential properties.

As to the variance requests, considering all of the testimony and evidence presented, I am convinced that the requests should be granted. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The use of the property as a place for religious worship is a use permitted by right, yet even though the physical

ORDER Issued Per Parties
Date 9-209
By

appearance of the property is unchanged and unaltered from that of a dwelling and fits in with the residential neighborhood, the setback requirements are significantly more demanding for this non-residential use and impacts the subject property disproportionately as compared to other similar properties in the zoning district. Hence, I find the property to be unique in a zoning sense. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty and undue hardship upon Petitioner. Petitioner would be compelled to make significant alterations or demolish the existing structure in order to erect a much smaller and narrower structure that would comply with the non-residential setback requirements.

Lastly, I find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of September, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To determine pursuant to Section 1B01.1.B.1.g(6) of the Baltimore Zoning Regulations (B.C.Z.R.) that the proposed synagogue is planned in such a way that compliance, to the extent possible with Residential Transition Area (RTA) use requirements, will be maintained and can be expected to be compatible with the character and general welfare of the surrounding residential premises; and
- To approve a modified parking plan pursuant to Section 409.12.B of the B.C.Z.R.; and

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Date 9-2-09
By PM

- To approve a modification of landscaping standards pursuant to Section 409.8.A.1 of the B.C.Z.R.,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's variance requests from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a front non-residential building setback in a D.R.5.5 Zone of 38 feet in lieu of the 40 feet required; and side non-residential building setbacks in a D.R.5.5 Zone of 8 and 10 feet in lieu of 20 feet required be and are hereby GRANTED, subject to the following:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Any additions or changes to the residential appearance or character of the existing property or structure shall require a special hearing to reassess the Residential Transition Area use requirements, and a determination as to whether the proposed improvements to the property are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

9-2-09

Zachary Wilkins

Subject: FW: Summit Park ES facility use request - parking lot use

---------- Forwarded message ---------
From: Henn, Julie <jhenn@bcps.org>
Date: Thu, Mar 4, 2021 at 12:56 PM
Subject: Summit Park ES facility use request - parking lot use
To: Williams, Darryl L. <dlwilliams@bcps.org>, Stiffler, Brenda L. <bstiffler2@bcps.org>, Gover, Tracy C. <tgover@bcps.org>, Scriven, Brian W. <bscriven@bcps.org>
Cc: Duvi Rubin <drubin@ohrhatorahbaltimore.org>, Feiler, Jason M. <jfeiler@bcps.org>, Roberts, George A. <groberts2@bcps.org>, Mullenax, Jennifer M. <jmullenax@bcps.org>, Lichter, Jane E. <jlichter@bcps.org>

Rabbi Rubin,

Thank you for speaking with me this morning. I am forwarding your request to the office of the superintendent. Staff will contact you directly to assist. I don't see why we should not be able to accommodate requests for parking lot use at this time, as it is not a gathering and does not require indoor facility space.

Best regards,
Julie Henn

On Mar 4, 2021, at 10:19 AM, Duvi Rubin <drubin@ohrhatorahbaltimore.org> wrote:

CAUTION: This email originated from outside your organization.
Exercise caution when opening attachments or clicking links, especially from unknown senders.

Julie - please see the details below of our request.
Really appreciate it,
Have a wonderful day,
Duvi Rubin

_
Rabbi Duvi Rubin
Cong. Ohr HaTorah
2429 Lightfoot Dr.
Baltimore, MD 21209
443.257.4689

---------- Forwarded message ---------
From: Yakov Shafranovich <yakov@impossibledreams.net>

Developer's Exhibit 10

Date: Thu, Mar 4, 2021 at 10:13 AM
Subject: Email for BCPS
To: Duvi Rubin <drubin@ohrhatorahbaltimore.org>

The school system historically allowed the use of its facilities for the wider community. The process used to use a paper form (see
attached) until recently changed to an online system. Because of the ransomware attack the online system is not available and the facilities office is not accepting or processing applications.

What we are looking for is a lease on the parking lot at Summit Park ES for the use of our synagogue. We don't expect to use this
routinely: it is more for zoning and for the few times a year there may be an overflow. This has been done in the past at Pikesville MS and Pikesville HS with other religious institutions (see attached example). There will be no COVID impact since the parking lot is outside.

What we are hoping for is the ability to use the paper form temporarily until the effects of the ransomware attack are reversed.
There is also another synagogue who has been trying to do the same with Wellwood International and would also like to use the paper form as well.

Thank you

--
Rabbi Duvi Rubin
Cong. Ohr HaTorah
2429 Lightfoot Dr.
Baltimore, MD 21209
443.648.3142

Zachary Wilkins

Subject: FW: MNC Tonight! New Topic! Shu"T Rashbash on Surviving an Epidemic

---------- Forwarded message ---------
From: **Cong. Ohr HaTorah** <newsletter@ohrhatorahbaltimore.org>
Date: Mon, Mar 1, 2021 at 7:01 PM
Subject: MNC Tonight! New Topic! Shu"T Rashbash on Surviving an Epidemic
To: <yakovsh@shaftek.biz>

Congregation Ohr HaTorah of Baltimore

Congregation קהילת אור התורה
OHR HATORAH
Baltimore באלטימאר

Reminder: The Monday Night Chaburah - Tonight at 9 pm:

Rabbi Rubin will be giving the Shailos veTeshuvos Chaburah **tonight at 9 pm** at the shul and via Zoom:

- Link - https://zoom.us/j/996257346
- The password is "**ohrhatorah**"

Additional information:

- Topic: **The Address of Every Bullet. Is it Up to Me? The Perspective of the Rashbash on Surviving an Epidemic.**
  - Handouts for the shiur can be downloaded here

Please remember to enter the shul from Greenspring Ave, and NOT to park on Lightfoot Drive. Be mindful of the "No Parking" sign on Greenspring Ave.

Developer's Exhibit 4

Contact Information:
Please contact president@ohrhatorahbaltimore.org with any questions or concerns. For technical issues with the website or mailing list, please contact **webmaster@ohrhatorahbaltimore.org**.

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mailchimp

Zachary Wilkins

Subject: FW: Weekly Newsletter - Parshas Vayigash 5781

---------- Forwarded message ---------
From: **Cong. Ohr HaTorah** <newsletter@ohrhatorahbaltimore.org>
Date: Fri, Dec 25, 2020 at 1:46 PM
Subject: Weekly Newsletter - Parshas Vayigash 5781
To: <yakovsh@shaftek.biz>

Congregation Ohr HaTorah of Baltimore / Weekly Newsletter

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OHR HATORAH
Baltimore באלטימאר

Weekly Newsletter

Shabbos Parshas Vayigash 5781

Shabbos Schedule:

Mincha Erev Shabbos: **4:20 pm (**earlier than usual due to the fast**)**

Candle Lighting: **4:31 pm**

Fast ends after (42 mins): **5:31 pm**

Avos uBanim: **8 - 9 pm**

Hashkamah Shacharis: **7 am**

Shacharis: **8:45 am**

Early Mincha: **2:15 pm**

Chumash/Rashi Shiur: **3:15 pm**

Regular Mincha: **4 pm**

Maariv Motzoei Shabbos (42 mins): **5:32 pm**

Our latest zmanim can be found here, detailed zmanim for Baltimore. MD can be found at MyZmanim.com

Weekly Schedule:

Mincha/Maariv: 4:30 pm (Sunday); 8 pm (M-Th, Maariv only)

Monday Night Chaburah @ 9 pm, in the shul and via Zoom. New Topic! - **The Great Debate of the Heter Mechira and its Implications for this Coming Year, 5782**:

- Link - https://zoom.us/j/996257346
- The password is "**ohrhatorah**"
- Click here for the handout

Other Announcements/News:

- A WhatsApp group has been created for shul news and information - to join, click here
- Sponsorships for Avos uBanim are available, please contact us for details!
- Please remember to enter the shul from Greenspring Ave, and NOT to park on Lightfoot Drive

Contacting Rabbi Rubin:
Rabbi Duvi Rubin can be reached at **443-648-3142** during the week and at **443-730-1858** on Erev Shabbos. Additionally, the Rav can be reached via email at drubin@ohrhatorahbaltimore.org.

Additional information including how to make a donation, contact information and schedules can be found on our website: www.ohrhatorahbaltimore.org

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Weekly Newsletter - Parshas Bamidbar / Shavuos 5778

1 message

Cong. Ohr HaTorah <newsletter@ohrhatorahbaltimore.org> Wed, May 16, 2018 at 9:19 PM
Reply-To: "Cong. Ohr HaTorah" <newsletter@ohrhatorahbaltimore.org>
To: yakovsh@shaftek.biz

Congregation Ohr HaTorah of Baltimore / Weekly Newsletter

Congregation קהילת אור התורה
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Weekly Newsletter

Shabbos Parshas Bamidbar / Shavuos 5778 (05/18/2018 - 05/21/2018)

Schedule:

Parshas Bamidbar (05/18/2018)
Candle Lightning/Mincha Erev Shabbos: **7 pm**
Regular Candles: **7:58 pm**
Shacharis: **7 am** (followed by a short chumash shiur)
Shabbos Afternoon Mincha: **7 pm**

Shavuos I (05/19/2018)
Maariv/Candles/Kiddush (42 mins): **9 pm**
NO SHACHARIS FIRST DAY
Mincha: **8 pm** (followed by a Dvar Torah)

Shavuos II (05/20/2018)
Maariv: **after 8:18 pm** (shkiah)
Candles/Kiddush after: **9:01 pm**
Shacharis: **7 am**
Yizkor: **8:10 am** (estimated)
Mincha: **7 pm**
Maariv (42 mins): **9:02 pm**

Our latest zmanim can be found here, detailed zmanim for Baltimore. MD can be found at MyZmanim.com. Anyone needing a place to eat for Shabbos or would like to host guests, please email hospitality@ohrhatorahbaltimore.org. To help defray ongoing costs of running the shul, please consider donating via our website (ohrhatorahbaltimore.org/donations).

Other Announcements/News:

- Mazel Tov to **Naftali and Shifra Tropper** on a birth of a baby girl
- There will be limited space available for women during Yizkor

Location:

We are temporarily located at **2500 Ozark Circle** (use the back left entrance)
*** *Out of respect for the neighbors, please do not park in Ozark Circle* ***

Contact Information/Donations:
Detailed contact information can be found on our website.
Donations can be made here.

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mailchimp

Upper Greenspring Minyan

1 message

Upper Greenspring Minyan <yoseftropper@gmail.com> Wed, Oct 9, 2013 at 8:57 PM
Reply-To: Upper Greenspring Minyan <yoseftropper@gmail.com>
To: Yakov <yakovsh@shaftek.biz>

Upper Greenspring Minyan Weekly Newsletter

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Upper Greenspring Minyan
Weekly Newsletter

Shabbos Parshas Lech Lecha (10-11-13)

Thank you for all those who made this minyan possible

Special thanks to the Hammelburgers for hosting us. Special thanks to Yakov Shafranovich for setting up the website and all the technical support.
Check out our site: UpperGreenspringMinyan.org

Davening Times for This Week:

Candle Lighting: **6:15pm**
Mincha Erev Shabbos, followed by Kabbolas Shabbos and Maariv: **6:15pm**
Maariv Motzoei Shabbos (42 mins): **7:15 pm**

Detailed zmanim for Baltimore. MD can be found at MyZmanim.com

Simchas This Week:

Mazel tov to.... send us your announcements.

Other Announcements/News:

The Hammelburgers are making a kiddush this week: From Moshe and Miriam Hammelburger:

I am making a Kiddush in my house this Shabbos in honor of my son Ezra who has come home after nearly a month in the hospital.

The address is 6815 Greenspring Ave (Between hunt and lightfoot)
Starting @ 11:30.
May we only share on simchos!

Location/Directions:

6815 Greenspring Ave, Baltimore, MD 21209 (click here for a map)
Kindly hosted by the Hammelburgers

If walking from Smith Ave on Greenspring Ave towards Quarry Lake, the house will be on the right side, about two houses before Lightfoot Drive. Walk up the driveway, enter through the gate in the fence on the left side right before the house, walk past the front of the house and go down the steps on the right side of the house to reach the basement. Please DO NOT go to the front door of the house.

Ways You Can Help:

We are currently looking for siddurim and a few more chairs. We are also looking for leads to borrow a Sefer Torah for Shabbos Mincha. We are also looking to improve the lighting outside and would love to know if you can help in any way. Simply send us an email to discuss. Thanks!

Click here to forward this email to a friend

Contact Information:
Please contact Yosef Tropper **(yoseftropper@gmail.com)** or **Moshe Hammelburger (**moshehammelburger@gmail.com**)** with any questions or concerns. For technical issues with the website or mailing list, please contact **Yakov Shafranovich (**yakovsh@shaftek.biz**)**.

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Gmail

Yakov Shafranovich <yakov@impossibledreams.net>

Community Site Event Approved Notification

4 messages

Community Site <notifications@mail.dudesolutions.com>
To: yakov@impossibledreams.net

Fri, Jul 16, 2021 at 2:27 PM

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Community Site

Event Approved Notification

This is an event approved notification for Community Site.

Your event Tisha Bav on Sunday, Jul 18, 2021 8:00 AM - 2:00 PM (ET) has been approved.

Schedule ID: 818

Location: Parking Lot

Hard Court HC1

If you would like to submit an additional event to the calendar, please sign in here.

Dude Solutions, Inc. 11000 Regency Pkwy, Suite 110, Cary, NC 27518
Powered by: Event Manager by Dude Solutions

Developer's Exhibit 11

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

July 15, 2021

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: 2429 Lightfoot, LLC – Legal Owner
2429 Lightfoot Drive
20-309-SPHA 3rd Election District; 2nd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to:

- find that under BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
- if necessary, to permit a synagogue (church), including parking areas and driveways, on the property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g(6);
- if necessary, to allow a RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively pursuant to BCZR § 1B01.1.B.1.e(5);
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
- to approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan;
- for such other and further relief as may be required by the ALJ.

Petition for Variance as follows:

- from BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively;
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively;
- if necessary, from BCZR § 1B01.1.B.1.e(5) to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively; and
- for such other and further relief as may be required by the ALJ.

3/30/21 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to:

- BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1; and
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan; was GRANTED with conditions; and

The Petition for Variance:

- BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively; a
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces; and
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.; and
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively; was GRANTED with conditions.

This matter was assigned for hearing on August 31 and September 2, 2021. Both dates have been postponed by request of Counsel. By agreement of Counsel, this matter has been

REASSIGNED FOR: OCTOBER 20, 2021, AT 10:00 A.M. – Day 1
And OCTOBER 27, 2021, AT 10:00 A.M. – Day 2

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 : Lawrence E. Schmidt, Esquire
: Zachary J. Wilkins, Esquire
Legal Owner : 2429 Lightfoot, LLC

Protestant/Appellant *pro se* : Jay S. Gamerman

Counsel for Protestants : Gordon M. Levenson, Esquire
Protestants : Brad Herling, Arthur Abramson, Uri Avin, Paul Margolis, Jill Margolis, Ivan Lutwin, Allen Abend, Amy Zimmerman, Fred Zimmerman, Jayne Gerson, Paul Sheinberg, Rabbi Duvi Rubin

Dino C. La Fiandra, Esquire
Patrick E. Richardson, P.E./Richardson Engineering, LLC

Moshe Hammelburger

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
James R. Benjamin, Jr., County Attorney

Office of People's Counsel
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**
* Admitted in MD, PA, FL
** Admitted in MD, NC

LAUREN S. FLEMING
NICOLE LAMBDIN
CARMELO D. MORABITO
ELIZABETH K. PLATT
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
MARY G. LOKER
STEPHEN J. NOLAN

July 7, 2021

Sent Via First Class Mail & Email
appealsboard@baltimorecountymd.gov
Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of: 2429 Lightfoot, LLC
2429 Lightfoot Drive
20-309-SPHA

Dear Ms. Cannington,

I am in receipt of the Board's Notice of Assignment in connection with the above referenced matter. I understand that this matter has been scheduled for a hearing on August 31 and September 2, 2021 beginning at 10:00 a.m. Unfortunately, I am scheduled to be in a hearing in the Circuit Court for Baltimore County on August 31 (Case No.: 03-C-19-000617 OC). As such, I am respectfully requesting, in accordance with Rule 2B of the Board of Appeals Rules of Practice and Procedure, that we move Day 1 of the hearing in this case to September 2, and request a new date for the Day 2 continuation.

Thank you for your courtesy. I look forward to hearing from you.

Very truly yours,

Zachary J. Wilkins

ZJW:kmb

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

June 30, 2021

NOTICE OF ASSIGNMENT

IN THE MATTER OF: 2429 Lightfoot, LLC – Legal Owner
2429 Lightfoot Drive
20-309-SPHA 3rd Election District; 2nd Council District

Re: Petition for Special Hearing pursuant to BCZR §500.7 to:
- find that under BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
- if necessary, to permit a synagogue (church), including parking areas and driveways, on the property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g(6);
- if necessary, to allow a RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively pursuant to BCZR § 1B01.1.B.1.e(5);
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
- to approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan;
- for such other and further relief as may be required by the ALJ.

Petition for Variance as follows:
- from BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively;
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.;
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively;
- if necessary, from BCZR § 1B01.1.B.1.e(5) to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively; and
- for such other and further relief as may be required by the ALJ.

3/30/21 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to:
- BCZR § 1B01.1.B.1.h that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of the BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1; and
- to permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan; was GRANTED with conditions; and

The Petition for Variance:
- BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively; a
- if necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces; and
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in.; and
- from BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively; was GRANTED with conditions.

ASSIGNED FOR: **AUGUST 31, 2021, AT 10:00 A.M. – Day 1**
And **SEPTEMBER 2, 2021, AT 10:00 A.M. – Day 2**

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 : Lawrence E. Schmidt, Esquire
: Zachary J. Wilkins, Esquire
Legal Owner : 2429 Lightfoot, LLC

Protestant/Appellant *pro se* : Jay S. Gamerman

Counsel for Protestants : Gordon M. Levenson, Esquire
Protestants : Brad Herling, Arthur Abramson, Uri Avin, Paul Margolis, Jill Margolis, Ivan Lutwin, Allen Abend, Amy Zimmerman, Fred Zimmerman, Jayne Gerson, Paul Sheinberg, Rabbi Duvi Rubin

Dino C. La Fiandra, Esquire
Patrick E. Richardson, P.E./Richardson Engineering, LLC

Moshe Hammelburger

Paul M. Mayhew, Managing Administrative Law Judge
Steve Lafferty, Director/Department of Planning
James R. Benjamin, Jr., County Attorney

Office of People's Counsel
C. Pete Gutwald, Director/PAI
Nancy C. West, Assistant County Attorney

3-10-21 1:30 pm
2020-0309-A

Debra Wiley

From: Terry Curtis
Sent: Wednesday, March 10, 2021 7:26 AM
To: Vishnubhai K Desai
Cc: Eugene Cauley; Kristen L Lewis; Peter Gutwald; Paul Mayhew; Maureen E Murphy; Administrative Hearings; Jenae Johnson; ruthyel@aol.com; Greg Carski
Subject: ZAC Case #2020-0309-SPHA, 2429 Lightfoot Drive
Attachments: 2020-0309-SPHA 2429 Lightfoot Drive.pdf

Good morning,

Please see the attached memo. Please consider this in the Development and Zoning Hearing scheduled for today, March 10, 2021, at 1:30. We apologize for delay getting this into the file.

Have a great day,

Terry Curtis, Jr.
Engineer III
Department of Public Works
111 West Chesapeake Avenue
Room 205
Towson, Maryland 21204
410-887-3117
tcurtis@baltimorecountymd.gov

Exceptional Customer Service
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Reliable Infrastructure

RECEIVED
MAR 10 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: D'Andrea L. Walker, Acting Director DLW
Department of Public Works

DATE: March 3, 2021

SUBJECT: Case No: 2020-0309-SPHA
2429 Lightfoot Drive, Baltimore, Maryland 21209

RECEIVED
MAR 10 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

The subject case is to determine whether or not the Administrative Law Judge should approve several requests with a Special Hearing. One particular variance is to permit 1 off-street parking space in lieu of the required 20 spaces

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request.

The Department of Public Works is not in favor of the approval of this variance.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, Bureau of Traffic Engineering and Transportation Planning
Peter M. Zimmerman, People's Council

Debra Wiley

From: Eugene Cauley
Sent: Wednesday, March 10, 2021 9:48 AM
To: Administrative Hearings; Paul Mayhew; Maureen E Murphy
Cc: Jenae Johnson; Kristen L Lewis; Terry Curtis; Vishnubhai K Desai; Peter Gutwald; Greg Carski; Vishnubhai K Desai
Subject: DPR Response - ZAC Case 2020-0309-SPHA
Attachments: ZAC-COMMENTS-MEETING-2021-01112021(2020-0309-SPHA).pdf

To All The Above:

DPR received comments today from DPW on the above ZAC Case 2020-0309-SPHA, which we have incorporated into our response. Attached above is a PDF copy of the comments that shall be part of today's (3/10/2021) scheduled Zoning Hearing at 1:30 PM.

This response Includes the comments from the Inter Office Correspondence you received from Mr. Terry Curtis earlier today. If there are any questions regarding the response provided, please contact Mr. Vishnu Desai.

RECEIVED
MAR 10 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

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 10, 2021

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

RECEIVED
MAR 10 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: Zoning Advisory Committee Meeting
For January 11, 2020
Item No. 2020-0309--SPHA

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.

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request. The Department of Public Works is not in favor of the approval of this variance.

* * * * *

VKD: cen
cc: file

3-10-21
1:30 pm

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/3/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-309

INFORMATION:
Property Address: 2429 Lightfoot Drive
Petitioner: 2429 Lightfoot, LLC
Zoning: 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. Pursuant to BCZR § 1B01.1.B.1.h, to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the Property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1;
2. If necessary, to permit a synagogue (church), including parking areas and driveways, on the Property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g. (6);
3. If necessary, to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively pursuant to BCZR § 1B01.1.B.1.e.(5);
4. To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan;
5. To approve the location and configuration of the lot and existing site improvements thereon as more particularly shown on the site plan; and
6. For such other and further relief as may be required by the ALJ for Baltimore County.

Variances

1. From BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 feet and a rear yard setback of 17 feet in lieu of the required 20 feet and 30 feet respectively;
2. If necessary, from BCZR § 409.6.A.4, to permit 1 off-street parking space in lieu of the required 20 spaces;
3. From BCZR § 400.1, to permit an existing accessory structure (shed) with a side yard setback of 18 inches in lieu of the required 30 inches;
4. From BCZR § 400.1; to permit an existing accessory structure (shed) with a side yard setback of 0 inches and a rear yard setback of 0 inches in lieu of the required 30 inches and 30 inches respectively;
5. If necessary, from BCZR § 1B01.1.B.1.e.(5), to allow an RTA buffer of 0 feet and a tract boundary setback of 8.5 feet in lieu of the required 50 feet and 75 feet respectively;

6. For such other and further relief as may be required by the ALJ for Baltimore County.

A site visit was conducted on February 16, 2021. The area is entirely residential (single family detached) in character. The petitioner is proposing to convert the dwelling into a synagogue. Although Places of Worship are permitted in residential zones, the Residential Transition Area (RTA) should be applied to the fullest extent possible. By proposing a zero (0) foot RTA buffer, the RTA requirement is being eliminated altogether.

Although the petition states that one (1) parking space is shown on the site plan, none are actually depicted. It can only be assumed that the existing driveway will be used for the parking space. The parking arrangement should be confirmed with the Administrative Law Judge and whether or not on-street parking would be required for any special events.

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.

For *Special Hearing* requests 1-4, the Department recommends denial. Places of Worship are permitted in residential, but the RTA should be applied to the fullest extent possible. Additionally, based on the information provided, one (1) parking space does not appear to be adequate for this type land use change within a residential neighborhood. Should the petitioner propose a modified parking plan and/or agreement that eliminate any need for possible on-street parking, then the Department shall concur with the decision of the Administrative law Judge on said parking arrangement.

Based on the recommendations for the above *Special Hearing* requests, the Department recommends denial of *Variance* requests 2 and 5, as they also pertain to parking and RTA relief.

