



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

July 19, 2024

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Michael McCann, Esquire – michael@mmccannlaw.net
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RE: Petitions for Special Hearing and Special Exception
Case No. 2024-0029-SPHX
Property: 10725 and 10729 Park Heights Avenue

Dear Mr. Mudd and Mr. McCann:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure
C – See next page

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IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
(10725 & 10729 Park Heights Avenue)	*	OFFICE OF
3 rd Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
10729 Park Heights Avenue, LLC		
c/o Bais Medrash of Owings Mills, Inc.	*	FOR
<i>Legal Owner</i>		
Bais Medrash of Owings Mills, Inc.	*	BALTIMORE COUNTY
<i>Contract Purchaser</i>		
	*	Case No. 2024-0029-SPHX
Petitioners		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of various Petitions for Special Hearing, and Special Exception filed on behalf of 10729 Park Heights Avenue, LLC, c/o Bais Medrash of Owings Mills, Inc., legal owner, and contract purchaser Bais Medrash of Owings Mills, Inc. (“Petitioners”) for the property at 10725 and 10729 Park Heights Avenue, (“the Property”).

A Petition for Special Exception was filed from the Baltimore County Zoning Regulations (“BCZR”), §1A01.2.C.25, to permit a rabbinical college, including dormitories. Petitioners are requesting a Special Hearing from BCZR, §§ 500.7 and 409.6.A.4 as follows:

1. To confirm that 45 parking spaces is sufficient to support the proposed rabbinical college use.
2. To amend the previously approved site plan and relief in Case No. 2010-0280-SPH, specifically regarding continued use of the three existing single-family homes approved as non-conforming uses. If necessary, to confirm that no new landscape will be required for the conversion of the existing improvements into the proposed rabbinical college use.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on April 5, 2024 and May 29, 2024. The Petition was properly advertised and posted. Rabbi Yeshaya Wilhelm and Rabbi Nossom Newman appeared at the hearing on behalf of the Petitioners. Christopher Mudd, Esquire, of Venable LLP represented the Petitioners. John Motsco, P.E. of D.S. Thaler also appeared and prepared the site plan. (Pet. Ex. 1) Protestants, Mark Wilson, and Renee Hamidi, Executive Director of the Valleys Planning Council, testified in opposition to the proposed Special Exception, along with Environmental Consultant, Jim Koontz, licensed geologist and hydrogeologist, Paul White, photographer, John Petro and nearby resident Paul Brickman. Michael McCann, Esquire appeared on behalf of the Protestants.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection Sustainability (“DEPS”) in which agencies did not oppose the proposed zoning relief.

The Property is approximately 28 acres ±, located on the northeast side of Park Heights Avenue, between Greenspring Valley Road and Caves Road. The Property is improved with a 35,000 square foot building known as Rainbow Hall. Rainbow Hall once served as a home to General Douglas MacArthur. This large, mansion-type home was purchased by Baptist Home of Maryland, Inc. and in 1963 obtained approval from BCZR, § 1A01.2.C.25 for a boarding house for the aged (40 units). Subsequent additions to the building were approved, including a building addition in 1969 to facilitate 24 more residents and in 1976 for 25 more residents. In 1991 two more building additions were approved to facilitate 29 more rooms. The Baptist Home closed operation in 2001. Since that time there has been subsequent zoning history involving the subject property regarding additional proposed uses and Code Enforcement issues. Part of that zoning history includes approval for three single family residential structures on the property that were

leased to third-party renters by the prior owner. (Case No. 2010-0280 SPH)