For all other requested relief, the Department has no objections to the requested relief conditioned upon the following:

1. In the event any lighting is proposed, submit a landscape and lighting plan to the Baltimore County Landscape Architect for review and approval. Any proposed lighting should not interfere with the adjacent properties.
2. Temporary freestanding signs shall not be permitted. All signage shall comply with BCZR §450.
3. To the satisfaction of the Administrative Law Judge, any proposed parking arrangement(s) should limit on-street parking in order to prevent any negative impacts onto the surrounding community.

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
Zachary J. Wilkins, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

March 1, 2021

Zachary J. Wilkins,
600 Washington Ave Suite 200
Towson MD 21204

RE: Case Number: 2020-0309-SPHA, 2429 Lightfoot Drive

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 29, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0309-SPHA
Address 2429 Lightfoot Drive
(2429 Lightfoot, LLC Property)

Zoning Advisory Committee Meeting of **January 11, 2021**.

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

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0309-SPHA 2429 Lightfoot Drive.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0309-SPHA
Address 2429 Lightfoot Drive
(2429 Lightfoot, LLC Property)

Zoning Advisory Committee Meeting of **January 11, 2021**.

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

Reviewer: Steve Ford

RECEIVED
FEB 03 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

April 12, 2021

Office of Administrative Hearing for Baltimore County
105 West Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case #: 2020-0309-SPHA
Property: 2429 Lightfoot Drive

Dear Madam / Sir:

I am a person aggrieved by the decision dated 3/30/2021 in the above case as I am a resident of Summit Park nearby to 2429 Lightfoot Drive. Accordingly, I am filing an appeal of this decision to the County Board of Appeals. I am attaching the required filing fee of $600.00

Please notify all parties of any future hearings in this case.

RECEIVED
APR 13 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

Thank you for your attention to this matter.

Sincerely,

Jay S. Gamerman
2414 Lightfoot Drive
Baltimore, Maryland 21209

Email: marjaygams@gmail.com
Home Phone: 410-484-4756

CC: Zachary Wilkens, Esquire
Lawrence Schmidt, Esquire
Gordon M. Levinson, Esquire

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

No. 174876

Date: 4/13/2021

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				600.00

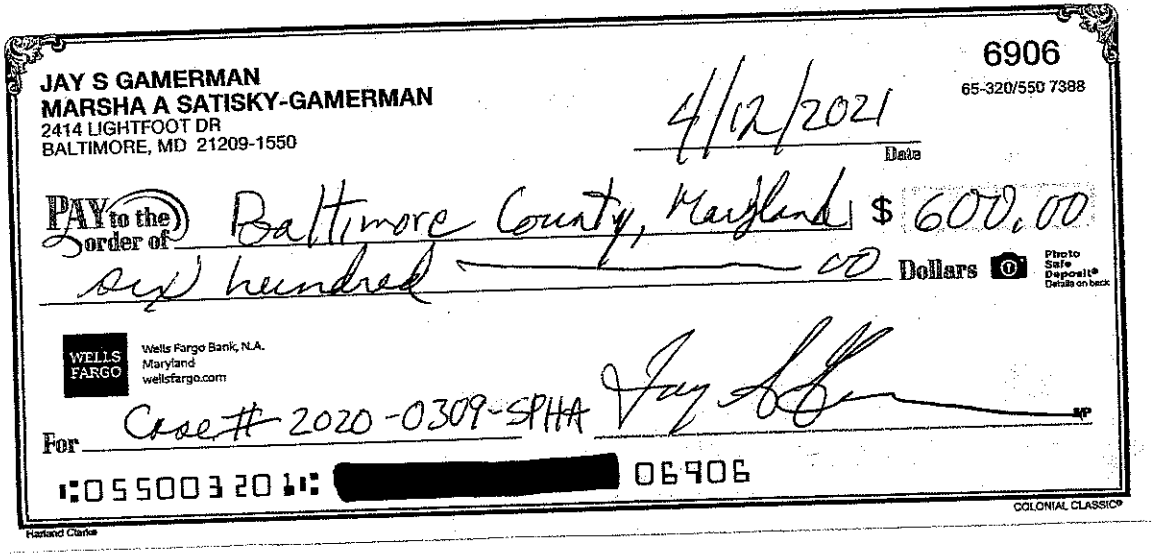
Total: $600.00

Rec From: Jay S. Gamerman

For: Office of Admin. Hearings
Case No: 2020-0309SPHA
Address: 2429 Lanhoff Drive
Hearing Date: 3/10/21
Check #6906

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

CASHIER'S VALIDATION



JAY S GAMERMAN
MARSHA A SATISKY-GAMERMAN
2414 LIGHTFOOT DR
BALTIMORE, MD 21209-1550

6906
65-320/550 7388

4/12/2021
Date

PAY to the Order of Baltimore County, Maryland $ 600.00

six hundred ——— 00 Dollars

Photo Safe Deposit® Details on back

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

For Case # 2020-0309-SPHA Jay S Gamerman

⑆055003201⑆ [redacted] 06906

COLONIAL CLASSIC®

Harland Clarke

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(2429 Lightfoot Drive)	*	OFFICE OF
3rd Election District		
2nd Council District	*	ADMINISTRATIVE HEARINGS
2429 Lightfoot, LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner		**Case No. 2020-0309-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 2429 Lightfoot, LLC Legal Owner ("Petitioner"). The Special Hearing was filed pursuant to Sec. 500.7 of the Baltimore County Zoning Regulations ("BCZR") to find that under § 1B01.1.B.1.h, that the Residential Transition Area ("RTA") provisions contained in Paragraphs (a) through (e) of BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1. If necessary, to permit a synagogue (church), including parking areas and driveways, on the property as exempt from the RTA requirements pursuant to BCZR § 1B01.1.B.1.g (6). If necessary, to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively pursuant to BCZR § 1B01.1B.1.e(5). To permit a modified parking plan pursuant to BCZR § 409.12 to allow one parking space as shown on the site plan. To approve the location and configuration of the lot and existing site improvement thereon as more particularly shown on the site plan; for such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County.

A Variance from BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively.

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By DMignon

If necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively. If necessary, from BCZR § 1B01.1.B.1.e(5), to allow an RTA buffer of 0 ft. and a tract boundary setback of 8.5 ft. in lieu of the required 50 ft. and 75 ft. respectively. For such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), the Department of Public Works ("DPR"), and the office of Development Plans Review ("DPR"). These agencies do not recommend approval of the requested relief, primarily because of concerns about the lack of parking.

Yakov Shafronovich, of the Ohr Hatorah Congregation, appeared in support of the requested relief on behalf of the Petitioner, 2429 Lightfoot, LLC. Zachary Wilkins, Esq. and Lawrence E. Schmidt Esq., appeared and represented the Petitioner. Patrick ("Rick) Richardson, P.E., the engineer who prepared and sealed the site plan, also appeared. Numerous members of the synagogue attended in support of the petition, and numerous members of the community attended to oppose the requested relief. The protestants were represented by Gordon Levenson, Esq.

The site plan was marked and accepted into evidence as Petitioners' Exhibit 1.The property is approximately a quarter acre and is zoned DR 5.5. Buildings for religious worship are permitted by right, subject to their compliance with the provisions of the BCZR. As a

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preliminary matter, Mr. Wilkins explained that he believes the site is exempt from the RTA regulations because it fits within the parameters of BCZR § 1B01.1.B.1.h, in that it is part of the Summit Park development that was approved by the Baltimore County Planning Board in 1955. (Petitioner's Exhibit 6).

Mr. Richardson was Petitioner's first witness. He was accepted as an expert in engineering, land use, and the BCZR. He explained the site plan and the requested relief in detail. He testified that no exterior changes will be made to the existing residential structure. The interior will be modified as necessary to accommodate the proposed religious uses of the structure. There will be no signage or industrial lighting. He testified that the shape and topography of the site make it unique.

Yakov Shafronovich, a member of the Ohr Ha Torah congregation, testified next. He testified that there are approximately 50 member families in the congregation and that they all live within walking distance of the proposed shul. They are orthodox Jews. He explained that the kitchen will be removed and the floor plan opened up to accommodate their religious services. He further explained that the members of the shul will almost all walk to the shul, and that shul members who live in the immediate vicinity will allow members who need to drive to park in their driveways. He also explained that they are in the process of securing permission to park at the nearby Summit Park elementary school. He explained that he was a member of the shul's building committee that conducted the search for a suitable synagogue. He testified that the committee believed that the zoning approvals would be granted because there are several other shuls in the community that are housed in former residences like this one.

On cross-examination Mr. Shafronovich acknowledged that there are 24 significant Jewish holidays each year. He also acknowledged that as orthodox Jews the men are required to

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meet for prayer 3 times each day. In sum, he acknowledged that there would be a lot of pedestrian traffic and inevitably some vehicular traffic generated by the shul.

The protestants submitted a Petition opposing the requested variance and special hearing relief which was admitted as Protestants' Exhibit 1. Numerous neighbors testified in opposition, including Paul Margolis, the son of the adjacent property owners. He testified that his elderly parents will be significantly impacted by the proposed shul in terms of traffic and noise. Numerous other neighbors voiced these same concerns. They noted that Lightfoot Drive is only 30 feet wide and that when cars are parked on both sides of the road only one car at a time can get through. They testified that traffic is already a severe problem and that it will only get worse because Summit Hill Elementary is undergoing an expansion that will double its student capacity. These are the same concerns raised by DOP and DPW.

SPECIAL HEARING

Based on the evidence presented and the argument of counsel I find that under BCZR § 1B01.1.B.1.h the RTA provisions contained in paragraphs (a) through (e) of BCZR § 1B01.1.B.1 do not apply to the subject property because it is part of a residential subdivision that was approved by the Baltimore County Planning Board in 1955. (Petitioner's Exhibit 6). I further find that the special hearing relief under BCZR § 409.12.B must 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. Shafronovich testified that the shul members all live in the neighborhood and will be primarily walking to the shul. Further, arrangements have been made with shul members in the immediate vicinity for fellow congregants to use their driveways to park if needed. Finally, arrangements have also been made for the use of the elementary school parking lot. Similar arrangements have been

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cited to justify special hearing and variance relief in previous cases. *See,* Petitioner's Exhibits 9A and 9B.

Variance

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

This is a close question but I find that the property is unique within the legal meaning of the word under *Cromwell* and its progeny. It is somewhat irregularly shaped and the lot does slope significantly. Further, the Petitioner would suffer hardship and practical difficulty if the variances were denied because the existing residence and accessory structures would have to be modified or removed.

RLUIPA

Finally, Petitioner's right to worship at this location is protected by the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Mr. Shafronovich testified that the Ohr Ha Torah 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

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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.

THEREFORE, IT IS ORDERED this **30th** day of **March 2021**, by this Administrative Law Judge that the Petition for Special Hearing the Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.h, to find that the Residential Transition Area ("RTA") provisions contained in Paragraphs a through e of BCZR § 1B01.1.B.1 shall not apply to the property as an existing development (part of a residential subdivision approved by the Baltimore County Planning Board) as described in BCZR § 1B02.3.A.1 is hereby **GRANTED**.

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

IT IS FURTHER ORDERED that the Variance pursuant to BCZR § 1B01.2.C.1.a to permit a non-residential building side yard setback of 9 ft. and a rear yard setback of 17 ft. in lieu of the required 20 ft. and 30 ft. respectively. If necessary, from BCZR § 409.6.A.4 to permit one (1) off-street parking space in lieu of the required 20 spaces. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 18 in. in lieu of the required 30 in. From BCZR § 400.1 to permit an existing accessory structure (shed) with a side yard setback of 0 in. in lieu of the required 30 in. and 30 in. respectively is hereby **GRANTED**.

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 is 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.
- No school or day care services shall be provided at the subject property.
- Only residential style lighting and fixtures shall be permitted on the exterior

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of the subject property.

- Petitioner shall submit for approval by Baltimore County landscape and lighting plans for the site that will ensure, to the maximum extent possible, vegetative visual and noise buffers along the entire perimeter of the subject property.
- All signage must be located on the building and must comply with BCZR § 450.
- No temporary or freestanding signs shall be permitted on the subject property.
- Petitioner shall obtain a Change of Occupancy permit.

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

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

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JOHN A. OLSZEWSKI, JR.
County Executive

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

March 30, 2021

Zachary Wilkins, Esquire – zwilkins@sgs-law.com
Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Gordon Levenson, Esquire – gmlevenson@gmail.com

RE: Petitions for Special Hearing and Variance
Case No. 2020-0309-SPHA
Property: 2429 Lightfoot Drive

Dear Sirs:

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: Yakov Shafranovich yakov@shaftek.org
Rick Richardson rick@richardsonengineering.net
Marsha Satisky-Gamerman – marjaygams@gmail.com
Ivan Lutwin – ivanlutwin@gmail.com
Allen Abend allen.abend@gmail.com

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Moshe Hammelburger	moshehammelburger@gmail.com
Paul Margolis	paulmargolis@yahoo.com
Paul Sheinberg	pawsitivepaul@aol.com
Rabbi Duvi Rubin	drubin@ohrharoeahbaltimore.org
Dino C. Lafiandra, Esq.	lafiandralaw.com

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NO
PARKING
ANY
TIME
625493

ABBEY

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

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

ATTN: Kristen Lewis
MS 1105

FROM: D'Andrea L. Walker, Acting Director DLW
Department of Public Works

DATE: March 3, 2021

SUBJECT: Case No: 2020-0309-SPHA
2429 Lightfoot Drive, Baltimore, Maryland 21209

The subject case is to determine whether or not the Administrative Law Judge should approve several requests with a Special Hearing. One particular variance is to permit 1 off-street parking space in lieu of the required 20 spaces

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request.

The Department of Public Works is not in favor of the approval of this variance.

DLW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Greg Carski, Chief, Bureau of Traffic Engineering and Transportation Planning
Peter M. Zimmerman, People's Council

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 10, 2021

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 11, 2020
Item No. 2020-0309--SPHA

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.

During the review of this property the Department of Public Works has found that there is limited parking on the Lightfoot Drive and surrounding streets in this residential neighborhood. The subject site is also very close to an elementary school also making parking difficult on the residential streets for existing property owners. The Baltimore County Department of Public Works Bureau of Traffic Engineering and Transportation Planning has received several complaints involving this request. The Department of Public Works is not in favor of the approval of this variance.

* * * * *

VKD: cen
cc: file

2427 (left) and 2429 (right) Lightfoot Drive - to show proximity
Photograph taken from bottom of driveway of 2427 Lightfoot.

Congregation Ohr HaTorah

Case No.: 2020-0309-SPHA

Developer's Exhibit List

Site Plan **1**

Aerial – Closest View **2A**

Aerial – Mid-View……...**2B**

Aerial – Farthest View……..……..**2C**

Site Photos (interior and exterior)……..……..**3A – 3Y**

Congregation Newsletters ……**4**

Patrick Richardson CV……..…..……..**5**

Subdivision Plat ……..……..**6**

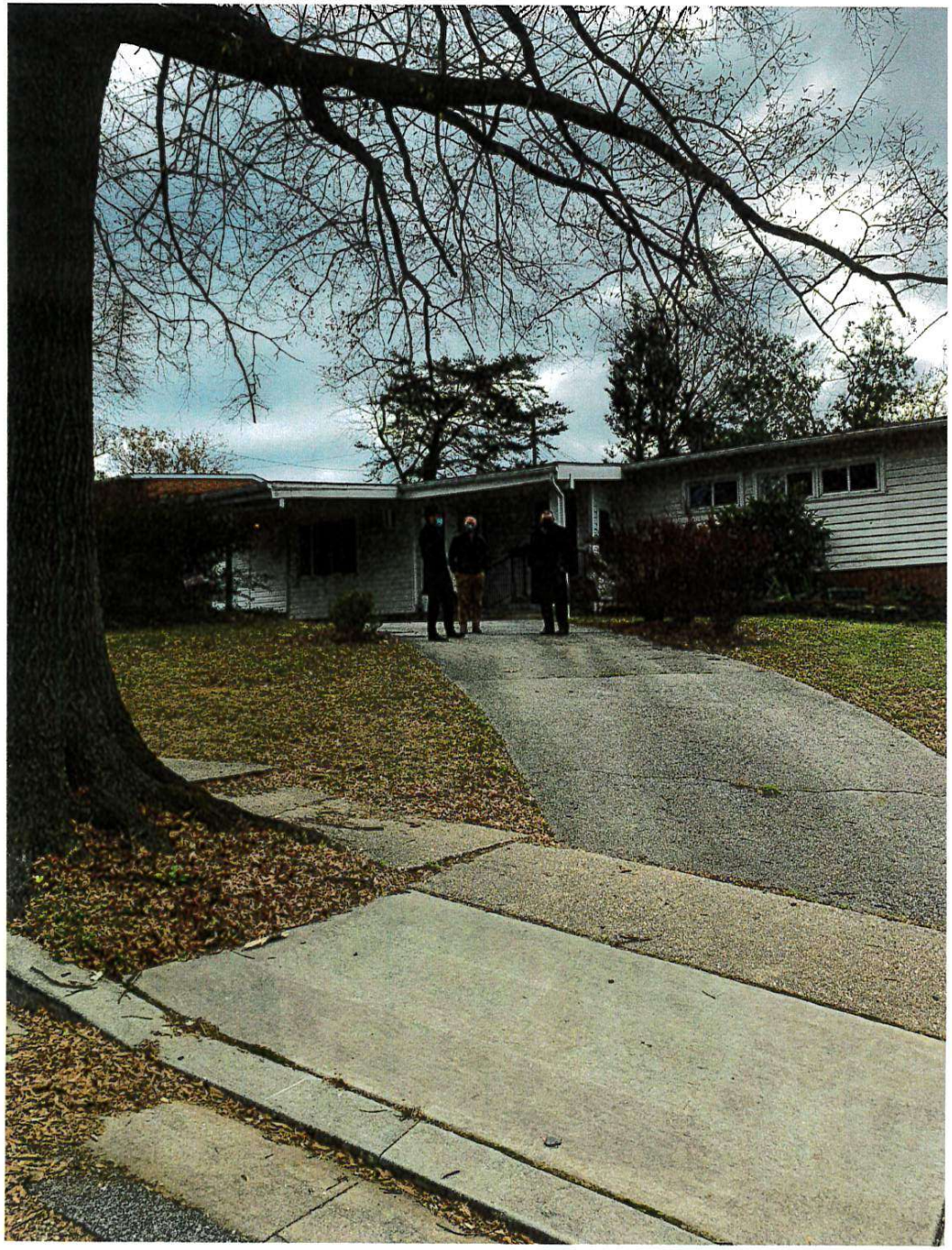
Letters of Support from Indian Village Community.……**7**

Letters of Support from Summit Park Community……...**8**

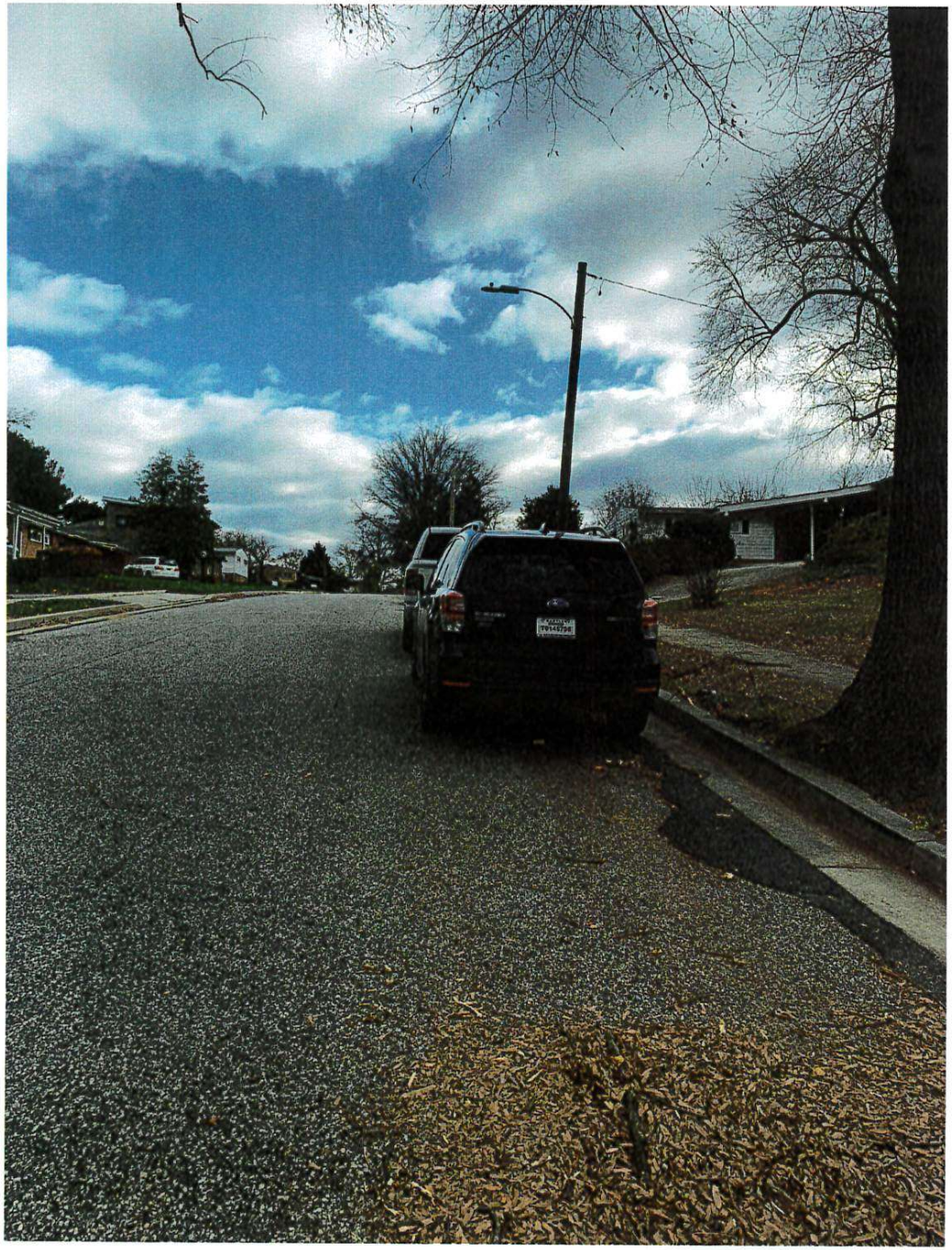
ALJ Order in Case No 18-219-SPHA……..……**9A**