PETITIONER'S WITNESSES

Rabbi Yeshaya Wilhelm

Rabbi Yeshaya Wilhelm testified that he has been involved in the formation and organization of the Bais Medrash. He explained that the subject property was purchased in hopes that it becomes the site of a yeshivah ("rabbinical college") that is presently operating as a guest at another nearby school. He explained that a yeshivah is a school/college where young Orthodox Jewish men live and train to become Rabbis. He testified that it is anticipated that the rabbinical college will ultimately house 80-100 students, while only 40 students are currently enrolled. He outlined the day-to-day activities for students as including 14 hours per day of prayer and study. For the remaining portion of the day, the students will eat meals together, and engage in recreation. The 'lights out' curfew will commence between 10 and 11 pm. Rabbi Wilhelm explained that students will not be permitted to have their own cars, although there will be one or two cars available for use by the students for infrequent errands for such activities as grocery shopping or going to the drycleaner. Students are permitted to rent cars to occasionally travel home for family events. Keys to these vehicles will be retained by the yeshivah staff, who will determine when the use of vehicles is appropriate. Rabbi Wilhelm explained that eventually approximately eight teaching Rabbis will come to campus to lead prayer and studies. The teaching Rabbis will not reside on site, nor will all Rabbis be on campus at the same time. On weekends one Rabbi will stay on campus with the students. The daily traffic generated by the rabbinical college will occur prior to 7:00 am, when the teaching Rabbis will arrive at the college. Rabbi Wilhelm added that the additional staff will drive to the campus each day and will include one administrative staff person, a maintenance person, a kitchen worker, and landscaping staff. None of these staff

members are expected to be traveling to the campus during peak traffic times.

Rabbi Wilhelm clarified that there are no exterior alterations proposed to the existing building, but interior alterations are required that will occur in stages.

John Motsco, P.E.

Petitioners' expert, John Motsco, P.E. testified regarding the Petitioners' request for Special Exception's compliance with BCZR, § 502.1. In regards to the requirements of BCZR, § 502.1 Mr. Motsco opined that the proposed Special Exception will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; or
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations.

Additionally, he opined that any adverse impacts of the rabbinical college at this particular location would not be above and beyond those inherently associated with such a Special Exception use. Both Rabbi Wilhelm and Mr. Motsco note that the day-to-day operations of the rabbinical college are much less intensive than that of other schools or colleges due to the fact that the rabbinical students will be living on campus without regular access to automobiles. Outdoor athletics will be limited to a possible basketball hoop being installed in the parking area. Attending students will be constantly supervised and engaged in prayer and study for 14 hours a day. There is to be no exterior modifications to the property or additions to impervious surfaces. Noise from traffic and other normal school uses will be far less at the proposed site than at other schools or colleges allowed in

the RC 2 zone. Consequently, Mr. Motsco opined that the proposed Special Exception will not be detrimental to the health, safety or general welfare of the locality.

Mr. Motsco reiterated the testimony of Rabbi Wilhelm regarding whether the proposed rabbinical college will tend to create congestion in the roads, streets or alleys. Mr. Motsco opined that due to the fact that students will be living on site and not permitted to have their own vehicles, the only traffic generated by the proposed use will be from the previously mentioned Rabbis and support staff working at the college. Consequently, he opined proposed use will not create any such congestion on the roads. Additionally, Mr. Motsco testified that the northern entrance to the site will be used as an "entrance" only and signage will be posted reflecting this. The southern entrance/exit will be widened to a width of 18 ft. to facilitate traffic coming in and out of the site and to improve site distance.

Mr. Motsco further opined that the proposed Special Exception will not create a potential hazard from fire, panic or other danger due to the fact that the subject site included 27.5 acres which include manicured lawns and is not surrounded by a forested area. He also noted that due to the mansion's prior institutional use, it is equipped with a sprinkler system.

As to whether the proposed Special Exception will tend to overcrowd land and cause undue concentration of population, Mr. Motsco testified that no exterior construction will take place and the number of students at the rabbinical college will be in keeping with the number of residents when the site was used as a convalescent home.

Regarding whether the proposed Special Exception will interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, Mr. Motsco explained that the rabbinical college will not be adding any students to local public schools and that the site has its own water and sewerage. Additionally, Mr. Motsco

explained the proposed Special Exception will not interfere with adequate light and air, in that no external improvements are being made to existing buildings on the site.

Mr. Motsco further opined that the proposed Special Exception will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations in that a college is allowed by Special Exception in the R.C.2 zone. He reiterated that unlike other schools, the proposed rabbinical college would be much smaller in the number of students and would not involve the drop off and pick-up traffic associated with grade schools.

Finally, Mr. Motsco explained that there will be no increase in impervious surface on site, there will be no infringements into adjacent environmental easements and will not be detrimental to any nearby agricultural uses.

As to the Request for Special Hearing to verify that 45 parking spaces are sufficient for the proposed use, Mr. Motsco stated that this number of parking spaces was more than sufficient due to the fact that students will not be driving to the site and parking will be limited to staff. Mr. Motsco also verified that the three single-family homes previously approved to be rented to third-party tenants will remain on the property and continue to be used for this purpose. These dwellings will not be used in conjunction with housing students attending the rabbinical college.

As to the issue of additional landscaping being required for the subject site, Mr. Motsco explained that such landscaping was unnecessary since no exterior changes were being made to the existing structures and that sufficient landscaping already exists that shields a majority of the property from view along Park Heights Avenue.

PROTESTANTS' WITNESSES

Mark Wilson

Protestant, Mark Wilson testified that his family has lived at 10705 Park Heights Avenue since November 2007. He explained that he also owns an adjoining, unimproved lot to the north of that property and adjacent to the proposed site. He testified that he has an exclusive perpetual easement in the asphalt driveway that crosses the subject property and provided access to his property. He also possesses a perpetual landscaping easement over roughly 8 acres of the subject site. Mr. Wilson testified that the Petitioner's access to the area of this landscape easement is limited to "maintenance and replacement of the septic system and septic area that serves." (Prot. Ex 14). He further notes the close proximity of the septic system depicted in Petitioners' Exhibit 1 to his home. Mr. Wilson testified that his concerns regarding the proposed rabbinical college grew as the proposed number of students attending expanded. Mr. Wilson further testified that his past experience with the building on the subject site includes the property being used illegally for apartments and feels that the proposed use would be "apartments on steroids." He also expressed concern with the sight distance when coming out of his driveway onto Park Heights and the inability to see southbound traffic.

Renee Hamidi

Renee Hamidi, Executive Director of the Valleys Planning Council, testified in opposition to the proposed Special Exception. Ms. Hamidi conducted an investigation of schools within 3 to 4 miles of the subject property and then expanded her research radius to 10 miles. She prepared a chart identifying each of these schools by the zoning and acreage of each property, the proximity of the school to residential buildings, and whether the school has a boarding/dormitory component. (Prot. Ex. 11) Out of the 27 schools investigated, five were in the RC 2. Out of these five schools,

only one had a dormitory component. Additionally, out of the 27 schools investigated, 26 had a total acreage larger than the proposed rabbinical college. Of the schools that have a dormitory component, the average distance to the closest residence is 608 feet. For the one school in the RC 2 zone that has a dormitory, the closest residence is 974 feet, while the proposed school has a distance from closest residence of 445 feet.

Ms. Hamidi testified that the Valleys Planning Council opposes the proposed rabbinical college because the impacts of a boarding school at this site are too great in terms of traffic and environmental issues. She also expressed her concern that after having conversations with representatives of Bais Medrash, she is still unsure as to the number of students who will be attending the proposed rabbinical college.

John Koontz

Environmental consultant, Jim Koontz testified in opposition to the proposed Special Exception. Mr. Koontz, who has expertise in septic and wastewater systems and State and County regulations for such systems, testified as to his evaluation of the septic system on the subject property. Using historical records received from Baltimore County, Mr. Koontz described the septic system that currently exists at the subject property. He explained that the system was upgraded in 1997 to accommodate peak flow of 5,523 gallons per day from the Baptist Home. (Prot. Ex. 16) Mr. Koontz also performed an evaluation of the septic system that would be required for the proposed rabbinical college. He determined, based on the number of students, staff and other workers, and applying guidelines for estimating sewage flow, that the design flow for the proposed school was 9,375 gallons per day. He concluded that the existing system does not have sufficient capacity to handle the wastewater associated with the proposed use. He opined that the system would need to have a capacity of 14,137 gallons per day. Mr. Koontz further explained that the

Maryland Department of Environment (“MDE”) would need to review the system and a groundwater discharge permit from MDE would be required. Finally, he opined that the system would also require an amendment to the County’s master sewer and water plan.