ALJ Order in Case No. 09-317-SPHA……..**9B**

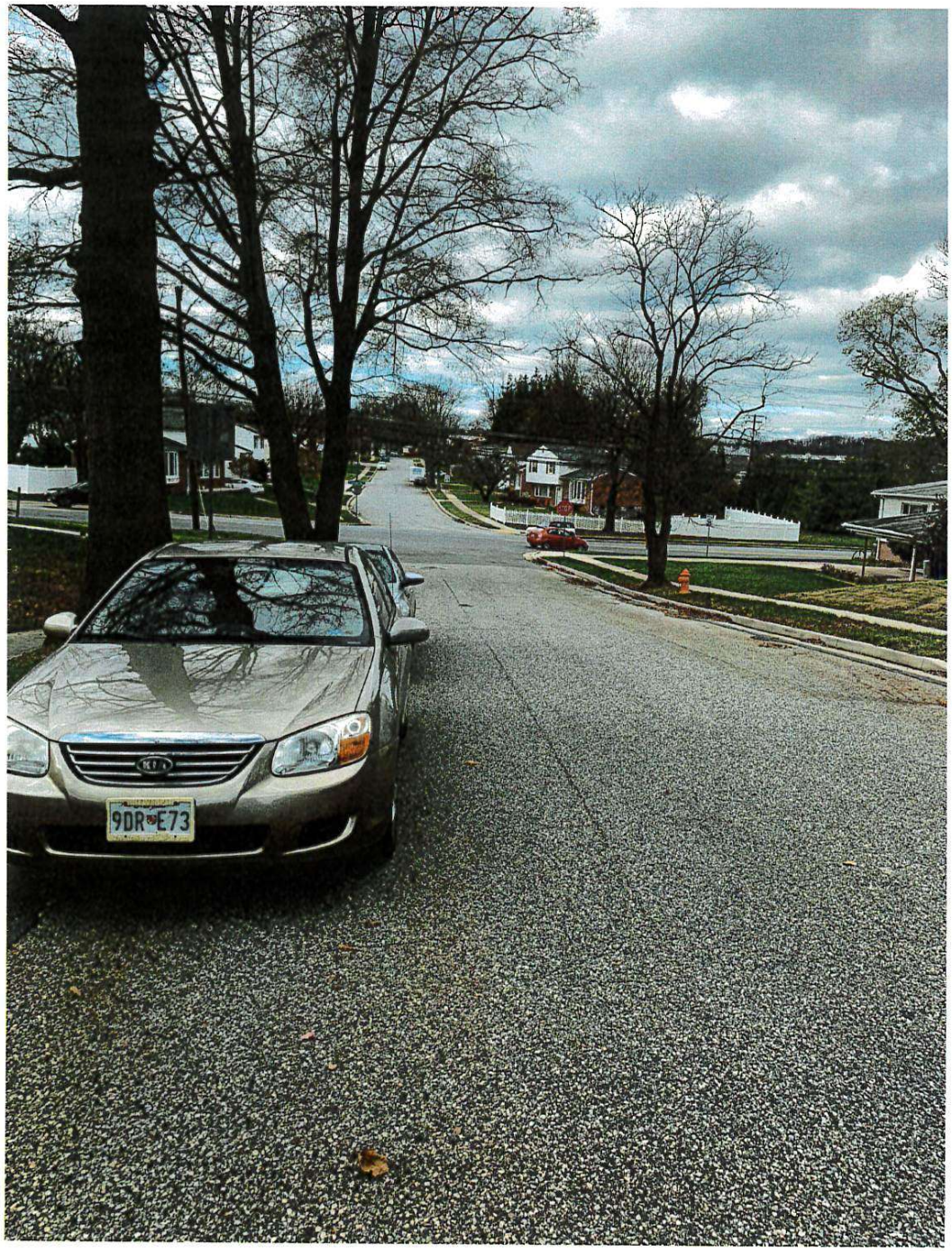
Emails with BCPS re: use of parking lot……..**10**