Paul White

Paul White is a licensed geologist and hydrogeologist with ARM Group, an engineering firm that serves government and industry clients. Mr. White was accepted as an expert in the evaluation and investigation of ground water supply and wastewater systems. Mr. White testified regarding his evaluation of potential impacts of the proposed rabbinical college to groundwater quality and quantity. He testified that he is familiar with the geology underlying the subject property which is known as Loch Raven Schist. He described the Loch Raven Schist as a very dense crystalline rock that is “not easily weathered” and is known as a “poor producer of groundwater” and thus “challenging for high yielding uses.” (Prot. Ex. 28) He further explained that he performed a nitrate mass balance assessment using MDE guidelines. (Prot. Ex. 24) As a result of this assessment, he concluded that the concentration of nitrate that would result in the groundwater from the septic system required for the proposed rabbinical college would be 27.142 milligrams per liter, which he identified as greater than the legal limit of 10 milligrams per liter. Additionally, Mr. White testified that he then undertook an investigation as to the actual nitrate concentration in Mr. Wilson’s well water supply down slope from the existing septic system. He described performing a “purging” of Mr. Wilson’s well and took samples of the water from the well and sent them to a lab for analysis. Mr. White testified that the lab’s analysis revealed that the existing nitrate level in Mr. Wilson’s water was 7.2 milligrams per liter, which he characterized as “relatively elevated concentrations for drinking water.” (Prot. Ex. 25) He opined that the most “plausible” source of these nitrogen levels was the long-term operation of the Baptist Home up-slope from Mr. Wilson’s well. He concluded

that the proposed rabbinical college would have too much wastewater going into the ground and too much nitrate which could result in the pollution of groundwater and potentially unsafe conditions for offsite property owners drinking the water. He further opined that pre-treatment of the wastewater would be required to safely operate the wastewater system. Because pre-treatment would be required, a groundwater discharge permit from MDE would be required.

Paul Brickman & John Petro

Nearby neighbor, Paul Brickman who lives at the corner of Park Heights Avenue and Velvet Valley Way, just north of the subject property, testified as to his concerns with safety that he opines are exacerbated by the traffic congestion in conjunction with the morning and afternoon drop-off and pick-up at the Jemicy School. He described traffic back-ups that occur involving northbound traffic on Park Heights Avenue as a result of cars waiting to turn left onto Velvet Valley Way, where the school is located. He further described that as northbound cars crest the hill, there is a very short distance for northbound cars to brake before coming upon the cue of vehicles. He described a “blind hill” on Park Heights Avenue that makes it difficult for someone heading northbound or southbound to see cars approaching. He further explained that having an entrance to the subject property at the northern driveway created a dangerous situation and believes that adding any additional traffic will further exacerbate these problems.

Photographer, John Petro testified as to a series of photographs of the stretch of road in front of the subject property. (Prot. Exs. 10-6-10-8, 10-11, 10-15). Using these photographs, Mr. Petro testified regarding the sight distance problems he observed near the subject property. Through these photos, Mr. Petro testified as to the narrowness of the road and the lack of a shoulder. (Prot. Exs. 10-39-10-40)

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Motsco and Rabbi Wilhelm testified at length as to the proposed rabbinical college's conformance with the requirements of BCZR, § 502.1. The Protestants do not concur with this assessment and raise several issues challenging the Petitioners' Special Exception request.

College With Dormitory in the RC 2 Zone

Protestants first argue that a "dormitory" is a separate use under the Zoning Regulations and while allowed in other zones, is not allowed in the RC 2 zone. Protestants note that in other zones such as DR zones, the terms "college" and "dormitories" are separately addressed.

BCZR, § 1A01.2.C.25 allows by Special Exception in the RC 2 zone:

25. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories or **colleges**. (Emphasis added)

BCZR, §101.1 defines a dormitory as:

A building used for the housing of students, both undergraduate and graduate, or resident counselors or advisors, located on an institutional campus of a specific institution.

Some of the more germane and secular definitions of "college" found in Webster's Third New International Dictionary (2002) state:

2b: a **dormitory** for students. (Emphasis added)

3a: a self-governing constituent body of a university offering *living quarters* and instruction, . . . (Emphasis added).

As reflected in these definitions, it can be regularly inferred that if one were “going to college” then they might at one time be living on campus. Such qualifiers as “community” or “online” are often used to distinguish the traditional college living situation from other types of college experiences. The plain language of BCZR, § 1A01.2.C.25 provides no such qualifying language or distinctions. While some school dormitories are separate, or in close proximity to the location where instruction and study occurs, this is not always the case, consequently, it is logical that buildings whose sole purpose is for student housing may be viewed separately in terms of zoning regulations. In the instant case, the proposed dormitory component is housed within the same building where instruction takes place.

Protestants argue that the Petitioner has chosen the term “rabbinical college” to conjure images in the ALJ’s mind of a college campus where dormitories are the norm. To this ALJ, the term “rabbinical college” conjures images of just that, a “rabbinical college,” a place where young Orthodox Jewish men live together and intensely study Judaism. It is also noteworthy that the testimony of Ms. Hamidi identified Oldfields as a school in the RC 2 zone that has long had a dormitory component. Oldfields, a high school, would similarly have many students boarding at the school who do not drive. Additionally, if the proposed rabbinical college was a commuter college with no dormitories, it is logical to assume that the use of the property would generate significantly more traffic than in the proposed situation where students will live on campus and do not drive.

For the reasons outlined above, I find that the Special Exception for “schools, including schools for agricultural training, private preparatory schools, business or trade schools,

conservatories or colleges” contemplated in BCZR, § 1A01.2.C.25 does not prohibit the dormitory component of the proposed rabbinical college in the RC 2 zone.

Wells & Septic

Protestants also argue that the Petitioners have failed to meet its burden of demonstrating that there will not be impacts from the proposed use above those inherently associated with such use. In furtherance of this argument, Protestants cite the testimony of experts, Paul White and Mr. Koontz. Through the testimony of these two witnesses the Protestants have successfully made the point that the current septic system serving the subject site may be inadequate for the number of proposed student residents. Additionally, through the testimony of Mr. White, the geology where new wells and septic systems will be constructed will make compliance with State and County regulations a difficult task.

As a result of the Zoning Advisory Committee (“ZAC”) Meeting dated February 12, 2024, the Department of Environmental Protection and Sustainability (“DEPS”) had the following comment regarding the proposed Special Exception:

1. If a zoning variance is granted, Ground Water Management (“GWM”) requests that it be conditioned to include the following:
 - a. The proposed renovations/change in use of the property will require submission of a water usage letter as per the DEPS, GWM Policy Manual (pages 9-11) prior to the issuance of a building permit.
 - b. An On-Site Disposal System (“OSDS”) Inspection Report must be completed by a licensed OSDS Inspector (See Form A-8 on the DEPS GWM Well and Septic Forms webpage) and submitted to this office.
 - c. The water usage letter and OSDS Inspection Report must demonstrate that the existing septic system is functioning properly and sufficient capacity for the current and projected future sewage flows to the system.

This DEPS-GWM ZAC comment is not uncommon in connection with proposed developments served by private well and septic systems. Additionally, it is customary for

inspections and reports to be conducted after zoning relief is awarded, and before permits are issued. In order for the issue of well and septic capacity to be most relevant in the Special Exception analysis, testimony would be required that opined that future compliance with County and State regulations would be impossible. When asked whether he was asserting that bringing the well and septic systems for the subject property in compliance with State and County regulations was impossible, Mr. White replied that he was not. However, he explained that the “hurdles were large” to bring the site into compliance. Consequently, while it may be difficult to bring the subject site’s septic system in compliance, it is not impossible and it is customary that determinations regarding the adequacy of such systems are within the purview of the GWM, as evidenced by the ZAC comment noted above. Accordingly, approval of the requested Special Exception will be conditioned on compliance with the GWM’s ZAC comment.