Developer's Exhibit 3A



Developer's Exhibit 3B

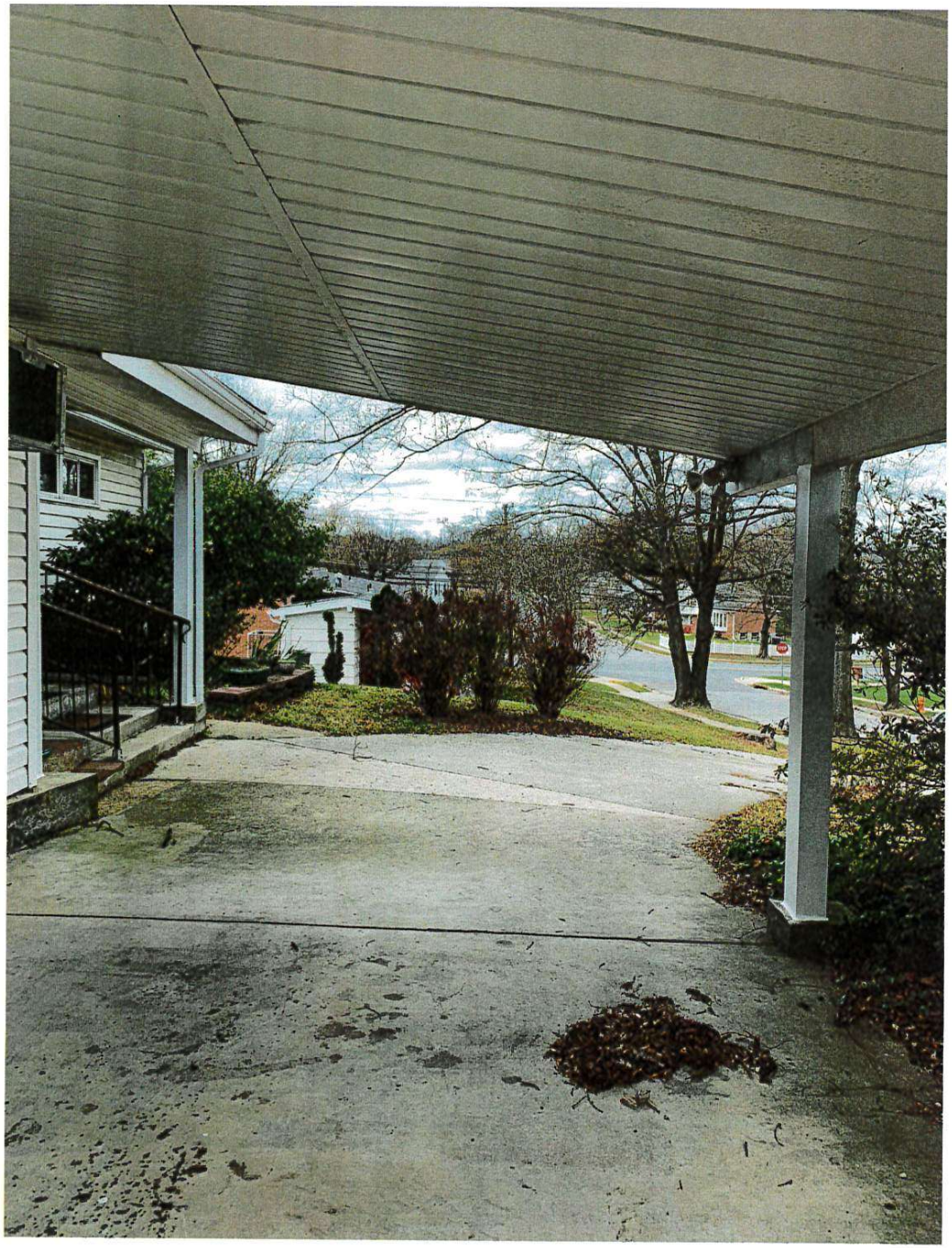


Developer's Exhibit 3C

Developer's Exhibit 3D

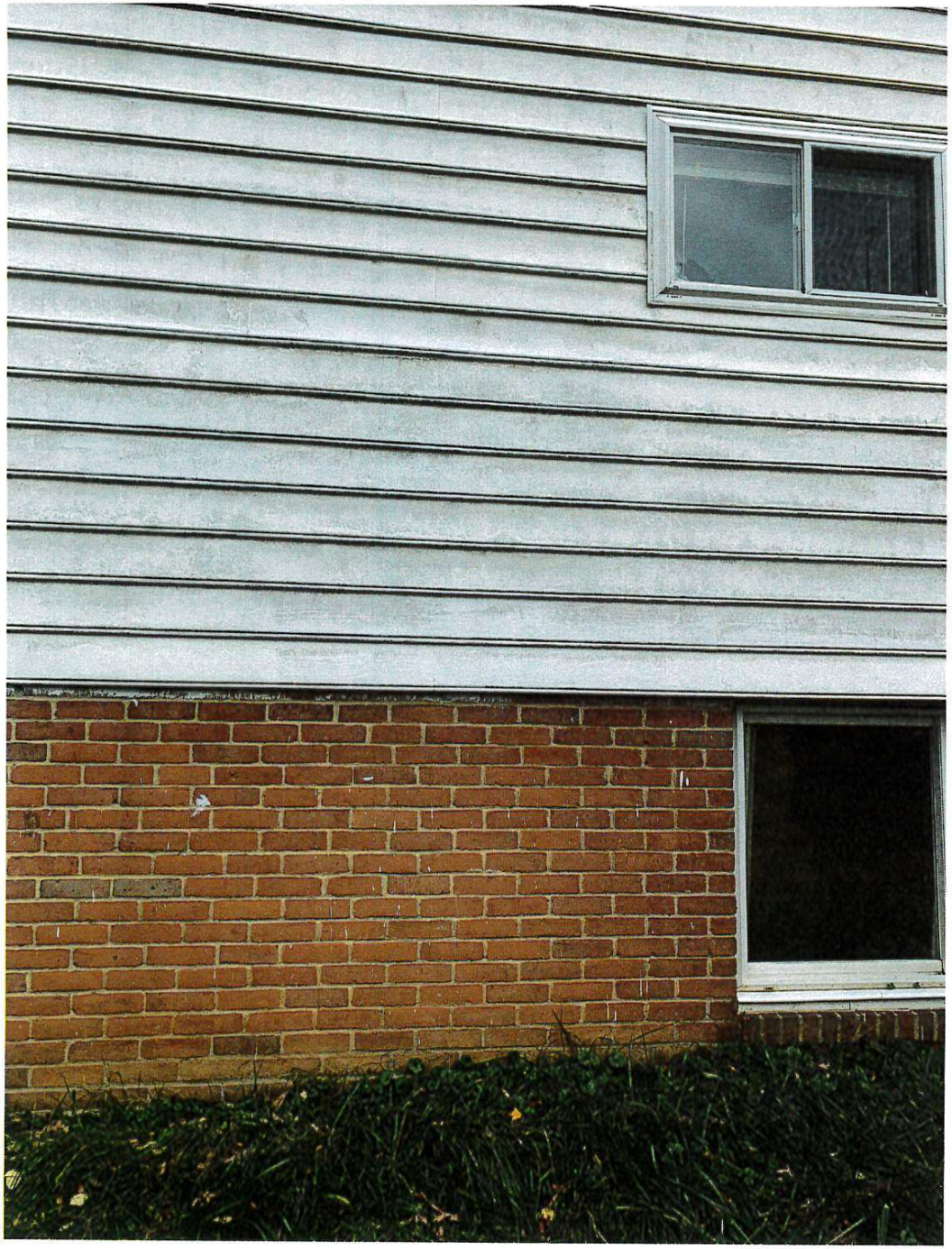
Developer's Exhibit 3E

Developer's Exhibit 3F

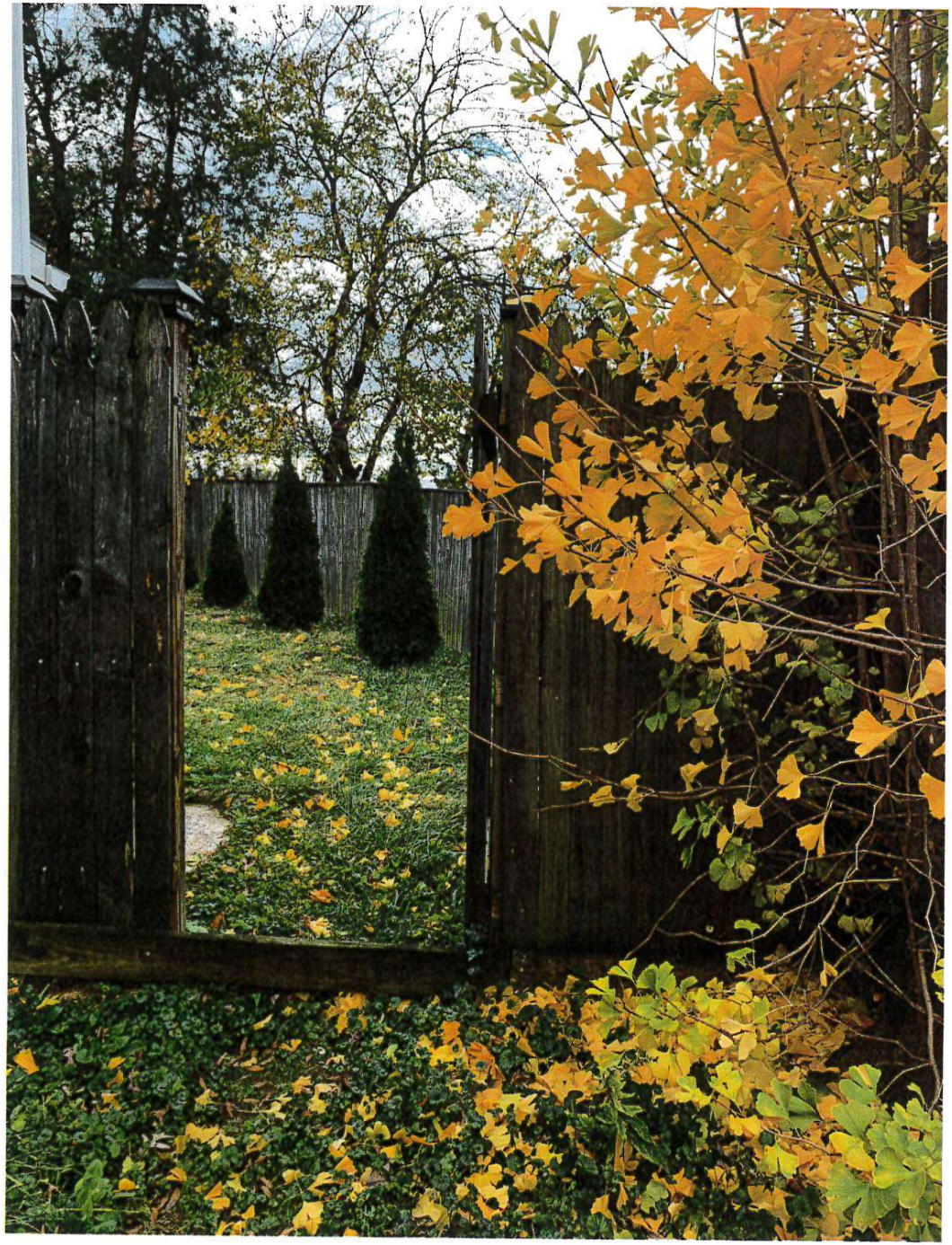


Developer's Exhibit 3G

Developer's Exhibit 3H



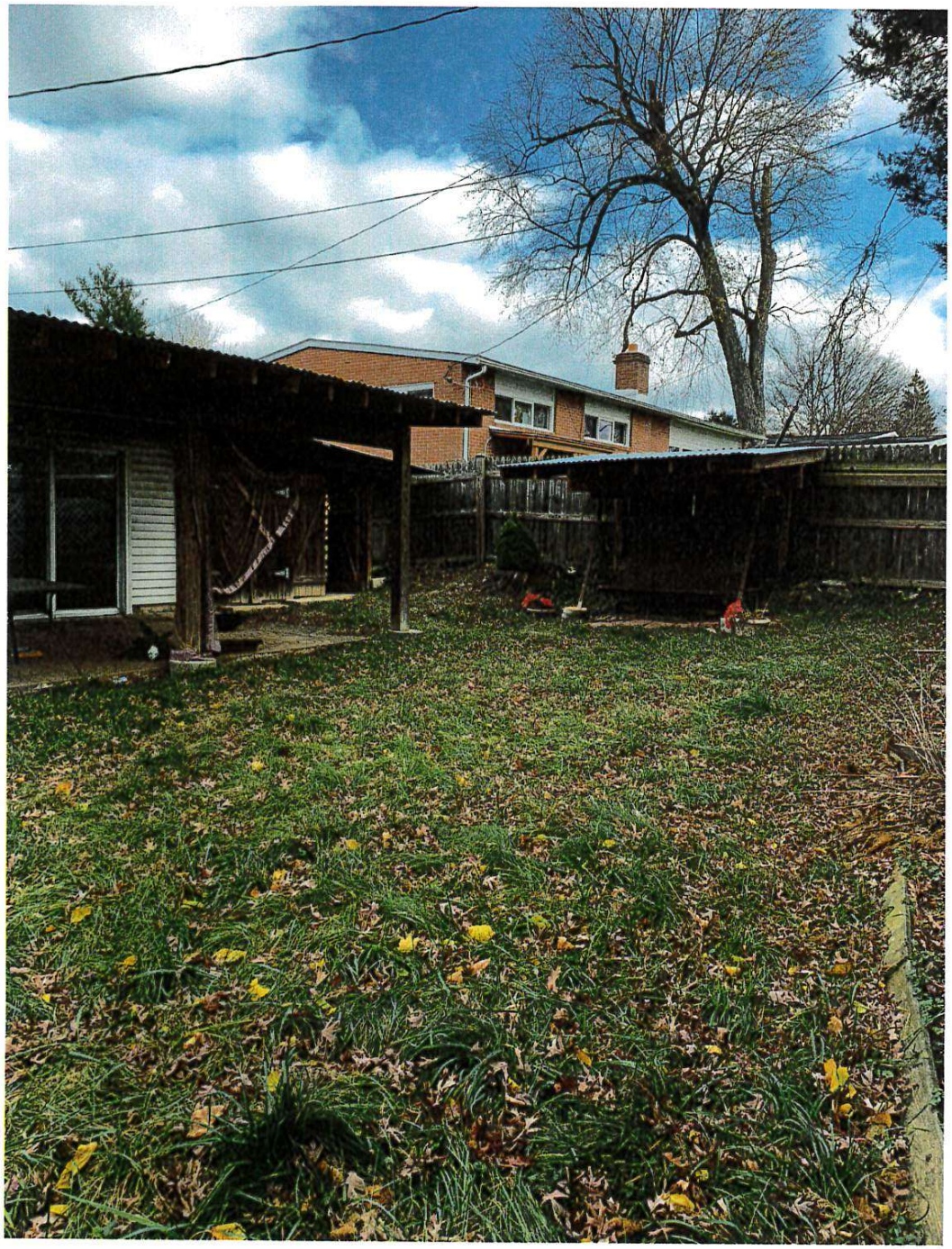
Developer's Exhibit 3I



Developer's Exhibit 3J

Developer's Exhibit 3K

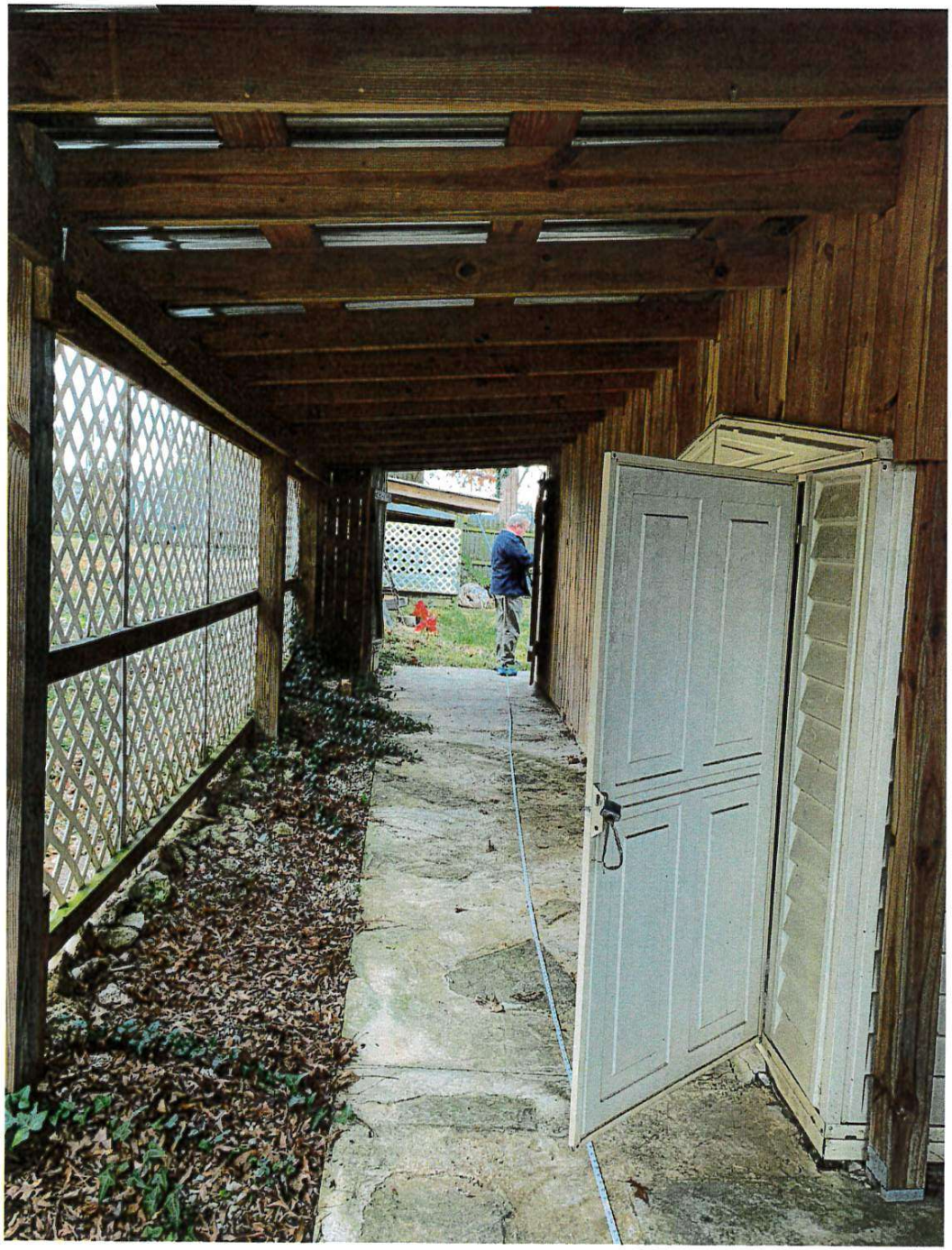
Developer's Exhibit 3L



Developer's Exhibit 3M

Developer's Exhibit 3N

Developer's Exhibit 3O

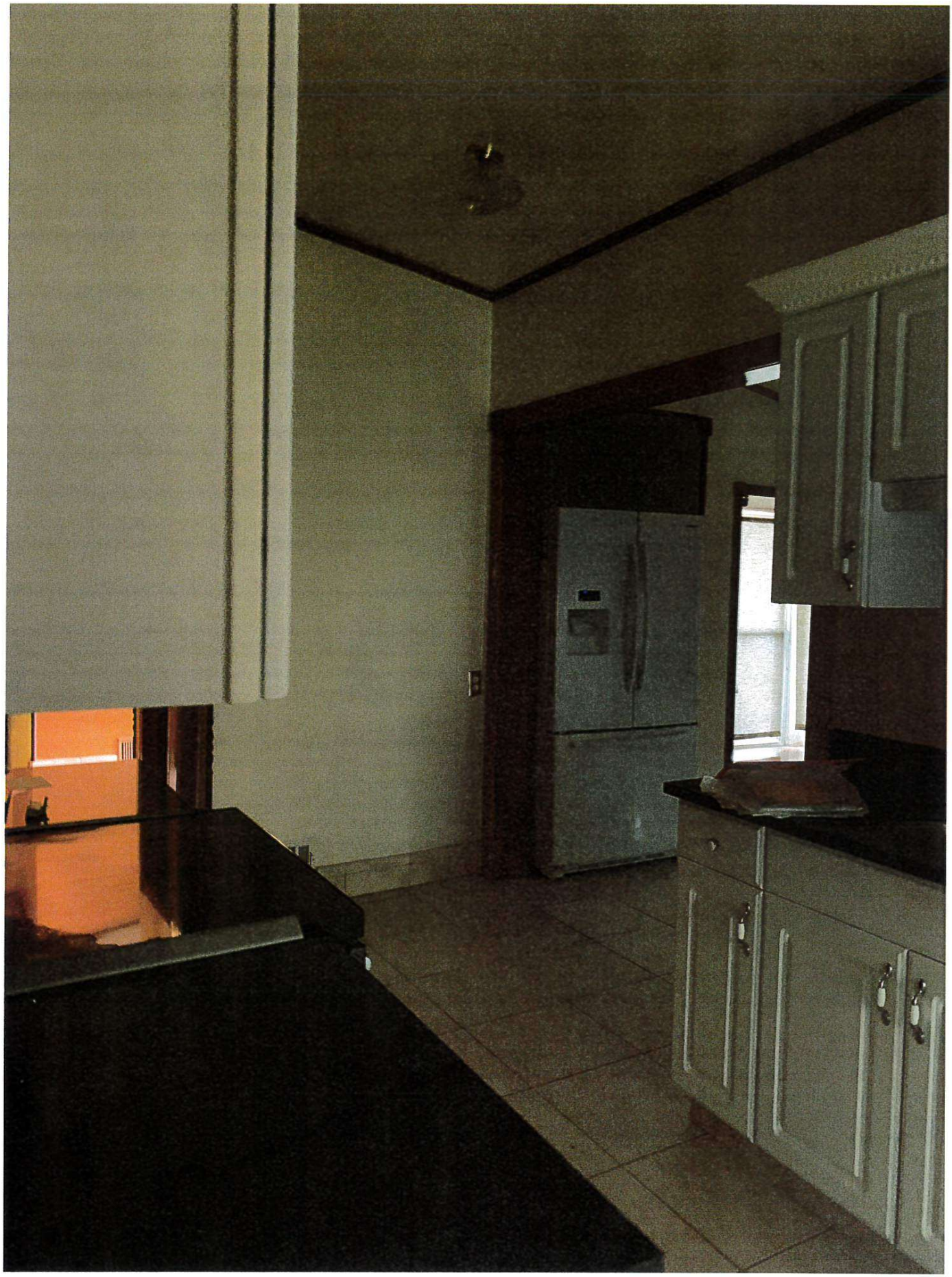


Developer's Exhibit 3P

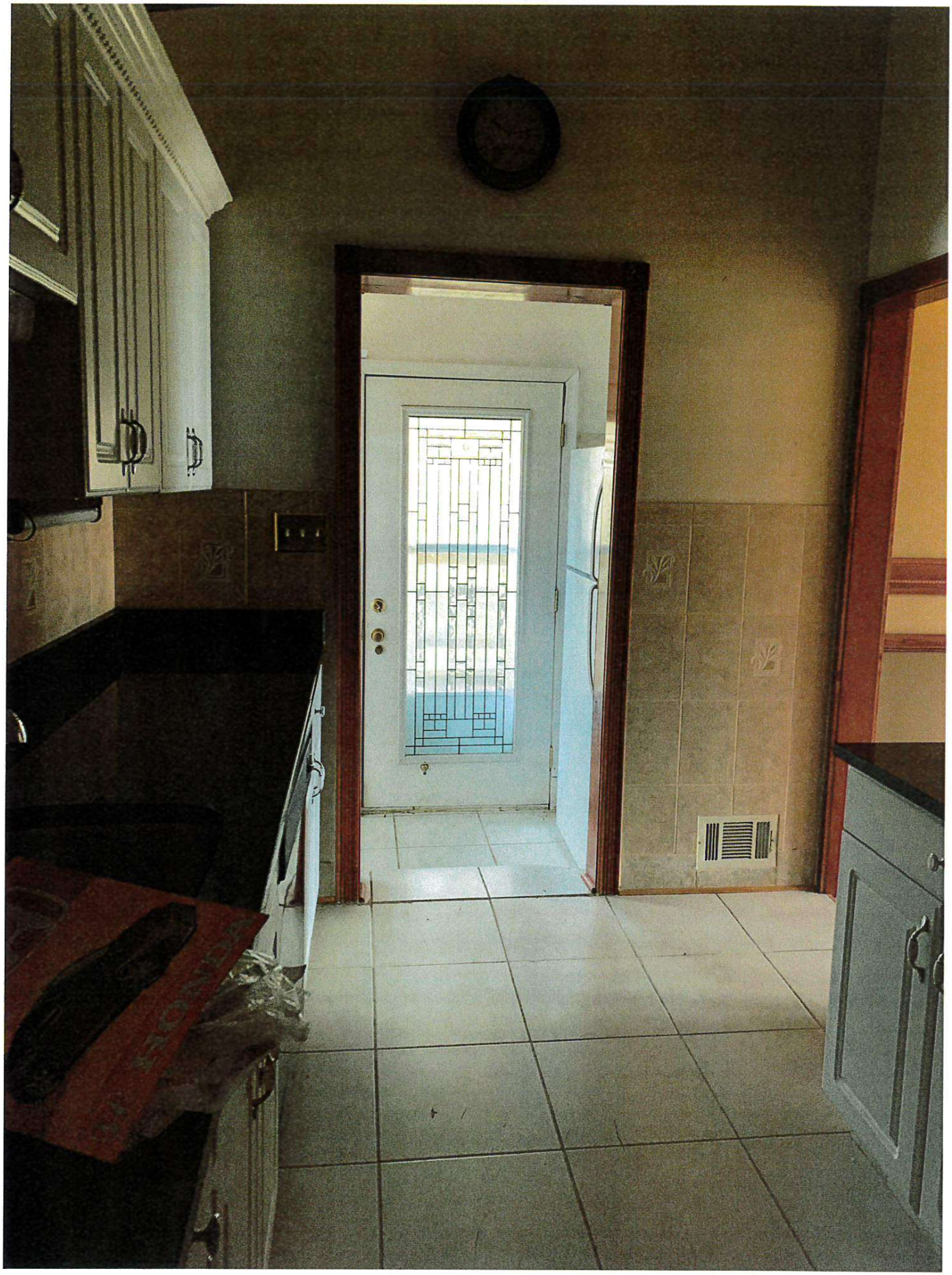
Developer's Exhibit 3Q

Developer's Exhibit 3R

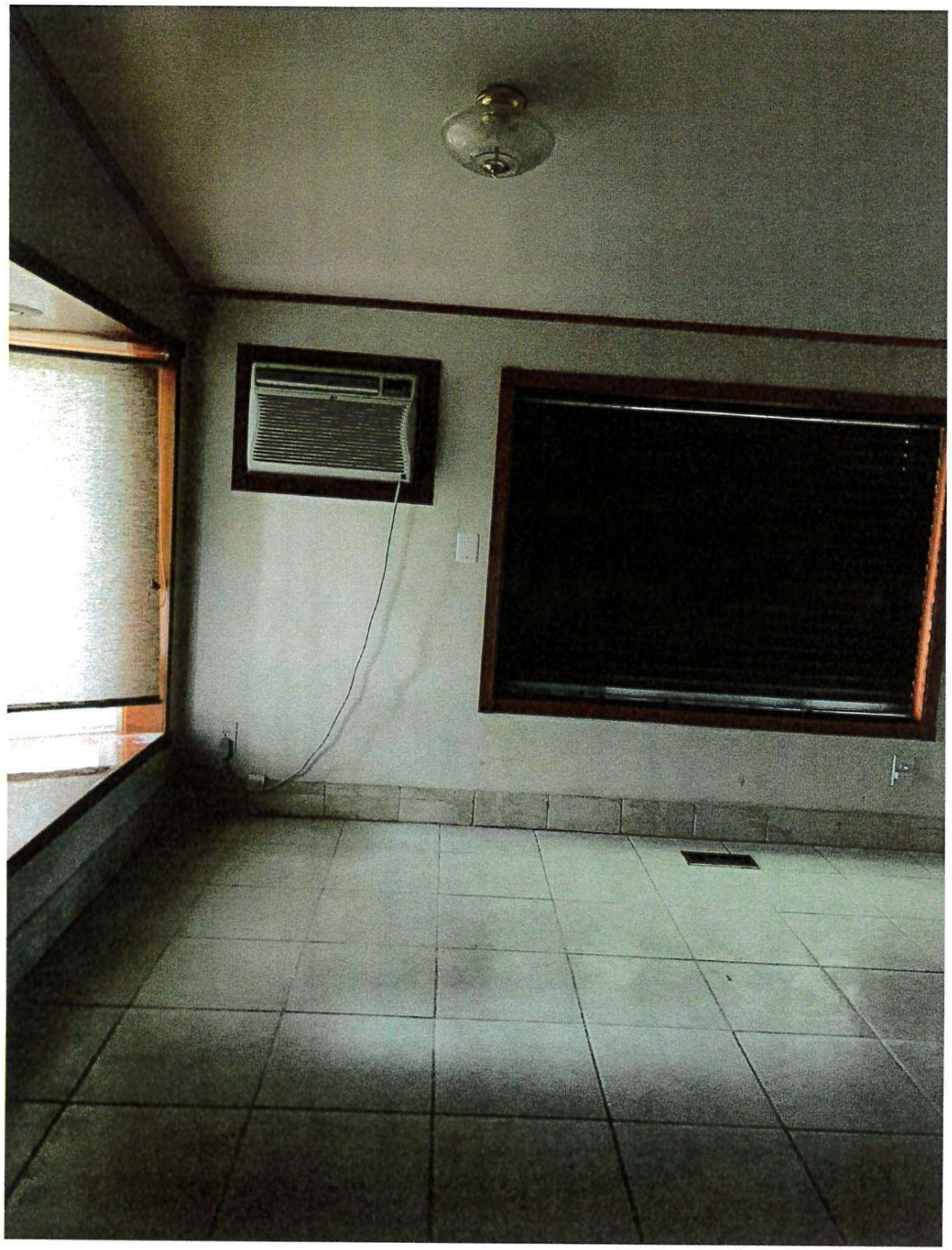
Developer's Exhibit 3S



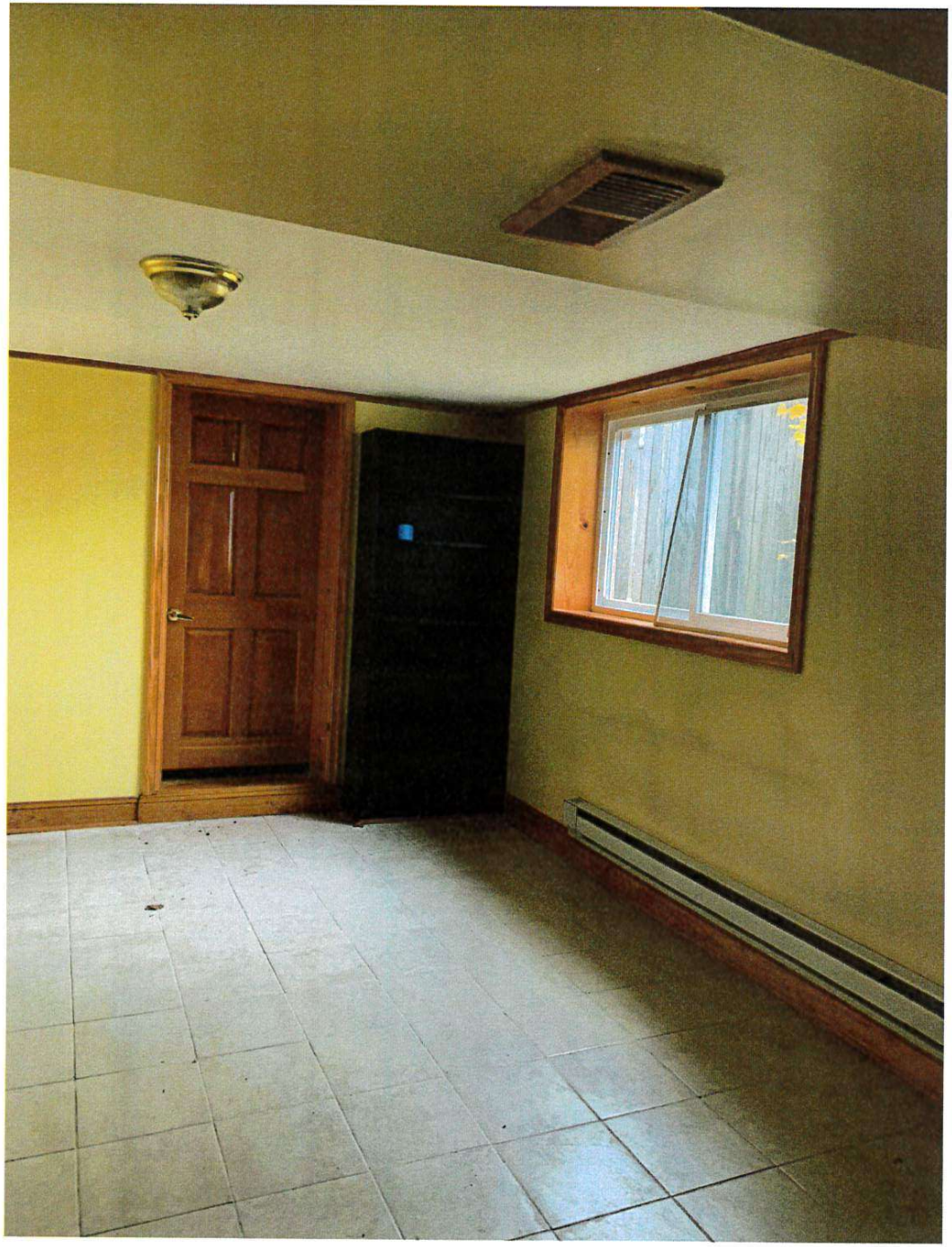
Developer's Exhibit 3T



Developer's Exhibit 3U



Developer's Exhibit 3V



Developer's Exhibit 3W

Developer's Exhibit 3X

Developer's Exhibit 3Y

LIGHTFOOT DRIVE
GREENSPRING AVENUE
#2432 1 STORY DWELLING
#2430 1 STORY DWELLING
#2431 1 STORY DWELLING
#2429
#2427 1 STORY DWELLING
#2415 1 STORY DWELLING
#2413 1 STORY DWELLING
LAND OF LORELLA MEISS TAX ACCOUNT #0535378000 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOT #2 PLAT 22/19 SUMMIT PARK DEED REF: 14806/741 ZONING: DR-5.5 USED: RESIDENTIAL
LAND OF BRADFORD & PATRICIA HEELAND TAX ACCOUNT #0308015940 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOTS #3,4 PT #4 PLAT 22/19 SUMMIT PARK DEED REF: 6408/177 ZONING: DR-5.5 USED: RESIDENTIAL
LAND OF ZALMAN H. KUPERMAN & SHANA L. RESSMAN TAX ACCOUNT #0332025180 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOT PT #1 PLAT 22/19 SUMMIT PARK DEED REF: 43416/0468 ZONING: DR-5.5 USED: RESIDENTIAL
LAND OF MOSHE & MIRIAM HAMMELBURGER TAX ACCOUNT #0336022080 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOT #27 PLAT 22/19 SUMMIT PARK DEED REF: 13800/261 ZONING: DR-5.5 USED: RESIDENTIAL
LAND OF DANIEL & SHIRA BERLANT TAX ACCOUNT #0336022080 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOT #26 PLAT 22/19 SUMMIT PARK DEED REF: 13300/425 ZONING: DR-5.5 USED: RESIDENTIAL
LAND OF CHLOE' & THE MARQUIS TAX ACCOUNT #0313024680 TAX MAP #78, GRID #6, PARCEL #540 SECTION #3, BLOCK #A, LOTS PT #2 & PT #3 PLAT 22/19 SUMMIT PARK DEED REF: 03748/72 ZONING: DR-5.5 USED: RESIDENTIAL
EX. CONCRETE WALK
EX. CONCRETE CURB & GUTTER
EX. 8" WATER (DWG. #1955-1052)
EX. 8" SEWER (DWG. #1955-1055)
EX. 18" STORM DRAIN (DWG. #1955-1060)
EX. 15" STORM DRAIN (DWG. #1955-1060)
EX. 12" WATER (DWG. #1955-1049)
EX. 8" WATER (DWG. #1955-1052)
EX. 44' PAVING
EX. 30' PAVING
EX. 50' RIGHT OF WAY
EX. 60' RIGHT OF WAY
EX. DRIVE
EX. CARPORT
EX. OVERHANG
EX. SHED
EX. FIRE HYDRANT
EX. WATER VALVE
EX. SEWER MANHOLE
EX. STORM DRAIN MANHOLE
EX. UTILITY POLE
EX. LIGHT POLE
EX. GUY WIRE
EX. TREE LINE
EX. 4" GAS
EX. 6" GAS
EX. 10" GAS
EX. 12" GAS
EX. 2" GAS
EX. 1" GAS
EX. 3/4" GAS
EX. 1 1/4" GAS
EX. 1 1/2" GAS
EX. 2 1/2" GAS
EX. 3" GAS
EX. 4" GAS
EX. 6" GAS
EX. 8

Richardson Engineering, LLC

7 Deneison Street
Timonium, Maryland 21093

tel. 410-560-1502
richardsonengineering.net

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

Developer's Exhibit 5

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.

3/7/2021

To the Zoning Board,

Regarding the zoning request for 2429 Lightfoot Drive, Baltimore, MD 21209, Rabbi Rubin sent me the following text from cell phone number 443-648-3142 on February 20, 2021:

"The signs went up this week and I can only imagine how nervous some neighbors must be. In truth, the zoning hearing is just to keep status quo. No construction or anything more than what we're doing there already."

Now that I have reviewed the plans the synagogue has for extensive activities and playground, I feel that the Rabbi's text to me was disingenuous and/or misleading.

Jill Margolis

Jill Margolis
Daughter, and live-in caregiver for Rae and Earl Margolis at 2427 Lightfoot Drive
410-370-4037

List of dates on which members of synagogue may attend synagogue:

- Three daily prayer sessions (365 days/year), known as Shachris, Mincha, and Maariv

- Also, often held at synagogue: bar and bat mitzvahs, weddings, bris, pidyan haben ceremonies, saying Kaddish (mourner's prayer - traditionally, this prayer is said for 11 months after a person's passing).

- Also, these Jewish holidays (2021 calendar):

Thursday	Jan 28, 2021	Tu Bishvat
Friday	Feb 26, 2021	Purim
Sunday	Feb 28, 2021	Shushan Purim
Sunday	Mar 28, 2021	Passover - First Day
Sunday	Apr 04, 2021	Passover - Final Day
Thursday	Apr 08, 2021	Yom Hashoah
Wednesday	Apr 14, 2021	Yom HaZikaron
Thursday	Apr 15, 2021	Yom HaAtzma'ut
Monday	Apr 26, 2021	Second Passover
Friday	Apr 30, 2021	Lag BaOmer
Monday	May 10, 2021	Yom Yerushalayim
Monday	May 17, 2021	Shavuot (1st day)
Tuesday	May 18, 2021	Shavuot
Sunday	Jul 18, 2021	Tish'a B'Av
Tuesday	Sep 07, 2021	Rosh HaShana Starts
Wednesday	Sep 08, 2021	Rosh HaShana Ends
Thursday	Sep 09, 2021	Fast of Gedaliah
Thursday	Sep 16, 2021	Yom Kippur
Tuesday	Sep 21, 2021	Sukkot Starts
Monday	Sep 27, 2021	Sukkot Ends
Tuesday	Sep 28, 2021	Shmini Atzeret
Wednesday	Sep 29, 2021	Simchat Torah
Monday	Nov 29, 2021	Hanukkah Starts
Monday	Dec 06, 2021	Hanukkah Ends

STATEMENT FROM ARTHUR ABRAMSON
2428 DIANA ROAD; BALTIMORE, MARYLAND 21209

I have lived in the neighborhood of the proposed Shul for nearly 30 years. For almost the same amount of time, I served as Executive Director of the Baltimore Jewish Council, the political and community relations arm of the organized Jewish community.

In this matter, neighborhood concerns regarding the intended synagogue on Lightfoot Drive should
have nothing to do with religion. Problems center on neighborhood stability and safety. If the proposed structure was to be an Islamic Mosque, or a Christian Church placed at the same location and of the same size, comparable unease among residents would exist.

The Summit Park neighborhood was largely developed in the 1950's. Its homes and streets were designed in a manner that makes problematic the regular entry of a large number of people and automobiles in a short amount of time. In planning, these problems have already become magnified and severe due to Baltimore County's recently approved expansion of Summit Park Elementary School. Larger numbers of cars and students would be entering the area on a daily basis. Projections regarding when the expansion is complete, have already necessitated Baltimore County instituting alterations to the project. Because Lightfoot Drive is regarded as a primary entry and departure point from Greenspring Avenue for a significant number of vehicles and pedestrians who utilize the school, new usage, by members of the planned synagogue, would cripple traffic and parking adjacent to the proposed facility. Clearly, none of this would be salutary to the neighborhood nor its residents.

In sum, the intended footprint of the projected synagogue is too big for the neighborhood and would become an unfair and unsafe burden to its residents.

03/10/2021

Arthur Abramson

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2428 DIANA ROAD; BALTIMORE, MARYLAND 21209

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In sum, the intended footprint of the projected synagogue is too big for the neighborhood and would become an unfair and unsafe burden to its residents.

03/10/2021

Arthur Abramson

General Durable Power of Attorney

I, the undersigned, EARL MARGOLIS, social security number 217-18-8182 currently residing at 2427 Lightfoot Drive, Baltimore, MD 21209 appoint Paul Victor Margolis, social security number 218-72-0115, currently residing at 7921 Winterset Avenue, Baltimore, MD 21208 as my Attorney-in-Fact (Agent) with the power of delegation and substitution.

If my Agent is unable or unwilling to serve for any reason, I designate Jill Margolis, social security number 214-72-0104, currently residing at 200 Cross Keys Road #41, Baltimore, MD 21210 as substitute Agent.

1. I hereby revoke any and all previous powers of attorney signed by me except for my Power of Attorney for Health Care which shall remain in force.

2. This document shall be construed and interpreted as a general durable power of attorney and my Agent shall have full authority to act on my behalf in relation to all my property and affairs.

3. I furthermore grant my Agent the authority to:

3.1. Make gifts within gift tax limits. If a gift or gift is made to himself, a gift or gifts of equal or greater value must be made to each of his siblings.

3.2. Execute, amend or revoke any trust agreement.

3.3. Exercise the right to make a disclaimer on my behalf.

4. I indemnify and hold harmless my Agent from any loss that results from an error made in good faith save for willful misconduct or the willful failure to act in good faith.

5. I indemnify any third party from any claims which may arise against the third party because of reliance on this power of attorney.

6. My Agent shall provide accurate records on a monthly basis of all transactions completed on my behalf and shall provide accounting records on a six-monthly basis.

6.1. If I am unable to review the records and accounting, they must be submitted to:

Jay Margolis, currently residing at 11 Roble Road, Suffern, NY 10901.

7. My Agent shall be entitled to compensation for his services at a rate as set out by law and for reimbursement of all reasonable expenses in his duties as my Agent.

8. This is a Durable Power of Attorney. Even if I should become disabled or incompetent,

it shall remain effective until my death. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent and interested third parties.

Executed this 2nd day of May 2010
at 2427 Lightfoot Dr Baltimore MD 21209

Signature: [signature]

in the presence of the undersigned witnesses:

Witness 1. EUGENE COPLAN
Name: [signature]

Address: 2423 LIGHTFOOT DRIVE BALTIMORE, MD 21209

Signature: [signature]

Witness 2.
Name: RAE MARCELLIS

Address: 2427 LIGHTFOOT DRIVE, BALTIMORE, MD 21209

Signature: [signature]

Acknowledgement

This document was acknowledged before me on this 20th day of May 2010 by Jessica Farinholt (Principal's Full legal name)

Signature of Notary Public [signature]

Full legal Name Jessica Farinholt

My commission expires 1/24/2014

State of Maryland

County of Howard

JESSICA FARINHOLT NOTARY PUBLIC HOWARD COUNTY, MD

Jessica Farinholt
NOTARY PUBLIC
Howard County
State of Maryland
My Commission Expires
January 24, 2014

POWER OF ATTORNEY – RAE MARGOLIS

I, Rae Margolis, name the following person as my agent: Paul V. Margolis (address: 7921 Winterset Avenue/Baltimore, MD 21208; phone number: 443-803-7600).

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

(1) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;

(3) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

SUBJECTS AND AUTHORITY

My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1)

insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and; (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;

collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment, and/or redeem the holdings (partially or in full) of any annuity contract and request payment be sent to the annuity contract holder or to any other person allowed by law.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one

retirement plan to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I recognize that granting my agent the authority to create or change a beneficiary designation for a retirement plan may affect the benefits that I may receive if that authority is exercised. If I grant my agent the authority to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute a taxable gift by me and may make the property subject to that authority taxable as a part of the agent's estate. Therefore, if I wish to authorize my agent to create or change a beneficiary designation for any retirement plan, and in particular if I wish to authorize the agent to designate as my beneficiary the agent, the agent's spouse, or a dependent of the agent, I will explicitly state this authority in the special instructions section that follows or in a separate power of attorney.

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF GUARDIAN

If it becomes necessary for a court to appoint a guardian of my property or guardian of my person, I nominate the following person for appointment: My agent named above (Paul V. Margolis).

SIGNATURE AND ACKNOWLEDGMENT

Rae M Margolis 11/9/2020

Rae Margolis
2427 Lightfoot Drive
Baltimore, MD 21209
410-486-2868

STATE OF MARYLAND
(COUNTY) OF Harford

This document was acknowledged before me on
Nov. 9, 2020,
(Date)

By Rae Margolis to be her act.

TAMMY FANNING
Notary Public
State of Maryland
Harford County

Tammy Fanning
Signature of Notary

(SEAL, IF ANY)

My commission expires: 04-05-2022

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by Rae Margolis in our presence to be his/her power of attorney. We, in his/her presence and at his/her request, and in the presence of each other, have attested to the same and have signed our names as attesting witnesses.

Jill Margolis
Witness #1 Jill Margolis (200 Cross Keys Rd. #41, Baltimore, MD 21210; 410-370-4037)

Earl Margolis
Witness #2 Earl Margolis (2427 Lightfoot Drive, Baltimore, MD 21209; 410-486-2868)

AFFADAVIT OF EARL MARGOLIS

I hereby declare and certify under penalty of perjury under the laws of the State of Maryland that the facts set forth in the foregoing document are true and correct of my own knowledge.

My wife and I own the house known as 2427 Lightfoot Drive, and we have lived there since 1957. I am a World War II veteran; I am 98 years old, and my wife is 91 years old. We have been notified that the new owner of 2429 Lightfoot Drive has requested a zoning variance to allow him to operate an Orthodox synagogue at that address. I am very distressed by the prospect of a synagogue next door. My oldest son is Orthodox (he is a Torah scholar and teacher in New York), and I am well-aware of prayer schedules and the events on the Orthodox calendar that call for attendance to synagogue. I am also well aware of the strains on parking that a neighborhood synagogue can cause, the increase in traffic during certain times of day, and the potential safety issues that can arise from so much activity. I am concerned that these issues will be exacerbated on Lightfoot Drive, a relatively narrow street for which parking is already strained.

In addition, I am very concerned about noise. My bedroom is directly adjacent to 2429 Lightfoot Drive. Our homes are on small lots, and the houses are extremely close to one another. Noise from the synagogue around the corner on Greenspring Avenue is often disruptive, and I am concerned that similar noise from a source much closer than that synagogue will be even more disruptive. I am 98 years old, my wife and I are not in ideal health, and the thought of increased traffic, disruption to parking on my street, safety issues, and increased noise is very distressing to me.

I would like to make the Court aware of one additional incident. On Saturday, February 20, 2021, a couple entered my home without knocking, and without masks. They said they were looking for the synagogue. They were directed to go next door. The street number on my house, and on the house at 2429 Lightfoot Drive, are very clearly posted. I can't express how horrifying it was to have strangers enter my home. I imagine that this would happen again if my neighbors are allowed to operate a synagogue. I am now locking my front door during daylight hours for the first time in over sixty-three years.

I have provided charitable support to the Orthodox community and their educational institutions for decades, but due to the concerns I have expressed above, I implore the Court to deny Petitioner's request for zoning approval to operate a synagogue at 2429 Lightfoot Drive.

Earl Margolis

STATE OF MARYLAND,
COUNTY OF Harford

I HEREBY CERTIFY that on this 3 day of March, 2021, before me, the subscriber, a Notary Public in and for the county and state aforesaid, personally appeared Earl Margolis, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: 04-05-2022

TAMMY FANNING
Notary Public
State of Maryland
Harford County

ZONING COMMISSION OF BALTIMORE COUNTY

OPPOSITION TO VARIANCE EXHIBITS

CASE 2020 0309 SPHA
2429 LIGHTFOOT DRIVE

HEARING DATE 3/10/2021
Baltimore, Maryland

Exhibit No.	Pages	Description
1	1-9	SIGNATURES OF RESIDENTS IN OPPOSITION
2	10-12	LOCATION AND DESCRIPTION OF 2429 LIGHTFOOT DRIVE
3	13	OVERLAY OF WHAT SETBACK WOULD LOOK LIKE
4	14-26	ADVERTISEMENTS OF SHUL
5	27	TRANSLATION OF TERMS
6	28-29	OVERHEAD PHOTOS OF 2429
7	30-37	FINALIZED PLANS FOR SUMMIT PARK ELEMENTARY WITH TRAFFIC STUDY
8	38-39	PHOTOS OF PARKING ISSUES
9	40-44	ZONING DENIAL FOR 2422 LIGHTFOOT(ACROSS FROM 2429)
10	45-64	COURT OF SPECIAL APPEALS LUCY WARE VS PEOPLES COUNSEL
11	65	PHOTO OF WIDTH OF ROAD

September 21, 2020

This petition is in response to the sale of the residence at 2429 Lightfoot Drive, with the intention of using this residence as a synagogue.

As this is a residential community with limited street space for parking, the use of the above residence will create unusual crowded conditions in the neighborhood.

The neighborhood elementary school of Summit Park is slated for a complete rebuild, which will double its student capacity to approximately 800 students. Design plans for the new school, indicate that egress from the school will funnel traffic onto Sylvale Road and Lightfoot Drive creating further congestion into this neighborhood and onto Lightfoot Drive.

Those signing below indicate their opposition to using the residence at 2429 Lightfoot Drive as a synagogue.

	PRINT NAME & ADDRESS	SIGNATURE & DATE	EMAIL (OR) TELEPHONE
1.	ALLEN ABEND 2417 SYLVALE RD. BALTIMORE, MD 21209	10/27/20	allen.abend@gmail.com
2.	ROBERT JACOBSON 2418 SYLVALE RD. BALTIMORE, MD. 21209	Robert Jacobson 10/27/20	bobboj@aol.com
3.	Robert D. Ambinder 2423 Sylvale Rd Baltimore, MD 21209	10/27/20	rdaattorney@gmail.com
4.	Debra A. Levitt 2419 Sylvale Rd. Baltimore MD 21209	Debra A Levitt 10/27/20	deb.lev@verizon.net
5.	Grigoriy Yasinov 2413 Sylvale Rd Baltimore MD 21209	G. Yasinov 10/27/20	Grigoriy2000@hotmail.com
6.	RUTH LEUGNSON 2402 SYLVALE RD BALTIMORE, MD 21209	Ruth Levenson 10/27/2020	ruthyel@aol.com
7.	IRENE SNYDER 2421 SYLVALE RD BALTO, MD 21209	Irene Snyder 10/28/20	mommom3636@AOL.COM
8.	Paul Shields 2411 Sylvale Rd Balt MD 21209	10/28/20	4104939022

	PRINT NAME & ADDRESS	SIGNATURE & DATE	EMAIL (OR) TELEPHONE
9.	Amy Zimmerman 2409 Sylvale Road Baltimore, MD 21209	Amy 10/28/2020	Duckyab2@verizon.net (410) 602-3971
10.	STAN ORTMAN 2406 Sylvale Rd Balto MD 21209	Stan 10-28-2020	[illegible] sao9l6@aol.com
11.	Ava Frank 2405 Sylvale Rd. Balto., MD 21209	Ava Frank 10/28/20	avalfrank@gmail.com
12.	Heni Pollara 2412 Sylvale RD Balto, MD 21209	HeniPollara 10/28/20	henipollara@gmail.com
13.	Joseph Lichtfuss 2403 Diana Rd Balto., MD 21209	Joseph Lichtfuss 10/29/20	deadfeat1@comcast.net
14.	Art Abramson 2428 Diana Rd. Baltimore, Md. 21209	[illegible] 11/4/2020	debdogs@me.com
15.	AARON BROWN 2427 DIANA RD BALTIMORE MD 21209	[illegible] 11/4/2020	ABROUN2@VERIZON.NET
16.	Joyce Vandorf 2424 Diana Rd Balto. MD. 21209	Joyce Vandorf 11/4/20	JoyceJandorf@gmail.com

	PRINT NAME & ADDRESS	SIGNATURE & DATE	EMAIL OR TELEPHONE
17.	Larisa Pach 2422 Diana Rd Baltimore, MD 21209	11/4/20	larisapach@yahoo.com
18.	Sonya Lilienstein 2416 Diana Road Baltimore, MD 21209	11/4/20	sonyalilienstein@gmail.com
19.	Boris Polanski 2414 Diana Rd Pikesville, MD 21209	11.4.2020	vitapd@aol.com
20.	Abbie Bass 2415 Diana Rd Balto, Md. 21209	11-4-2020	abbiebass28@gmail.com
21.	Phyllis Setlen 2411 Diana Rd Balto. MD 21209	11-4-2020	SETLEN1950@GMAIL.COM
22.			
23.			

22. BRAD HERLING Brad Herling
2430 Lightfoot DR

23. PAUL MARGOLIS POA for RAE AND EARL MARGOLIS
2427 LIGHTFOOT DRIVE
BALTIMORE, MD 21209

24. ALEX BRINDES
2432 Lightfoot dr
Baltimore MD 21209

25. JORGE ESPINOZA
2426 LIGHTFOOT DR
BALTIMORE MD 21209

26. MICHAEL + ILENE GOLD
2424 SYLVALE RD.
BALTIMORE MD 21209
mgoldvvjc@gmail.com

27. Fred & Judith Zimmerman
6901 Rohr Rd
Baltimore, MD 21209

28. Rohit Rubin
2419 LIGHTFOOT DR
BALTIMORE, MD 21209

29. EVAN Cohen
6639 Chippewa Dr
Baltimore 21209

30. Howard Silverstein
2427 Forest Green RD
Balto. MD. 21209
Howard Silverstein

31. Jay Gamerman
Jay Gamerman
Marsha Gamerman
Marsha Gamerman
Ira Gamerman
Ira Gamerman
2414 Lightfoot Dr
Balto, Md 21209

32. MARC LIPNICK
2435 HUNT DRIVE
Marc Lipnick

33. CAROLE GLICK
2439 SYLVIA RD
Carole Glick Renter carole@yahoo.com

* 34. Tara Tyree
6801 Diana Ct.
Balto, MD 21209
Tara Tyree

* 35. Michael Sharp
2418 Lightfoot Drive
Michael Sharp

36 STEVEN FISHKIND
2411 LIGHTFOOT DR.
BALT 21209 Steven Fishkind

37. Rochelle Eisenberg
2404 Lightfoot Dr
Baltimore, MD 21209
RE Eisenberg

38. Louis Greenfield
2439 Hunt Dr 21209
lougreenfeld@gmail.com

39. BARRY G. ISAAC
2417 HUNT DRIVE 21209
Barry G. Isaac

40 Gordon + Ruth Levenson
2402 Sylvale Rd 21209

* 41. Denise Jones
2425 Lightfoot T
Baltimore, MD
2120

Name: Alex Brindes
Address: 2432 Lightfoot Dr
Baltimore MD 21209

I reside at the above address and I oppose the use of the property at 2429 Lightfoot Drive for religious purposes. I live across the street and am concerned about the additional traffic this would bring to our narrow residential street. Parking would be an additional problem with the numbers of cars that would be parked for religious attendance creating a traffic hazard. When cars are parked on both sides of the street, moving cars can pass in only one direction.

Signature,
Alexander Brindes

Name: Jorge Espino37
Address: 2426 Lightfoot Dr.

I reside at the above address and I oppose the use of the property at 2429 Lightfoot Drive for religious purposes. I live across the street and am concerned about the additional traffic this would bring to our narrow residential street. Parking would be an additional problem with the numbers of cars that would be parked for religious attendance creating a traffic hazard. When cars are parked on both sides of the street, moving cars can pass in only one direction.

Signature,

0

Baltimore County - My Neighborhood

My Neighborhood

Select a Property from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

2429 lightfoot drive 21209

Search

Property Report - 2429 LIGHTFOOT DR

Your search has returned 3 lots

Properties with multiple lots can affect the results of the report. My Neighborhood should only be used as a reference. Any information should be verified with the appropriate agency:

2429 LIGHTFOOT DR

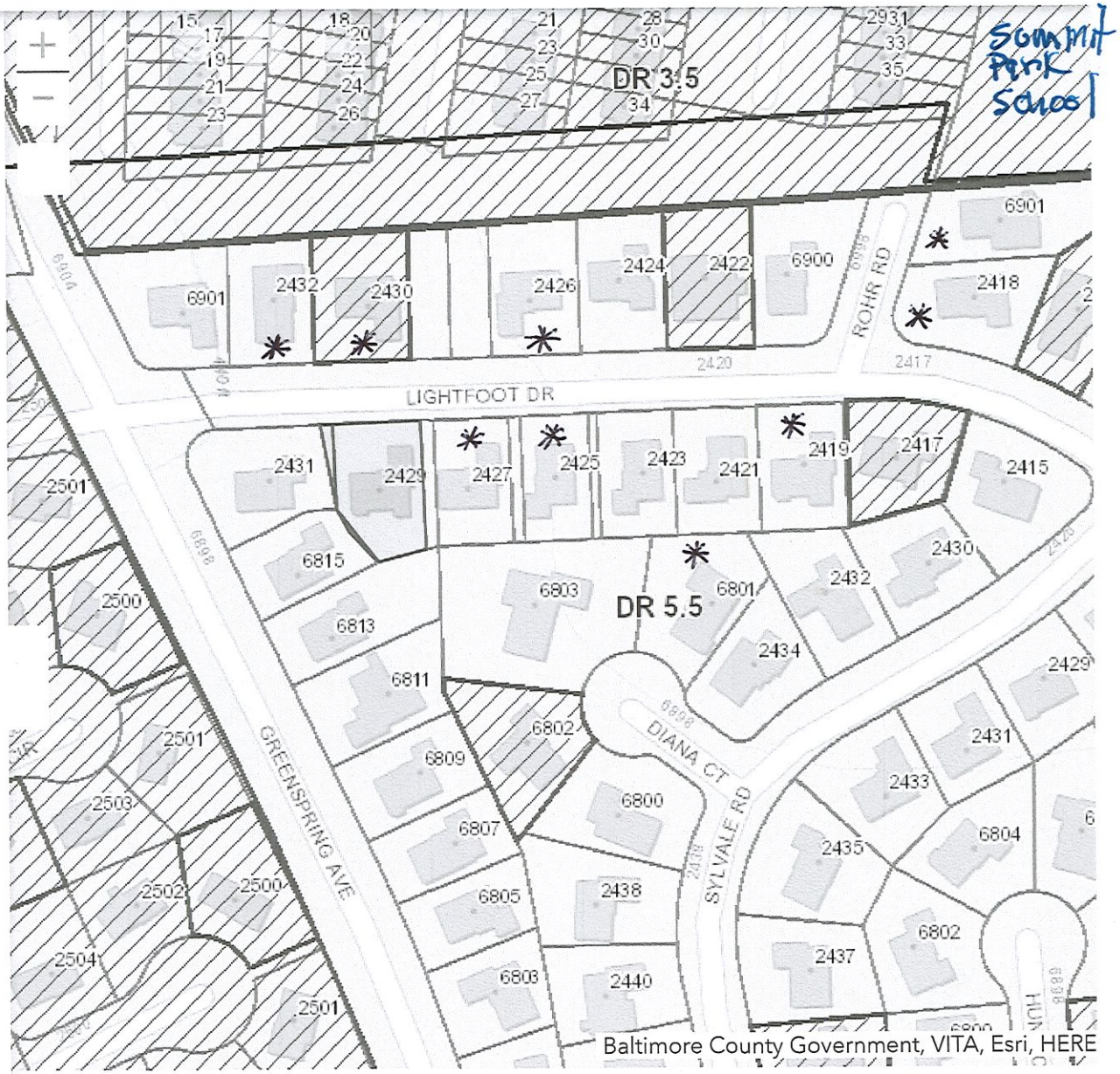
Tax Account Number	0302004500
Owner Name	2429 LIGHTFOOT L L C
Premise Address	2429 LIGHTFOOT DR
Tax Map	0078
Parcel	0540
Real Property Report	More info
StreetView	Click for StreetView
PermitReview	Permit Review Tool URL

ZONING INFORMATION

Zoning	DR 5.5

SCHOOL DISTRICTS

Elementary School District	Summit Park ES
Middle School District	Pikesville MS
High School District	Pikesville HS



200ft

-76.681 39.380 Degrees

* PROPERTY OWNERS OPPOSED TO SYNAGOGUE AT 2429 LIGHTFOOT DRIVE

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 -** 0302004500

Owner Information

Owner Name:	2429 LIGHTFOOT L L C	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2500 OZARK CIR BALTIMORE MD 21209-	**Deed Reference:**	/43885/ 00486

Location & Structure Information

Premises Address:	2429 LIGHTFOOT DR BALTIMORE 21209-1545	**Legal Description:**	PT LT 1,2,27 2429 LIGHTFOOT DR SUMMIT PARK

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0078	0006	0540	3060085.04	0000	3	A	1	2020	Plat Ref:	0022/ 0019

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1958	1,723 SF	600 SF	7,865 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/	4	1 full/ 1 half	1 Carport	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2020	As of 07/01/2020	As of 07/01/2021
Land:	91,800	91,800		
Improvements	206,900	201,600		
Total:	298,700	293,400	293,400	293,400
Preferential Land:	0	0		

Transfer Information

Seller: SPICHINEVSKIY IGOR	**Date:** 01/04/2021	**Price:** $395,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /43885/ 00486	**Deed2:**
Seller: FAKHERI BINYAMIN	**Date:** 09/14/2005	**Price:** $325,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /22538/ 00090	**Deed2:**
Seller: BANK KENNETH COPLAN FLORENCE	**Date:** 10/26/2004	**Price:** $232,500
Type: ARMS LENGTH IMPROVED	**Deed1:** /20882/ 00192	**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

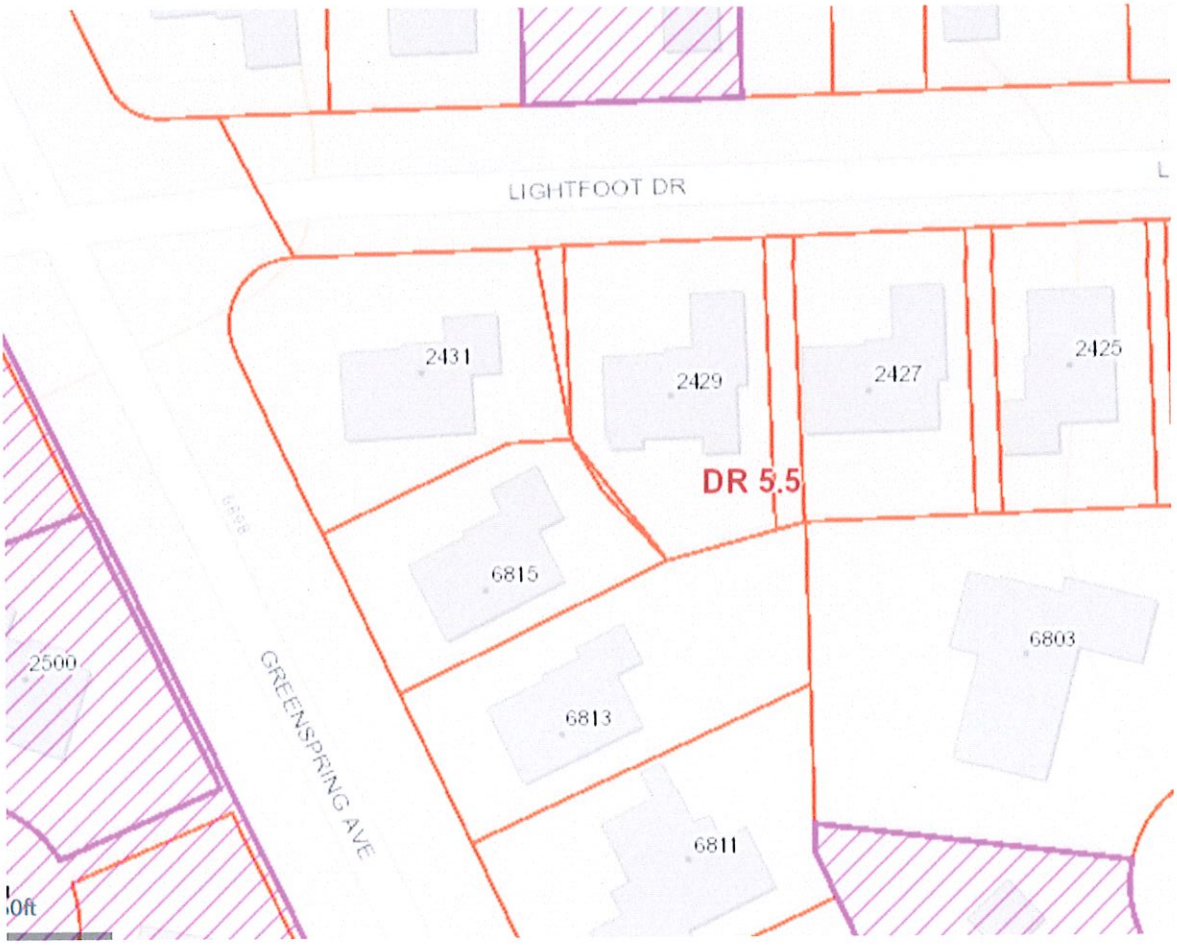
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**


LIGHTFOOT DR
2431
2429
2427
2425
DR 5.5
6815
6803
6813
6811
2500
GREENSPRING AVE
0ft

Baltimore County - My Neighborhood

Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA |

5

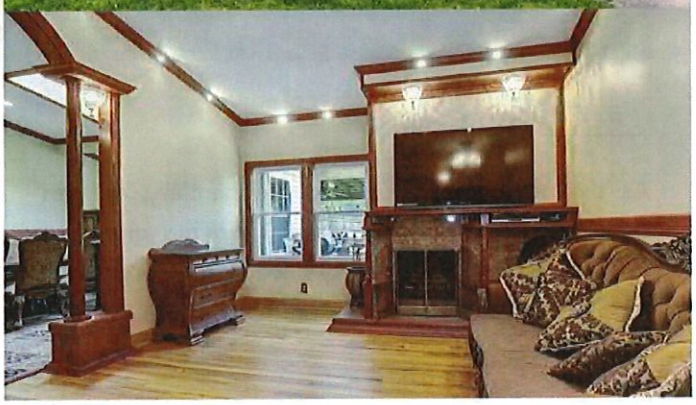
KINYAN HABINYAN CAMPAIGN

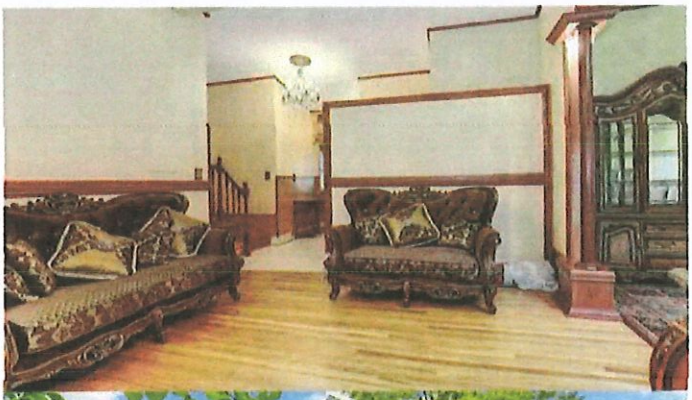
5781: KINYAN HABINYAN CAMPAIGN

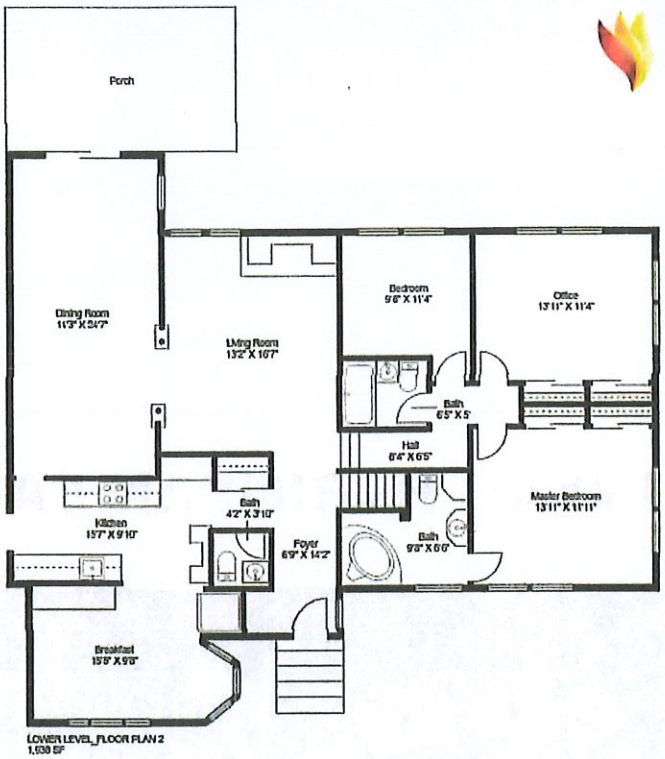
2429 Lightfoot Dr. Baltimore, MD 21209
2,323 Sq. Ft., Lot Size 7,865 Sq. Ft.