Sole Dormitory in R.C. 2

Protestants next argue that the proposed rabbinical college would be the only active school in the surrounding area that is in the RC 2 Zone and has a dormitory component. While this point alone is not dispositive to the case at bar, it was noted during the testimony of Ms. Hamidi that Oldfields has a dormitory component, while the future operation of that school is uncertain. Ms. Hamidi asserts that the proposed rabbinical college would have unique impacts in comparison to other schools in the surrounding area. While it is true that no other rabbinical college with a dormitory component exists in the RC 2 zone, the facts presented at the hearing on this matter reflect that the uniqueness in the operation of the rabbinical school is less impactful than other schools in the zone. Testimony was heard from nearby resident Paul Brickman regarding his complaints with the traffic generated by the pick-up and drop-off at the nearby Jemicy School. No such traffic impacts will occur as a result of the rabbinical college, as students will live on campus

and will not be permitted to have cars on campus. Students will be permitted to visit family once a month. Other than a possible basketball hoop in the parking lot, there will be no outdoor recreational fields or other athletic events. As testified to by Rabbi Wilhelm, the college will be a quiet environment where students will dedicate 14 hours a day to prayer and study. While the subject property may be smaller than other schools in the area, there are no noise generating outside activities that would make the size of the campus an issue.

Sight Distance

The final issue raised by the Protestants in opposition to the proposed Special Exception is that there are sight distance dangers at the subject property which make the impact of this use greater than elsewhere in the zone. Protestants' witnesses testified regarding sight distance problems created by the crest of the hill on Park Heights Avenue, in front of the subject property. These problems included the exit for vehicles heading north and south on Park Heights, and vehicles entering and exiting the property's two driveways, the driveway of Mr. Wilson, just south of those driveways, and several driveways that exist along on the westside of Park Heights in this same area. Mr. Wilson provided personal anecdotes about getting onto, and off of the road over the past 17 years and the many incidents where he was almost "t-boned." Mr. Petro also introduced a series of photos illustrating alleged site distance issues on Park Heights Avenue. (Prot. Exs. 10-6 – 10-8) Mr. Brickman further testified as to the traffic congestion that already occurs in the immediate area as a result of the pick-up and drop off at the Jemicy School.

In response to Protestants' assertions regarding sight distance problems, Mr. Motsco testified that all traffic out of the subject property will be directed to the southern access point where Mr. Motsco opined that sight distance would be adequate and within acceptable regulations. Petitioners note that the concerns raised by Mr. Wilson and Mr. Petro were not accompanied with

any measurements, calculations, or discussions as to how the southern access point falls short of applicable current State or County regulations. Petitioners also note that the Protestants fail to acknowledge the testimony of Petitioners' witnesses that established that the actual traffic generated by the proposed use of the subject site will be extremely minimal.

While it is apparent that the Jemicy School creates traffic congestion in the area near the subject site and that the subject site is located near the crest of a hill on Park Heights, the testimony of Mr. Motsco regarding restricting exiting the subject property from the southern access point, and the extremely small amount of staff entering the subject property on a daily basis, I do not find that the sight distance issues at the subject property would make the impact of the proposed use greater than elsewhere in the R.C. 2 zone.

Based on the evidence presented and arguments discussed above, I find that the Petitioners have met the requirements of BCZR, § 502.1 and that the facts and circumstances placed in evidence prove that the adverse impacts of the proposed rabbinical college at the subject location would not be above and beyond those inherently associated with such a special exception use. Consequently, the Petition for Special Exception is granted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Petitioners have requested a Special Hearing to confirm that 45 parking spaces are sufficient to support the proposed rabbinical college use. As noted previously, Mr. Motsco opined that this number of parking spaces was more than sufficient due to the fact that students will not be driving to the site and parking will be limited to a relatively small staff. As this testimony is uncontradicted, it is clear that 45 parking spaces will be sufficient for the proposed use. Accordingly, the request for Special Hearing as to this issue is granted.