OHR HATORAH NEEDS TO EXPAND NOW!
As the cold winter months loomed ahead of us and the thought of davening outdoors was concerning, HaKadosh Baruch Hu sent us this gift at the perfect time, in the perfect location.

Not only will this new home provide us with ample space and warmth for our daily activities, it gives us the ability to provide much more for our community. B'ezras HaShem, we will now be able to host a spacious Bais Medrash and Ezras Nashim, resume our weekly Avos U'banim program (and Bnos & Pirchei groups post-Covid-19), have classrooms for shiurim, and launch new programming.



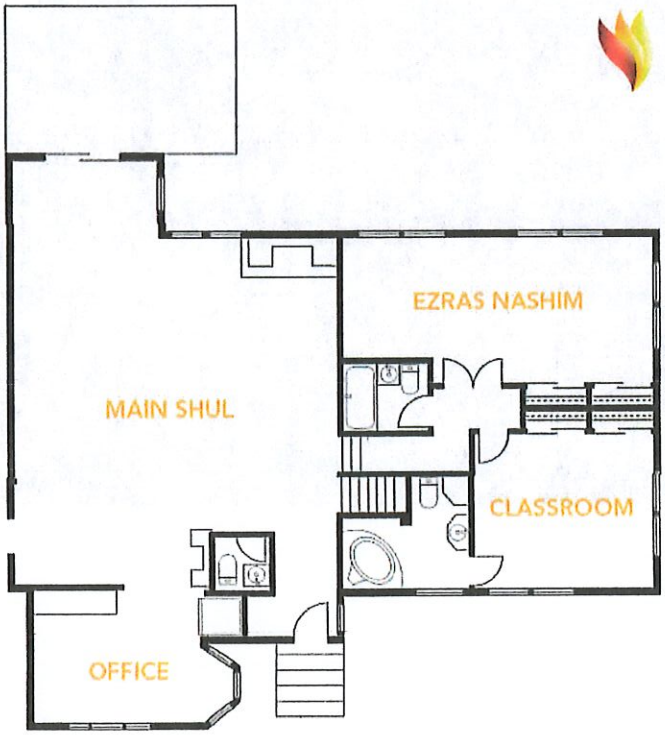




SHUL BUILD-OUT

As the neighborhood grows exponentially, we are determined to provide an infrastructure big enough to accommodate the community's needs. The purchase of this property was our immediate response to meeting those needs.

To secure this acquisition, we have set our goal at $200,000. This money will allow us to pay for the down payment, as well as cover additional costs which include basic renovation expenditures. **By joining us in this campaign, you are becoming a partner in our mission to be Mikadesh Shem Shomayim.**



STRATEGIC PLACEMENT OF PROPERTIES

THE EXPERIENCE

Under the leadership of R' Duvi Rubin, Ohr HaTorah has quickly catapulted to become part of the beautiful mosaic of wonderful Shuls in Baltimore! By providing insightful Shiurim, fascinating Chaburahs, & inspirational Drashos, this impressive Talmid Chacham has elevated the spiritual landscape of our neighborhood & strengthened a deeper connection to our Avodas Hashem. With the growth of the Shul, the addition of daily minyanim, and the additional programming of all sorts planned, the larger Baltimore community & indeed Klal Yisroel at-large will benefit from even greater Harbatzas haTorah & dveikus b'Tefillah from this amazing mosad shining its Ohr HaTorah l'Shem ul'Tiferes!

-Yaakov Berkowitz

'Under Rabbi Rubin's dynamic leadership and amazing energy, Ohr Hatorah has gone from a convenience minyan for a few people living on the edge of the Baltimore Community to a place where people are excited to come to shul, everyone feels at home. It has quickly become the anchor that allows our community to explode."

-Moshe Hammelburger

"Ohr HaTorah has provided a place for minyanim charged with ruach and camaraderie that previously required a 15 to 30 minute walk to reach. Since Rabbi Rubin has joined, as a group we have connected to his thrill for a deeper understanding in Torah and life. Having a place to learn and daven under his guidance has been invaluable and it has transformed the neighborhood into a true makom Torah."

-Feivel Kahn

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17

View Campaign

Team Team Levin
$319

donated by 9 people in 5 days

Goal: $1,000

Share Campaign

OHR HATORAH NEEDS TO EXPAND NOW!

DEADLINE THIS THURSDAY, OCT. 29th!

Once a convenient Friday-night minyan, Ohr HaTorah has blossomed into a thriving kehilla servicing the neighborhoods of Summit Park and Indian Village in Baltimore County. As young families move in by the dozen, the need for a community shul has become ever pressing. To this end, Ohr HaTorah has stepped up to the plate, led by the young and energetic Rav, Rabbi Duvi Rubin.

Ohr HaTorah has been developing its infrastructure to provide the neighborhood with a strong presence of Torah and Yiddishkeit and a sense of community for men, women, and children.

THE PURCHASE OF THIS PROPERTY IS OUR IMMEDIATE RESPONSE TO MEETING OUR NEEDS!

To secure this acquisition, we have set our goal at $200,000. This money will allow us to pay for the down payment, as well as cover additional costs which include basic renovation expenditures. By joining us in this campaign, you are becoming a partner in our mission to be Mikadesh Shem Shomayim!

Please click here for dedication opportunities

Thank you to our corporate sponsors:

THE ROSENBLATT GROUP
ACADEMY MORTGAGE CORPORATION

Congregation קהילת אור התורה OHR HATORAH Baltimore באלטימאר

Rabbi Duvi Rubin | 2429 Lightfoot Drive | Baltimore, MD

Congregation Ohr HaTorah - Building Phase I Dedication Opportunities

1. Dedications	
Building Dedication	$180,000
Main Sanctuary	$75,000
Aron Kodesh	$36,000
Rabbi's Office	$18,000
Ezras Nashim	RESERVED
Bimah	RESERVED
Playground	$12,000
Sukkah	$10,000
Kitchen	$10,000
Security System	$7,500
Rabbi's Shtender & Chair	RESERVED
Ner Tamid	RESERVED
Washing Station for Kohanim	$7,200
Coffee Nook	$7,200
Mechitza	$6,000
Electronic Luach	$5,400
Chazzan's Amud	$5,400
Yahrtzeit Memorial Board	$5,400
Front door Mezuza	$5,000
Menorah	$5,000
Bimah Cover (Year Round)	RESERVED
Bimah Cover (Yamim Noraim)	RESERVED
Paroches - (Year Round)	RESERVED
Paroches - (Yamim Noraim)	RESERVED
Kisei Shel Eliyahu	RESERVED
Chazzan's Amud Cover (Year Round)	RESERVED
Chazzan's Amud Cover (Yamim Noraim)	RESERVED
Interior Mezuza	$2,000
Tzedakah Box	$1,800
Decorative Candy Box	$1,800
Shul Clock	$1,800
Tables	$750
Chairs	$250

Congregation קהילת אור התורה OHR HATORAH Baltimore

Rabbi Duvi Rubin | 2429 Lightfoot Drive | Baltimore, MD

Congregation Ohr HaTorah - Building Phase I Dedication Opportunities

II. Seforim and Libraries		
Seforim Library		RESERVED
Library of Halacha		RESERVED
Library of Chumash		$5,400
Library of Rishonim		$5,400
Library of Achronim		$5,400
Library of Nach		$3,600
Library of Medrash		$3,600
Library of Mussar		RESERVED
English Library		$3,600
Talmud Bavli	$2,000 | 1 of 2 Sets	RESERVED
Sefer Torah Cover (Year Round)		RESERVED
Sefer Torah Cover (Yomim Noraim)		$2,000
Set of Tur		$2,000
Shulchan Aruch		$1,800
Rambam		$1,800
Bookshelves		$1,500
III. Plaque Sponsorships		
Benefactor		$36,000
Founder		$18,000
Builder		$7,200
Patron		$5,000
Sponsor		$2,500
Friend		$1,000

**Other options available upon request*

ABOUT

Once a convenient Friday-night minyan, Ohr HaTorah has blossomed into a thriving kehilla servicing the neighborhoods of Summit Park and Indian Village.

As young families move in by the dozen, the need for a community shul has become ever pressing. To this extent, Ohr HaTorah has stepped up to the plate, led by the young and energetic rav, Rabbi Duvi Rubin.

Ohr HaTorah has been developing its infrastructure over the past 18 months to provide the neighborhood with a strong presence of Torah and Yiddishkeit and a sense of community for men, women, and children. It is our dream to see the shul grow into a spiritual hub where all members of the community will feel connected to each other, the rav, and especially Hakadosh Baruch Hu.

Located between Summit Park and Indian Village, our shul, led by the young and energetic **Rabbi Duvi Rubin, offers an authentic Torah experience: high-level shiurim, meaningful tefillos, community get-togethers, and weekly programming for children**. We believe that every family deserves a strong connection with the Torah and accessibility to the Rav for inspiration and guidance.

KINYAN HABINYAN CAMPAIGN

OUR RAV

WHAT WE DO:

Congregation קהילת אור התורה
OHR HATORAH
Baltimore באלטימאר

About Us/Mission Statement

Mission Statement

Our shul was founded in October 2013 to act as our spiritual home for the Greenspring/ Indian Village/ Summit Park area with a commitment to Orthodox Judaism and the greater community to enrich our unique identity through ritual, prayer services, celebration of scholarship and faith, education and social action. We offer Shabbos and Yom Tov davening, learning programs and shiurim as well as meals and hospitality. We warmly invite all who wish to join us.

Current Leadership

Rabbi
Rabbi Duvi Rubin

Board of Trustees
Moshe Hammelburger, President
Yakov Shafranovich, Vice-President & Webmaster
Feivel Kahn, Treasurer
Avi Feldman, Secretary

To contact us, see this page

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Congregation Ohr HaTorah Schedule - Winter 5781 (2020/2021) : Sheet1

Congregation Ohr HaTorah Schedule - Winter 5781 (2020/2021)

We strive to start promptly, please respect the tzibur by coming on time as each person makes this

Date	Parsha	Candles / Mincha	Shacharis	Early Mincha	Chumash Shiur
10/16/2020	Bereishis / Mevorchim Cheshvan	**6:07 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:45 PM**
10/23/2020	Noach	**5:57 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:45 PM**
10/30/2020	Lech Lecho	**5:49 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:30 PM**
	Daylight Savings Time (DST) ends, move clocks back one hour				
11/6/2020	Vayera	**4:41 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:30 PM**
11/13/2020	Chaye Sarah / Mevorchim Kislev	**4:35 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
11/20/2020	Toldos	**4:30 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
11/27/2020	Vayetzei	**4:26 AM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
12/4/2020	Vayishlach	**4:25 AM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
	Start Tal uMatar on Dec 5th at Maariv				
12/11/2020	Vayeshev / Mevorchim / Chanukah	**4:25 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
12/18/2020	Miketz	**4:27 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
12/25/2020	Vayigash	**4:31 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
1/1/2021	Vayechi	**4:36 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:15 PM**
1/8/2021	Shemos / Mevorchim Shevat	**4:42 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:30 PM**
1/15/2021	Vaera	**4:50 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:30 PM**
1/22/2021	Bo	**4:57 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:45 PM**
1/29/2021	Beshalach	**5:06 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**3:45 PM**
2/5/2021	Yisro / Mevorchim Adar	**5:14 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:00 PM**
2/12/2021	Mishpatim / Shekalim / Rosh Chodesh	**5:22 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:00 PM**
2/19/2021	Terumah / Parshas Zachor	**5:30 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:15 PM**
2/26/2021	Purim - TBD	TDB	TDB		TDB
2/26/2021	Tetzaveh / Shushan Purim	**5:38 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:15 PM**
3/5/2021	Ki Sisa / Parshas Parah	**5:45 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**4:30 PM**
3/12/2021	Vayakhel-Pekudei / RH / Mevorchim	**5:52 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**5:45 PM**
	Daylight Savings Time (DST) begins, move clocks forward one hour				
3/19/2021	Vayikra	**7:00 PM**	**7 AM / 8:45 AM**	**2:15 PM**	**5:45 PM**

Sheet1

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Congregation קהילת אור התורה
OHR HATORAH
Baltimore באלטימאר

Home

Building. Baltimore. Together.

Our location at 6815 Greenspring Ave has been our home base that allowed us to grow to over 160 individuals. We are now at max capacity and have no room to breathe.

Congregation Ohr HaTorah of Baltimore County

WELCOME

Here at Congregation Ohr HaTorah, we are driven by a unifying goal – to provide a spiritual anchor for the growing suburban communities of Baltimore.

Activities Listed on the Fundraising Campaign Website
for the Proposed 2429 Lightfoot Drive Ohr HaTorah Synagogue
(This information was taken down after members of the Summit Park

Community expressed opposition to the synagogue)

In addition to pray services three times each day, as well as Sabbath & holiday services, Ohr HaTorah congregation plans to have the following activities:

1. Father and son Torah learning time (Avos U'banim)
2. Children's programs for boys and girls (B'nos & Pirchei groups)
3. Structured Talmud learning sessions (Shiurim)
4. Critical interpretation of religious text sessions (Drashos)
5. Small friendship groups (Chaburahs)
6. Torah study for women (Bas Medrash)
7. Training of orthodox Jewish female Emergency Medical Technicians to provide orthodox women with medical services including OB/GYN (Ezras Nashim). This is an alternative to using secular emergency medical services or Hatzalah of Baltimore, an already established all-male orthodox Jewish medical service that has five transport vehicles including two ambulances.

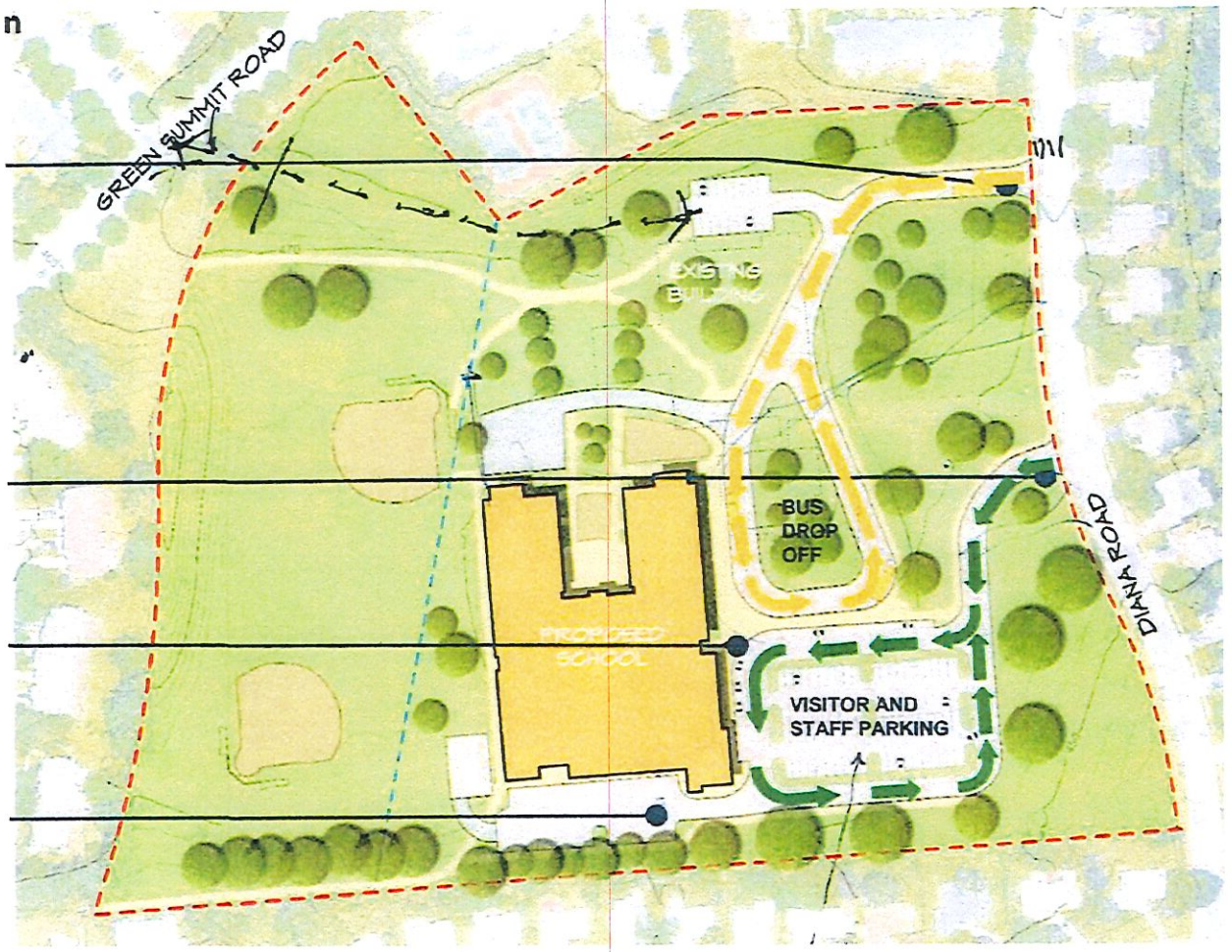
Lightfoot Dr
Lightfoot Dr
Lightfoot Dr
Lightfoot Dr
Lightfoot Dr
Lightfoot Dr
Greenspring Ave
Greenspring Ave
Greenspring Ave
2429 Lightfoot Dr,
Baltimore, MD 21209
Propsed Shul
2427
2431
2425
6815
6810
6803
Google

GoogleEarth_Placemark
Lightfoot Dr
© 2012 Google
Google e
ate: 8/29/2010
1994
39°22'45.89" N 76°41'00.51" W elev 459 ft
Eye alt

30

Summit Park

- Surrounded on 4 sides by 74 homes
- Access off 1 local road
- Enrolled – 477
- Drive 27%, Bus 60%, Walk 13%, today
- 9-10 buses today
- Current onsite parking – 53 officially
- PM cars with kids – 93 today
- Proposed future stacking onsite - 56-58
- Currently about 20 cars stack on Diana and about 20 park on Diana



Traffic Study Update

Study Intersection Map

Greenspring Ave &
Green Summit Rd/Stone Cliff Dr

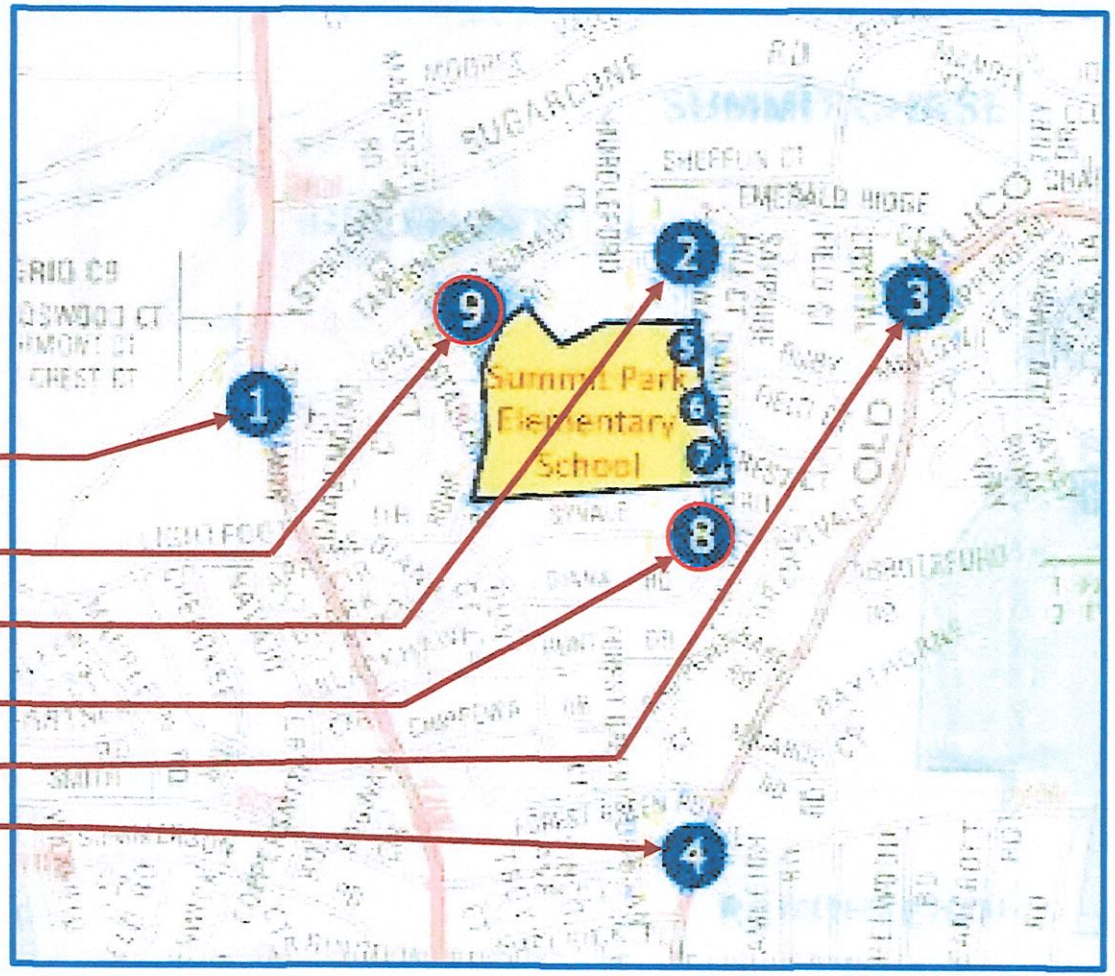
Green Summit Rd & Lancefield Rd

Green Summit Rd & Diana Rd

Diana Rd & Sylvale Rd

Green Summit Rd & Old Pimlico Rd

Old Pimlico Rd & Smith Ave



G+P
GRIMM AND PARKER

We are TEAM BCPS

Level of Service (LOS) Definitions

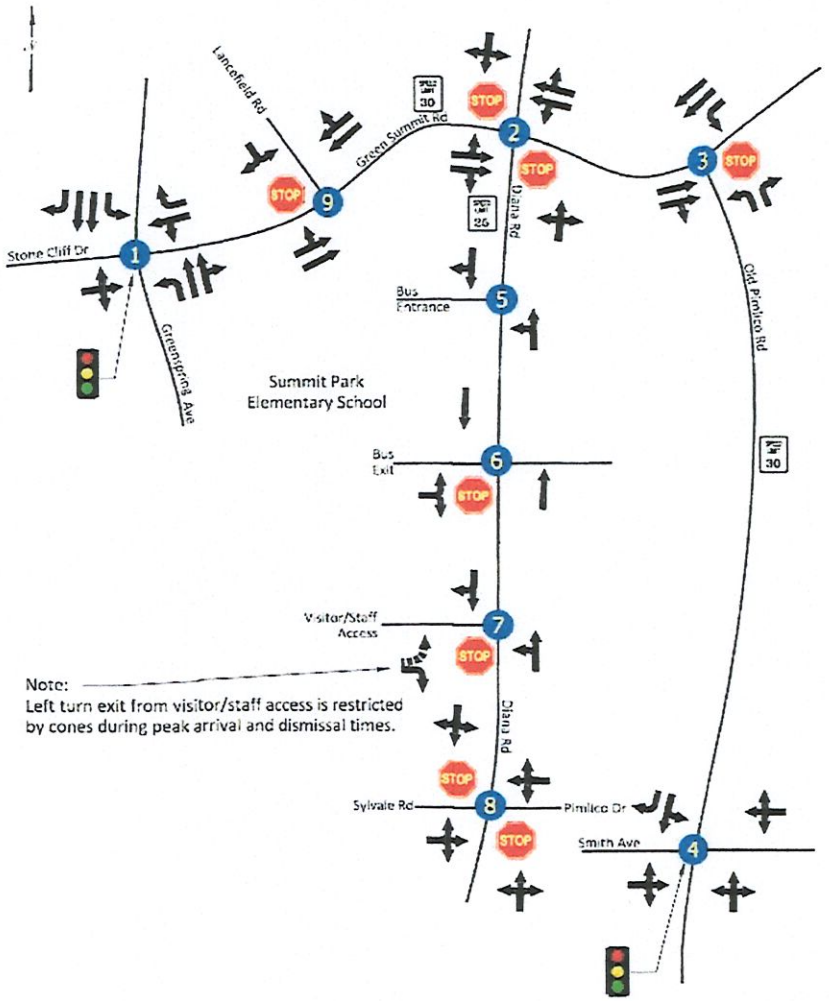
LOS is a letter code ranging from "A" for excellent conditions to "F" for failure conditions.

- LOS A: Traffic is flowing freely.
- LOS B: Reasonably free-flow, ability to maneuver is slightly restricted.
- LOS C: Speeds at or near free-flow, freedom to maneuver is noticeably restricted, queues may form.
- LOS D: Speeds decline slightly with increasing flows, density increases more quickly, freedom to maneuver is more noticeably limited, minor incidents create queuing.
- LOS E: Operation near or at capacity, no usable gaps in traffic stream, any disruption causes queuing.
- LOS F: Breakdown in flow, demand is greater than capacity.

G+P
GRIMM AND PARKER

We are TEAM BCPS

Traffic Study
Existing Lane Use

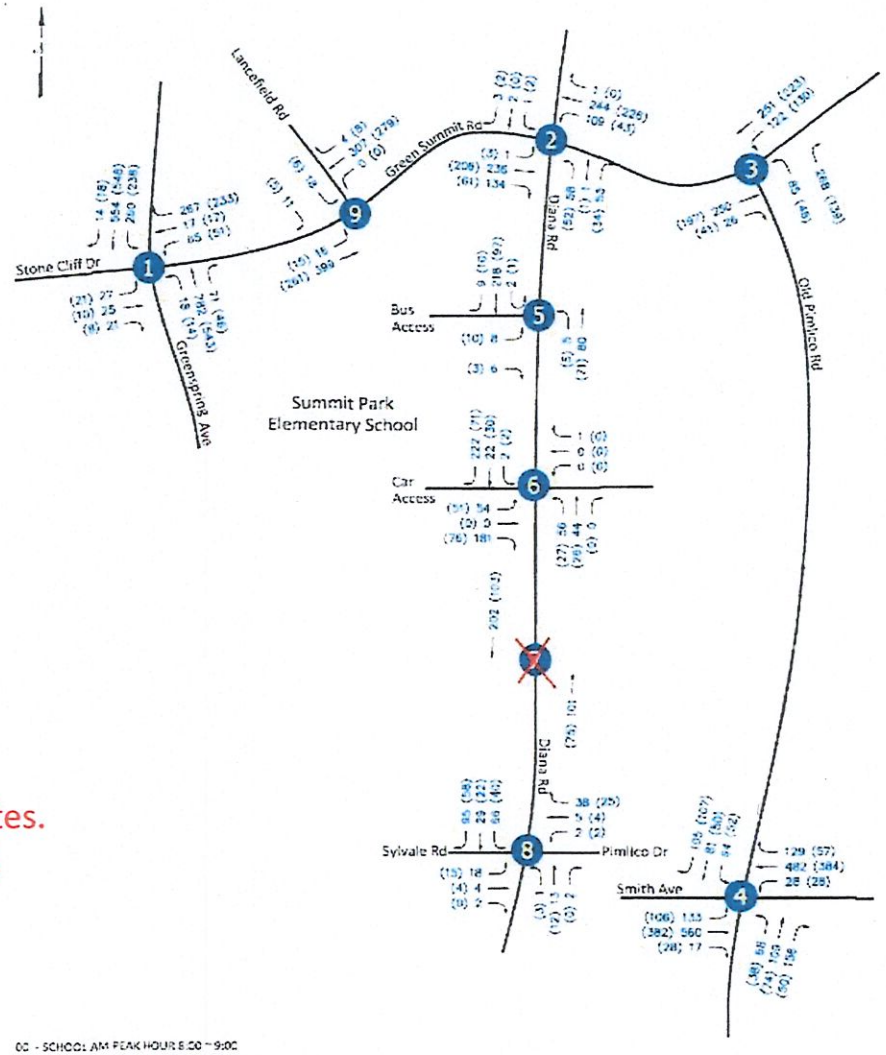


DRAFT

GRIMM AND PARKER

2021 Total
Peak Hour Traffic Volumes

DRAFT



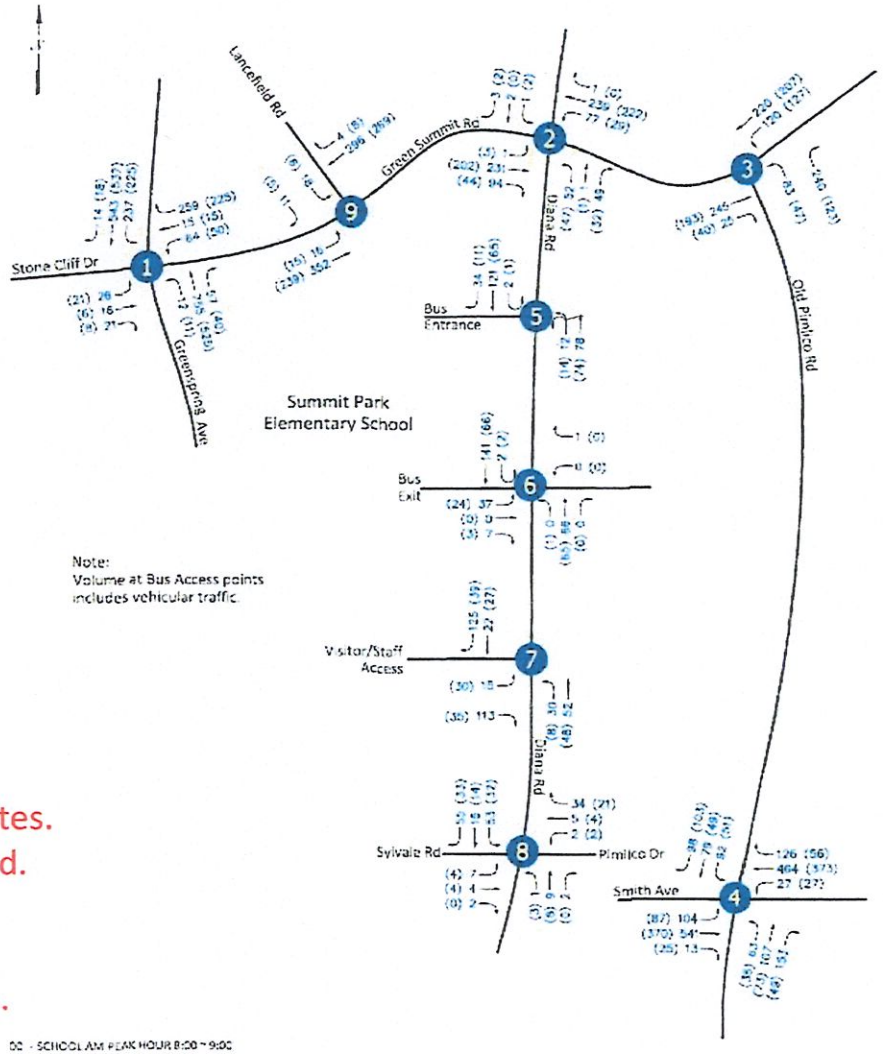
278 vehicles during peak hour in car access.
Approximately 139 vehicles in 30 minutes.
Assume 5 min/vehicle to drop off child.
Need stacking for 56 vehicles on site during peak hour.
Stacking space provided = 56 vehicles.

GRIMM AND PARKER

00 - SCHOOL AM PEAK HOUR 8:00 ~ 9:00
(00) - SCHOOL PM PEAK HOUR 3:00 ~ 4:00

2019 Existing
Peak Hour Traffic Volumes

DRAFT



155 vehicles during peak hour in visitor/staff access.
Approximately 78 vehicles in 30 minutes.
Assume 5 min/vehicle to drop off child.
Need stacking for 26 vehicles on site during peak hour.
Stacking space provided = 12 vehicles.

GRIMM AND PARKER

00 - SCHOOL AM PEAK HOUR 8:00 ~ 9:00
(00) - SCHOOL PM PEAK HOUR 3:00 ~ 4:00

36

Result of Intersection Capacity Analysis

The Highway Capacity Manual (HCM) is a publication of the Transportation Research Board of the National Academies of Science in the United States. It contains concepts, guidelines, and computational procedures for computing the capacity and quality of service of various highway facilities, including signalized and unsignalized intersections.

		Option 3 & 4 Total Traffic		Option 5 Total Traffic	
		AM	PM	AM	PM
Morning Peak Hour Traffic	Control Type	LOS/Delay	LOS/Delay	LOS/Delay	LOS/Delay
9. Green Summit Rd & Lancefield Rd / School Access	Stop Control				
EB/LT		A/8.0	A/7.9	A/8.0	A/7.9
WB/LT		A/8.3	A/7.9	A/8.8	A/8.0
NB/LT		C/15.9	B/13.2	F/52.7	C/16.3
NB/R		A/9.7	A/9.2	B/10.5	A/9.4
NB Approach		B/12.3	B/11.0	E/37.8	B/13.9
SB/LTR		B/13.2	B/11.5	C/17.1	B/11.9

DRAFT

*Option 4 is not moving forward due to building orientation

*Option 5 is not moving forward due to traffic study results

G+P GRIMM AND PARKER

We are TEAM BCPS

6

Trip Generation
for Subject Site

Trip Generation Rates

Formula/Rate	Directional Distribution			
	AM Peak Hour		PM Peak Hour	
	IN	OUT	IN	OUT
Elementary School (Students, ITE-520)				
Peak Hour Generator				
Morning Trips = 0.65 x (Students)	54%	46%	45%	55%
Evening Trips = 0.34 x (Students)				

** ITE Trip Generation Manual 10th Edition, 2017.

Trip Generation for Subject Site

Land Use	Size		AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Existing Elementary School	477	Students	167	143	310	73	89	162
Proposed Elementary School	735	Students	258	220	478	112	138	250
Increase	258	Students	91	77	168	40	48	88

G+P
GRIMM AND PARKER

SPEED
LIMIT
30

IN RE: PETITION FOR SPECIAL HEARING NW of Lightfoot Drive, 78' SW of the c/line of Rohr Road 3rd Election District 2nd Council District **(2422 Lightfoot Drive)**	*	BEFORE THE
	*	OFFICE OF ADMINISTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Moshe Y. and Malka Markowitz Petitioners	*	**CASE NO. 2012-0274-SPH**

* * * * * * *

ORDER AND OPINION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

REPORTED

IN THE COURT OF SPECIAL APPEALS

OF MARYLAND

No. 1008

September Term, 2014

LUCY WARE

v.

PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY, ET AL.

Eyler, Deborah S.,
Meredith,
Leahy,

JJ.

Opinion by Eyler, Deborah S., J.

Filed: July 2, 2015

Lucy Ware, the appellant, appeals from a judgment of the Circuit Court for Baltimore County affirming a decision of the Board of Appeals for Baltimore County ("the Board"). The Board's decision denied Ware's petitions for a special hearing and for zoning variances, both of which arose from her proposal to convert a single family home into a church. The appellees are the People's Counsel for Baltimore County ("People's Counsel") and 21 nearby residents who appeared before the Board as protestants and participated in the judicial review proceedings.[1]

Ware presents four questions for review, which we have combined and rephrased as follows:

I. Did the Board err when it determined that the residential transition area regulations set forth in the Baltimore County Zoning Regulations ("BCZR") imposed conditions upon Ware's proposed change in use of the property?

II. If the Board correctly determined that the RTA regulations applied, was the Board's decision to deny Ware an exception from those regulations legally correct and supported by substantial evidence in the record?[2]

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[1]The protestants are: Barbara Roberson, Jimmie Roberson, Ruthanne Otto, Tom Otto, Barry Powell, Sylvia Powell, Gayle Emerson, Lillian Nolley, Helen Aiken, Linda Miller, Tim Lang, Peggy Lang, Wade Young, II, Dale Watkins, Rathea Mims, Al Michel, Evelyn Michel, E. Eddie Daniels, Muriel Lyles, Clyde Lyles, and Ella Green.

While the protestants filed a separate brief in this Court, they also adopted the arguments raised in People's Counsel's brief. We shall refer to the appellees collectively as "People's Counsel" unless otherwise necessary.

[2]As framed by Ware, the questions are:

1. Did the Board err when it determined that Residential Transition Area ("RTA") regulations are applicable in this instance, considering that the purpose of the RTA is to regulate housing types?
2. Did the Board err when it determined that the RTA regulations applied notwithstanding that the Property is not being developed and instead the

(continued...)

For the reasons to follow, we shall affirm the judgment of the circuit court.

FACTS AND PROCEEDINGS

Ware was born and educated in Kenya, where she earned a degree in construction engineering. She has lived in the United States for over 20 years. In 1996, she established a non-denominational Christian church known as "Jesus Christ is the Answer Ministries" ("the Church"). For many years, the Church operated in rented space in a hotel at Cross Keys, in Baltimore City. In 2005, Ware became an ordained minister.

On August 31, 2012, Ware purchased a 2,900 square-foot rancher style house on a 1.2 acre lot at 4512 Old Court Road, in Milford Mill ("the Property"). The Property was built in 1951 and is located in "Diana Acres," a residential subdivision. It is zoned Density Residential ("DR") 3.5 (3.5 units permitted per acre), and is situated in the middle of a residential block. All the surrounding properties are single-family homes that are zoned DR 5.5 (5.5 units permitted per acre).

The Property was used as a single-family residence from the time it was built until Ware purchased it (61 years). Ware and her husband do not live at the Property; they live in

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[2](...continued)

use of the building thereon is being converted from a single family dwelling to a church?

3. Did the Board err when it applied the RTA as a use regulation and considered the impacts of the proposed church use on the neighborhood?
4. Did the Board err when it found that the proposed use/conversion of the property was not an exception to the application of the RTA regulations?

a house on Liberty Road. Ware bought the Property in order to convert it from use as a single-family residence to use as a church, *i.e.*, for the operation of the Church.

A. The Pertinent Zoning Regulations

Article 1B of the BCZR governs DR Zones in Baltimore County ("the County").[3] A church or any other building used for religious worship is a use "permitted as of right" in a DR zone. § 1B01.1.A.3. Even a permitted use in a DR zone must comply with section 1B01.1.B, however, which establishes "[d]welling-type and other supplementary use restrictions based on existing subdivision and development characteristics." One such restriction pertains to residential transition areas ("RTA"), which are buffer and screening areas. § 1B01.1.B.1. An RTA is a "one-hundred-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." § 1B01.1.B.1.a(1).

As relevant here, an RTA is "generated" if the property "to be developed is zoned D.R. and lies adjacent to land zoned . . . D.R.3.5 [or] D.R.5.5" containing a "single-family detached . . . dwelling within 150 feet of the tract boundary." § 1B01.1.B.1.b. A property owner may seek a variance from the RTA buffer requirements, but only if 1) the variance is recommended by certain County agencies *or* 2) there is a finding at a development review hearing, pursuant to Article 32, subtitle 4 of the County Code ("the Code"), that a modification to the RTA satisfies compatibility criteria and that a reduction in the RTA "will

[3]All citations are to the BCZR unless otherwise indicated.

not adversely impact the residential community . . . adjacent to the property to be developed." § 1B01.1.B.1.c.

An RTA "use is any use" permitted as of right or by special exception in the zone or "[a]ny [business or industrial] parking area permitted under Section 409.8.B subject to the approval of a specific landscape plan for the buffer area which must meet the requirements for a Class A plan." § 1B01.1.B.1.d.

Section 1B01.1.B.1.e establishes the "[c]onditions" in an RTA. Any single-family detached, semi-detached, or duplex dwelling is permissible within an RTA. A "parking lot" must be "set back from the tract boundary 75 feet and provide a fifty-foot RTA buffer." § 1B01.1.B.1.e(2). The "buffer" must be an "upgraded, uncleared, landscaped buffer" and may not contain drainage areas, stormwater management ponds, or accessory structures, unless otherwise directed by the hearing officer upon the recommendation of the County. § 1B01.1.B.1.e(3).

There are "[e]xceptions to residential transition" that, if applicable, eliminate the "conditions" set forth above for a proposed site plan. § 1B01.1.B.1.g. Four of the exceptions pertain to churches. As relevant here, subsection (6) excepts 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" if there is 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."

B. The Proposed Changes to the Property

The house on the Property is situated on the eastern side of the lot, 28 feet from the property line of the neighboring property at its closest point. When Ware purchased the Property, it had a macadam driveway that ran from Old Court Road to the east of the house. The driveway emptied into a wide paved parking area that extended nearly to the eastern property line.

Ware replaced the roof of the house and added a deck. She did not make any other changes to the exterior of the house, and does not plan to do so. Significant to the issues in this case, Ware created a parking lot to the rear of the house by covering the grass in that area with gravel. To access this parking lot, cars must drive beyond the end of the macadam driveway along the eastern side of the house and turn left onto the gravel lot. Ware planted 45 Leyland Cypress trees along the eastern and northern Property lines to partially screen the new parking lot.[4]

In October of 2012, Ware held two Church events on the Property: a cookout and a party. During both events, parishioners parked on the gravel parking lot and also on the lawn at the rear of the Property. Neighbors counted 50 cars at the Property. They complained to

[4]Ware plans to renovate the interior of the house to accommodate its use as a church. At the time of the relevant proceedings, she had not undertaken any such changes.

County zoning authorities, who contacted Ware and advised her that she could not use the Property as a church until she brought it into compliance with the BCZR.

C. The Zoning Petitions

On December 21, 2012, Ware filed petitions for a special hearing and zoning variances with the County Department of Permits, Approvals, and Inspection. Her petition for special hearing sought to change the Property's use from a single-family residence to a church; to allow an RTA buffer of 0 feet in lieu of the required 50 feet; and to allow an RTA setback of 0 feet in lieu of the required 75 feet from a tract boundary to a parking lot. Ware sought variances from parking regulations that require every parking space to have direct access to an aisle (section 409.4); the surface of the lot to be "durable and dustless" (section 409.8A2); and the lot to be striped (section 409.8A6).

In January of 2013, People's Counsel entered its appearance in the case.

On February 27, 2013, a hearing was held before an Administrative Law Judge ("ALJ") at the Office of Administrative Hearings. On March 7, 2013, the ALJ issued a written decision recommending denial of Ware's petitions. Ware noted a timely appeal to the Board.

On June 18, 2013, the Board conducted a *de novo* hearing. Ware testified and called two Church members who supported her petitions. She also called as an expert witness Bruce Doak, P.E., the engineer and property line surveyor who prepared her site plan.

The site plan shows the contours of the existing house on the Property with the gravel parking lot at the rear. It shows that the parking lot has 16 spaces, which is the number required for a "principal place of worship" with 64 seats, under section 409.6. The easternmost parking space is only a few feet from the property line with the adjacent residential property. All or part of six of the parking spaces are within the 50-foot RTA buffer and all or part of 10 of the parking spaces are within the 75-foot RTA setback area. The driveway is entirely within the 50-foot buffer.

Ware testified that the Church has 30 adult members. They bring their children to services and are permitted to bring guests. She hopes to increase church membership, but will determine the maximum size based upon fire department occupancy regulations. She expects that parishioners will travel to the church by car and by bus. If the parking lot is full, they can "park on the grass." She plans to hold one traditional service on Sunday mornings, prayer and worship services on Monday and Friday evenings from 7:00 p.m. to 8:30 p.m., and prayer services on Wednesday evenings in the same time frame.

Doak testified that without zoning relief Ware cannot use the Property as a church because there is no area of the Property for a parking lot that will not infringe on the 75-foot RTA setback area and the 50-foot RTA buffer. Doak presented an alternate site plan to show that a parking lot could be reconfigured to move more of the parking out of the buffer and setback areas, but even this site plan (which the parties agree was not before the Board for approval) would include some parking within those areas. With respect to the driveway,

Doak explained that if the Property were used as a dwelling, it would not need to comply with the RTA conditions; once the use changed to a church, the driveway was within the RTA buffer and zoning relief was necessary to bring it into compliance.

Doak also testified that three other churches are located on Old Court Road in close proximity to the Property. Two are in a DR 5.5 zone and one is in a DR 3.5 zone. Doak did not testify about whether these church properties comply with the RTA conditions.

Finally, with respect to the parking variances, Doak opined that the Property is unique because it is larger than many lots in the area and had not reached maximum density.

Seven of the protestants testified in opposition to the petitions. They expressed concern about increased traffic and noise that will result if the Property is allowed to be converted for use as a church, and about decreased property values. Dale Watkins, who lives in a house behind the Property, testified that a parking lot and additional parking at the rear of the Property likely will cause "noise and commotion," especially during the evening hours when the area is dark.

The protestants called James Patton, P.E., as an expert witness. He testified that Ware's site plan did not satisfy even the minimal RTA requirements. With respect to the variance requests, he opined that the Property was not unique and that the hardships Ware was claiming were self-imposed because she did not investigate the zoning requirements for a church before she purchased the Property.

At the conclusion of the hearing, the Board directed the parties to submit memoranda of law. On July 30, 2013, the Board reconvened to deliberate.

On October 9, 2013, the Board issued its final written decision denying the petitions. After summarizing the evidence and the relevant regulations, the Board turned to the threshold question whether an RTA was "generated" by Ware's proposed change in use of the Property. That inquiry turned on whether the "proposed use as a 'church' is a residential transition use'" under sections 1B01.1.B.1.b & d. The Board determined that it is a "residential transition use" because a church is a use permitted as of right in the zone, the Property is in a covered DR zone, and the Property is adjacent to properties in a covered DR zone. Thus, "the transition area [is] generated."

The Board rejected Ware's argument that "because she [was] not making any exterior structural changes or additions to the home" the RTA was not generated. To support this argument, Ware pointed to language in section 1B01.1.B.1 that references the site or property "to be developed," and the definition of "development" in section 32-4-101(p) of the Code, which includes "the improvement of property for any purpose involving building." The Board concluded that Ware was "improving" the Property, and thus was developing it, because she was "changing the landscaping, driveway and parking that is required under the BCZR to change the use from single family home to church." The Board referenced the definition of "[i]mprovements" in the Code, which includes "[l]andscaping" and "[o]ther improvements as determined necessary and appropriate by the [C]ounty." Code § 32-4-

101(w). The Board found that the County had required Ware to landscape the Property to "screen the parking lot from the adjoining property." Further, the County had required Ware to provide off-street parking for the proposed church use, which also qualified as an improvement "determined necessary and appropriate by the [C]ounty."

The Board then turned to the question whether the church use "qualifie[d] for an exception from the RTA restrictions under 1B01.1.B.1.g(6)," the only exception that possibly could apply to the Property. The Board opined:

> [T]he proposed Church does not even minimally comply with the RTA requirements. The proposal is for no buffer and no setbacks. The evidence did not show that the plan submitted by [Ware] would be compatible with the character or general welfare of the surrounding homes which homes are occupied by the Protestants who testified. The Board finds credible the concerns voiced by the Protestants concerning increased traffic generated by this use in the middle of a residential block.
>
> While [Ware] testified that there were 30 members, the parking calculations on the site plan revealed that this was a 64 seat church. [Ware] agreed that members could bring guests and family members as well as children. We see this Church as being in the early stage of growth and we expect and anticipate that it will continue to grow, particularly given the charitable work that it does. The modest size of this single family home, on 1.2 acres, is not sufficient to house the planned functions and services.

The Board noted that photographs of the other three churches on Old Court Road showed that each property had adequate space for a parking lot that was "paved and striped," so that the "impact on the surrounding properties" was less intense. In contrast, it was "not compatible with the neighborhood for cars to park on the grass [of the Property] for church activities that [would] occur during the week and on weekends." For all of these reasons, the

Board determined that the subsection g(6) exception was not satisfied and denied the petition for special hearing.

The Board's denial of Ware's petition for special hearing rendered moot her petition for parking variances. The Board stated, however, that had it considered that issue, it would have denied the requested variances because the Property was not unique and because the hardships resulting in any practical difficulty all were self-imposed.

Ware timely filed an action for judicial review in the Circuit Court for Baltimore County. That court affirmed the decision of the Board. This appeal followed.

We shall include additional facts as necessary to our discussion of the issues.

STANDARD OF REVIEW

In an appeal from a judgment entered on judicial review of a final agency decision, we look "through" the decision of the circuit court to review the agency decision itself. *People's Counsel v. Country Ridge Shopping Center, Inc.*, 144 Md. App. 580, 591 (2002). Our role "in reviewing [the final] administrative agency adjudicatory decision is narrow.'" *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 67 (1999) (citing *United Parcel v. People's Counsel*, 336 Md. 569, 576 (1994)). It is limited to determining whether "'there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law.'" *Id.* at 67–68 (quoting *United Parcel*, 336 Md. at 577).

"An agency's fact-finding is based on substantial evidence if 'supported by such evidence as a reasonable mind might accept as adequate to support a conclusion.'" *Kim v. Md. State Bd. of Physicians*, 196 Md. App. 362, 370 (2010) (quoting *People's Counsel v. Surina*, 400 Md. 662, 681 (2007)). "The agency's decision must be reviewed in the light most favorable to it; because it is the agency's province to resolve conflicting evidence and draw inferences from that evidence, its decision carries a presumption of correctness and validity." *State Bd. of Physicians v. Bernstein*, 167 Md. App. 714, 751 (2006). In contrast, while we may "give weight to an agency's experience in interpretation of a statute that it administers, . . . it is always within our prerogative to determine whether an agency's conclusions of law are correct." *Schwartz v. Md. Dep't of Natural Res.*, 385 Md. 534, 554 (2005).

DISCUSSION

I.

Ware contends the Board erred as a matter of law in ruling that the RTA regulations apply to the proposed change in use of the Property. She offers two reasons in support. First, the RTA regulations are expressly intended to *"assure that . . . adequate buffers and screening are provided between dissimilar housing types*." § 1B01.1.B.1.a(2) (emphasis added). Ware maintains that because she is proposing an institutional use on the Property, the RTA regulations do not come into play. Second, Ware asserts that the RTA regulations only apply when a property is being "developed." According to Ware, the changes she

proposes to the use of the Property do not amount to "development" within the dictionary meaning of that term.

People's Counsel responds that Ware is "bound by the four corners of her petition for special hearing," in which she sought relief from the RTA buffer and setbacks, and may not now argue that the RTA conditions do not apply to the Property at all. In any event, People's Counsel maintains that the RTA conditions apply to any "residential transition use," which includes a church use. With respect to Ware's argument that she is not developing the Property, People's Counsel responds that the landscaping and creation of a new parking lot plainly amount to development of the Property under the definitions in the Code and in the dictionary.

Our interpretation of the RTA regulations in the BCZR is governed by the well-established principles of statutory interpretation.

> We have said time and again that "the paramount object of statutory construction is the ascertainment and effectuation of the real intention of the Legislature." The process of statutory interpretation begins with the plain language of the statute, where we "read[ ] the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory." If the plain language of the statute is clear and unambiguous, the process ends and "no further sleuthing of statutory interpretation is needed."

Fisher v. E. Corr. Inst., 425 Md. 699, 706-07 (2012) (citations omitted).

We begin with Ware's argument that the RTA conditions only apply to "dissimilar housing types." She maintains that because she is proposing to change the use of the Property from a residential dwelling to a church, the Property need not comply with any RTA

conditions. We disagree. The language Ware cites appears in section 1B01.1.B.1.a, which is the purpose clause of the RTA regulations. It states that "the purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types." Although this may be a central purpose of the RTA regulations, subsection d makes plain that the regulations apply even when a proposed use is not residential in character. As relevant here, subsection d defines a "residential transition use" to be "***any*** use . . . permitted as of right under Section 1B01.1.A." (Emphasis added.) That section permits as of right many non-residential uses within a DR zone, including hospitals, day care facilities, schools, and churches. Subsection d applies to "any" of these uses, without regard to whether the use is residential or non-residential. Ware's proposal to convert a single-family dwelling in a DR 3.5 zone into a church involves a "residential transition use." The Board's legal conclusion to this effect was correct.[5]

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[5]Ware argues that the Board's decision in this case is contrary to a prior Board decision and, as such, its legal conclusion that the RTA was applicable is erroneous as a matter of law. We disagree. The prior decision of the Board, which Ware acknowledges is not binding on this Court, involved the development of a Sonic fast food restaurant on a split-zoned parcel. *See In the Matter of Michael R. Mardiney, Jr. M.D. - Legal Owner*, Case No. 13-171-SPHXA (decided Nov. 21, 2013). The restaurant was to be built on the front of the Property, which was zoned commercial, and an existing parking lot was to be repaved and screened on the back part of the Property, which was in a DR zone. The Board determined that because "[n]o housing [was] proposed to be constructed," the RTA did not apply and because the property owner was not constructing a parking lot on the DR portion of the property, but was continuing its permitted use in that regard, there also was no development of the DR zoned portion of the property. No petition for judicial review was filed.

(continued...)

This conclusion also is borne out by the exceptions to the RTA conditions. If compliance with RTA conditions only would be required when a property owner proposed the development of a "dissimilar housing type," there would be no need for the four exceptions for church uses, the exception for a child care center, or the exception for transit facility or rail passenger facility. None of these uses involve housing and all are expressly excepted from the application of the RTA conditions. *See Fisher*, 425 Md. at 706 ("we 'read[ ] the statute as a whole to ensure that no word, clause, sentence or phrase is rendered surplusage, superfluous, meaningless or nugatory.'")(citation omitted).

We now turn to whether Ware is "develop[ing]" the Property for use as a church. In her memorandum of law submitted to the Board following the hearing, Ware argued that she is not developing the Property, citing the definition of that term as it appears in section 32-4-101(p) of the Code. The Board rejected her argument, noting that that definition encompasses "[t]he improvement of property for any purpose involving building" and, under another definition in the Code, "[i]mprovements" include landscaping and any other "improvements as determined necessary and appropriate by the county." Code § 32-4-101(w).

---

[5](...continued)

For the reasons already explained, we have held as a matter of law that the plain language of the RTA regulations makes the buffer and setback conditions applicable to RTA uses, not just to dissimilar housing types. Thus, to the extent the two decisions are in conflict, we conclude that the Board's decision in the instant case correctly interpreted the RTA regulations.

Before this Court, Ware now argues that the Board erred as a matter of law by relying on the definition *she* cited to it. She asserts that the Board should have looked to the dictionary definition of "development" because the BCZR instructs that any term not defined therein shall have "the ordinarily accepted definition as set forth in the most recent edition of Webster's Third International Dictionary of the English Language, Unabridged." § 101. The pertinent Webster's definition of "develop" is "to make actually available or usable . . . as (1) to convert (as raw land) into an area suitable for residential or business purposes."

Under either definition, Ware's changes to the Property amounted to "development." As discussed, she created a new parking lot behind the house on the Property. Although she did not pave or stripe the lot (and sought variances to avoid having to do so), she poured gravel over the area to establish the lot. She planted numerous trees to screen the new parking lot and agreed to plant additional trees if the relief requested in her petition for special hearing were granted. She proposed new drainage and stormwater management systems to accommodate the new use. These changes to the Property were necessitated by the conversion of the Property from use as a single-family residence to a 64-seat church. The changes are improvements under the Code definition. They also are necessary to make the Property usable as a church, under the dictionary definition, because, unlike a single-family residence, which only requires parking to accommodate residents, a church (especially a 64-seat church) requires parking for parishioners who will be coming to services and events. Indeed, that is the very reason that Ware put a gravel parking lot on the Property. For all of

these reasons, we perceive no error in the Board's finding that the Property was being developed by Ware for use as a church.

II.

Ware contends the Board erred by denying her relief from the RTA because, even if the RTA regulations apply (which we have held they do), the Property is excepted from the buffer and setback conditions. People's Counsel responds that the Board correctly found that Ware's site plan failed even to minimally comply with the RTA conditions and that the "incompatibility with the general welfare of the surrounding premises [was] conspicuous."

As discussed, section 1B01.1.B.1.g(6) states that 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" may be excepted from the RTA conditions if two requirements are met. First, "the proposed improvements [must be] planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained." § 1B01.1.B.1.g(6). Second, the "plan [must] be compatible with the character and general welfare of the surrounding residential premises." *Id.*

The Board found that neither prong of the exception was met. Ware's site plan did not comply with the RTA use requirements at all because it proposed no buffer and no set back between the parking lot and the eastern boundary of the Property. As mentioned, Doak acknowledged in his testimony that Ware could configure the parking lot to reduce its infringement upon the RTA. The Board's finding that the site plan did not comply with the

RTA to the extent possible was supported by substantial evidence in the record and validates its conclusion that the exception does not apply.

The Board also found that the "plan" could not "otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises." Ware takes issue with the Board's finding that the *use* of the Property as a church would be incompatible with the surrounding residential premises. She points out that a church is a use as of right in a DR zone and argues that the RTA regulations do not restrict use; they only restrict building or developing land within the buffer. She argues that the Board improperly considered how the *use* would affect the neighboring properties.

Although the Board commented on the testimony from the protestants concerning noise and traffic occasioned by the change in use, it also found that the physical layout of the Property was not suited for the planned use. The other church properties in the area are situated on larger lots and have sufficient space for parking. In contrast, the planned 16-space parking lot immediately adjacent to a residential property, mostly within the RTA buffer and setback areas, is not compatible with the character and general welfare of the neighborhood. These findings are supported by substantial evidence in the record and are a sufficient basis to support the Board's incompatibility finding.

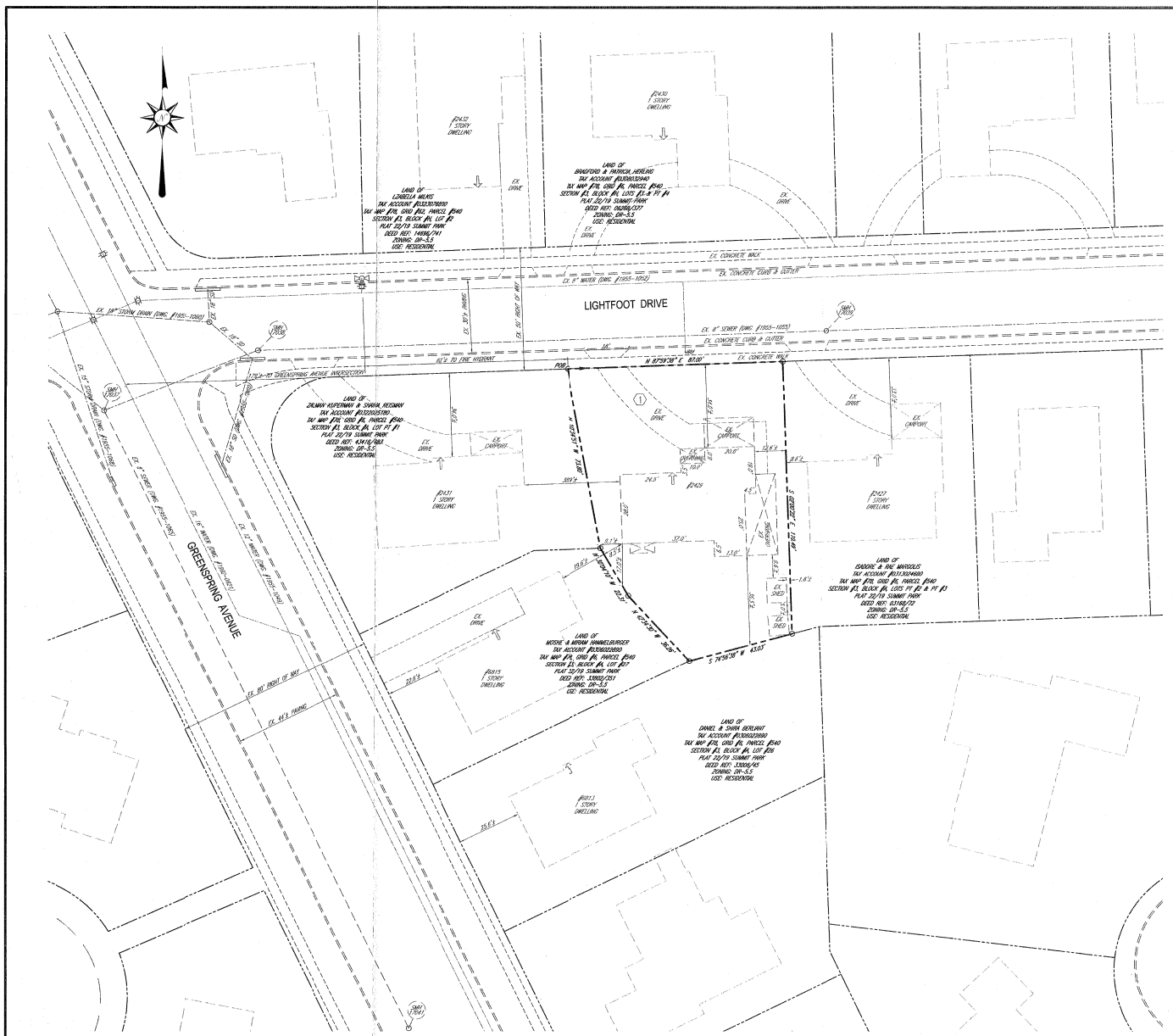
For all of these reasons, the Board did not err by concluding that the RTA conditions applied to the Property, that the proposed site plan did not satisfy the conditions, and that the Property was not excepted from those conditions. In light of our holding, we need not

address the Board's alternative ruling on Ware's petition for variances from parking regulations.

JUDGMENT OF THE CIRCUIT COURT FOR BALTIMORE COUNTY AFFIRMED. COSTS TO BE PAID BY THE APPELLANTS.

Baltimore County - My Neighborhood

2020-0309-SPHA


LIGHTFOOT DRIVE
GREENSPRING AVENUE
LAND OF
LIZBELLA MILKS
TAX ACCOUNT #0330319090
TAX MAP #78, GRID #22, PARCEL #540
SECTION #3, BLOCK #A, LOT #2
PLAT 22/79 SUMMIT PARK
DEED REF: 14696/741
ZONING: DR-5.5
USE: RESIDENTIAL
LAND OF
BRADFORD & PATRICIA HERLING
TAX ACCOUNT #0330323040
TAX MAP #78, GRID #6, PARCEL #540
SECTION #3, BLOCK #A, LOTS #3-A & #4
PLAT 22/79 SUMMIT PARK
DEED REF: 04098/077
ZONING: DR-5.5
USE: RESIDENTIAL
LAND OF
ISADORE & RAE MARGOLIS
TAX ACCOUNT #0313014660
TAX MAP #78, GRID #6, PARCEL #540
SECTION #3, BLOCK #A, LOTS PT #2 & PT #3
PLAT 22/79 SUMMIT PARK
DEED REF: 03168/79
ZONING: DR-5.5
USE: RESIDENTIAL
LAND OF
DANIEL & SHARA BERLFEIT
TAX ACCOUNT #0330323080
TAX MAP #78, GRID #6, PARCEL #540
SECTION #3, BLOCK #A, LOT #26
PLAT 22/79 SUMMIT PARK
DEED REF: 13306/145
ZONING: DR-5.5
USE: RESIDENTIAL
LAND OF
MOSHE & MIRIAM WANNELBURGER
TAX ACCOUNT #0330323080
TAX MAP #78, GRID #6, PARCEL #540
SECTION #3, BLOCK #A, LOT #27
PLAT 22/79 SUMMIT PARK
DEED REF: 13982/257
ZONING: DR-5.5
USE: RESIDENTIAL
LAND OF
ZALMAN KUPERMAN & SHAVA REGMAN
TAX ACCOUNT #0330325180
TAX MAP #78, GRID #6, PARCEL #540
SECTION #3, BLOCK #A, LOT PT #1
PLAT 22/79 SUMMIT PARK
DEED REF: 4341/0183
ZONING: DR-5.5
USE: RESIDENTIAL
#2413 1 STORY DWELLING
#2410 1 STORY DWELLING
#2431 1 STORY DWELLING
#2427 1 STORY DWELLING
#2415 1 STORY DWELLING
#2411 1 STORY DWELLING
EX. CONCRETE WALK
EX. CONCRETE CURB & GUTTER
EX. 8" WATER (DWG. #1955-1052)
EX. 8" SEWER (DWG. #1955-1052)
EX. 18" STORM DRAIN (DWG. #1955-1060)
EX. 15" STORM DRAIN (DWG. #1955-1060)
EX. 4" SEWER (DWG. #1955-1060)
EX. 12" WATER (DWG. #1955-1060)
EX. 10' RIGHT OF WAY
EX. 44'± PAVING
EX. 30'± PAVING
EX. 50' RIGHT OF WAY
EX. DRIVE
EX. CARPORT
EX. OVERHANG
EX. SHED
EX. GAZEBO
EX. DECK
EX. PATIO
EX. WALK
EX. RETAINING WALL
EX. GRADE
EX. SHRUBS
EX. TREES
EX. UTILITY POLE
EX. LIGHT POLE
EX. FIRE HYDRANT
EX. WATER VALVE
EX. SEWER MANHOLE
EX. STORM DRAIN MANHOLE
EX. STORM DRAIN INLET
EX. GAS METER
EX. ELECTRIC METER
EX. AIR CONDITIONER
EX. TELEPHONE PEDESTAL
EX. CABLE TV PEDESTAL
EX. MAILBOX
EX. FENCE
EX. GUARD RAIL
EX. CONTOUR
EX. SPOT ELEVATION
EX. TREE LINE
EX. WOODS
EX. BUILDING
EX. DRIVEWAY
EX. PROPERTY LINE
EX. ADJACENT PROPERTY LINE
EX. ROAD CENTERLINE
EX. EASEMENT
EX. SETBACK
EX. RIGHT OF WAY
EX. CURB
EX. GUTTER
EX. SIDEWALK
EX. PAVEMENT
EX. CURB INLET
EX. DROP INLET
EX. CATCH BASIN
EX. MANHOLE
EX. VALVE
EX. METER
EX. HYDRANT
EX. POLE
EX. SIGN
EX. LIGHT
EX. TREE
EX. SHRUB
EX. HEDGE
EX. GRASS
EX. GROUND
EX. WATER
EX. SEWER
EX. STORM DRAIN
EX. GAS
EX. ELECTRIC
EX. TELEPHONE
EX. CABLE TV
EX. OVERHEAD WIRE
EX. UNDERGROUND WIRE
EX. POLE
EX. GUY WIRE
EX. LIGHT
EX. SIGN

ZONING RELIEF REQUESTED

SPECIAL HEARING RELIEF:

1. PURSUANT TO BCZR § 1B01.1.B.1.H., TO FIND THAT THE RESIDENTIAL TRANSITION AREA ("RTA") PROVISIONS CONTAINED IN PARAGRAPHS A THROUGH E OF BCZR § 1B01.1.B.1 SHALL NOT APPLY TO THE PROPERTY AS AN EXISTING DEVELOPMENT (PART OF A RESIDENTIAL SUBDIVISION APPROVED BY THE BALTIMORE COUNTY PLANNING BOARD) AS DESCRIBED IN BCZR § 1B02.3.A.1.;

2. IF NECESSARY, TO PERMIT A SYNAGOGUE (CHURCH), INCLUDING PARKING AREAS AND DRIVEWAYS, ON THE PROPERTY AS EXEMPT FROM THE RTA REQUIREMENTS PURSUANT TO BCZR § 1B01.1.B.1.G.(6);

3. IF NECESSARY, TO ALLOW AN RTA BUFFER OF 0 FEET AND A TRACT BOUNDARY SETBACK OF 8.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND 75 FEET RESPECTIVELY PURSUANT TO BCZR § 1B01.1.B.1.E.(5);

4. TO PERMIT A MODIFIED PARKING PLAN PURSUANT TO BCZR § 409.12 TO ALLOW ONE PARKING SPACE AS SHOWN ON THE SITE PLAN;

5. TO APPROVE THE LOCATION AND CONFIGURATION OF THE LOT AND EXISTING SITE IMPROVEMENTS THEREON AS MORE PARTICULARLY SHOWN ON THE SITE PLAN; AND

6. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY.

VARIANCE RELIEF:

1. FROM BCZR § 1B01.2.C.1.A. TO PERMIT A NON-RESIDENTIAL BUILDING SIDE YARD SETBACK OF 9 FEET AND A REAR YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 20 FEET AND 30 FEET RESPECTIVELY;

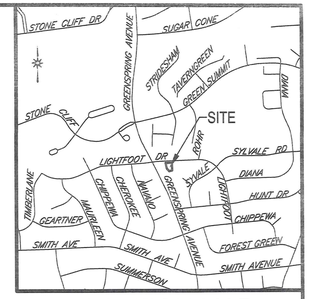
2. IF NECESSARY, FROM BCZR § 409.6.A.4, TO PERMIT 1 OFF-STREET PARKING SPACE IN LIEU OF THE REQUIRED 20 SPACES;

3. FROM BCZR § 400.1., TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) WITH A SIDE YARD SETBACK OF 18 INCHES IN LIEU OF THE REQUIRED 30 INCHES;

4. FROM BCZR § 400.1.; TO PERMIT AN EXISTING ACCESSORY STRUCTURE (SHED) WITH A SIDE YARD SETBACK OF 0 INCHES AND A REAR YARD SETBACK OF 0 INCHES IN LIEU OF THE REQUIRED 30 INCHES AND 30 INCHES RESPECTIVELY;

5. IF NECESSARY, FROM BCZR § 1B01.1.B.1.E.(5), TO ALLOW AN RTA BUFFER OF 0 FEET AND A TRACT BOUNDARY SETBACK OF 8.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND 75 FEET RESPECTIVELY;

6. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ALJ FOR BALTIMORE COUNTY.



LOCATION MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNER:
   2429 LIGHTFOOT LLC
   2429 LIGHTFOOT DRIVE
   BALTIMORE, MD. 21209
2. SITE AREA:
   GROSS: 10,791 Sq.Ft. or 0.25 Ac.±
   NET: 8,616 Sq.Ft. or 0.20 Ac.±
3. EXISTING BUILDING AREA: 1,752 Sq.Ft.
4. UTILITIES
   PUBLIC WATER
   PUBLIC SEWER
5. DEED REF: NOT YET RECORDED
6. TAX ACCOUNT: #0302004500
7. EXISTING ZONING: DR 5.5
   (PER 200 SCALE GIS TILE # 078C1)
8. TAX MAP #78, GRID #6, PARCEL #340, SECTION 3, BLOCK A, LOT PT #1,2&27
9. PLAT REF: 22-19 "SUMMIT PARK"
10. NO PREVIOUS PERMITS ON FILE.
11. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. NO FLOODPLAINS EXISTS ON SITE AS PER FEMA MAP #24005100245F DATED AUGUST 2, 2011.
13. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
14. BASIC SERVICE MAPS (2019)

TYPE	DEFICIENT (Y/N)	NOTE
WATER	N	–
SEWER	N	–
TRANSPORTATION	N	–

15. PREVIOUS ZONING CASE: NO PREVIOUS ZONING CASES.
16. ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
17. SETBACKS FOR DR 5.5 NON-RESIDENTIAL

TYPE	REQUIRED	PROVIDED
FRONT	40'	40'±
SIDE (INTERIOR)	20'	9'±
REAR	30'	17'±

18. ENTIRE SITE IS IN A RESIDENTAL TRANSITION AREA (RTA)

	REQUIRED	PROPOSED
RTA SETBACK	75'	8.5'
RTA BUFFER	50'	0'

19. USE
    EXISTING: SINGLE FAMILY DWELLING
    PROPOSED: SYNAGOGUE
20. PARKING
    REQUIRED:
    1 PER 4 SEATS @ 80 SEATS/4 = 20 SPACES
    PROVIDED:
    1 SPACE
21. THE PURPOSE OF THIS PLAN IS TO CHANGE THE USAGE FROM SINGLE FAMILY DWELLING TO A SYNAGOGUE.

VIOLATIONS: CE2000125, CP2000282

2020-0309-SPHA

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
PORTER C. RICHARDSON
NO. 16597
REGISTERED
PROFESSIONAL ENGINEER

12/9/2020

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

2429 LIGHTFOOT DRIVE

BALTIMORE, MARYLAND 21209

BALTIMORE COUNTY — 3RD ELECTION DISTRICT
MARYLAND — 2ND COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	AAR	PCR	1" = 20'
	DATE: 11-25-20	JOB NO.: 20170	SHEET NO.: 1 OF 1