Lastly, the Petitioners have requested a Special Hearing to amend the previously approved site plan and relief in Case No. 2010-0280-SPH, specifically regarding continued use of the three existing single-family homes approved as non-conforming uses, and to confirm that no new landscape will be required for the conversion of the existing improvements into the proposed rabbinical college use. The non-conforming use of the single-family residences onsite have been previously approved and these houses are currently rented to families unaffiliated with the proposed rabbinical college. Petitioners' witnesses confirmed that these homes will not be used to house students. Petitioners characterize this Special Hearing request as primarily a "record keeping issue" as it merely confirms the continuation of the use of these single-family dwellings that has been approved previously. I agree with this characterization. Consequently, the part of the request for Special Hearing is granted. As to the request for Special Hearing to confirm that no new landscaping plan will be required, I find that based on the evidence presented that sufficient

landscaping exists to buffer the subject site from Park Height Avenue. Accordingly, this request for Special Hearing is granted as well.

THEREFORE, IT IS ORDERED this 19th day of **July, 2024**, by this Administrative Law Judge, that the Petition for Special Exception from BCZR §1A01.2.C.25, to permit a rabbinical college, including dormitories and it is hereby, **GRANTED**; and

IT IS FURTHER, ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Special Hearing from BCZR §§ 500.7 and 409.6.A.4 as follows:

1. To confirm that 45 parking spaces is sufficient to support the proposed rabbinical college use, be and is hereby **GRANTED**; and

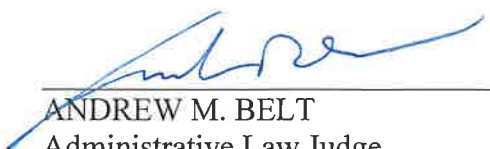
2. To amend the previously approved site plan and relief in Case No. 2010-0280-SPH, specifically regarding continued use of the three existing single-family homes approved as non-conforming uses. If necessary, to confirm that no new landscape will be required for the conversion of the existing improvements into the proposed rabbinical college use, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

2. Petitioners must comply with the DEPS and specifically, GWM ZAC comments, a copy of which is attached hereto and made a part thereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (DEPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0029-SPHX
Address: 10725 – 10729 PARK HEIGHTS AVE
Legal Owner: Bais Medrash of Owings Mills, Inc.

Zoning Advisory Committee Meeting of February 12, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If a zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. The proposed renovations/change in use of the property will require submission of a water usage letter as per the DEPS, GWM Policy Manual (pages 9-11) prior to issuance of a building permit.
 - b. An On-Site Disposal System (OSDS) Inspection Report must be completed by a licensed OSDS Inspector (see Form A-8 on the DEPS GWM Well and Septic Forms webpage) and submitted to this office.
 - c. The water usage letter and OSDS Inspection Report must demonstrate that the existing septic system is functioning properly and has sufficient capacity for the current and projected future sewage flows to the system.

Additional Comments:

Reviewer: Rochelle V. Underwood



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 10725 & 10729 Park Heights Avenue, Owings Mills, MD 21117 Currently Zoned RC2 & RC5
Deed Reference Pending / 10 Digit Tax Account # 2300002035 & 2300002306
Owner(s) Printed Name(s) 10729 Park Heights Avenue, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

SEE ATTACHED

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

SEE ATTACHED

3. _____ a **Variance** from Section(s)

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

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Bais Medrash of Owings Mills, Inc.

Name - Type or Print

Yeshaya W.
Signature

210 Sugarcone Road Baltimore MD
Mailing Address City State
21209 / 617-947-1196 / yeshaya@tagcrow.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Christopher D. Mudd, Esquire, Venable LLP

Name - Type or Print

Christopher D. Mudd
Signature

210 W. Pennsylvania Avenue Towson MD
Mailing Address City State
21204 / 410-494-6365 / cdmudd@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

10729 Park Heights Avenue, LLC c/o Bais Medrash of Owings Mills, Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Yeshaya W.
Signature #1

Yeshaya W.
Signature #2

210 Sugarcone Road Baltimore MD
Mailing Address City State
21209 / 617-947-1196 / yeshaya@tagcrow.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Christopher D. Mudd, Esquire, Venable LLP

Name - Type or Print

Christopher D. Mudd
Signature

210 W. Pennsylvania Avenue Towson MD
Mailing Address City State
21204 / 410-494-6365 / cdmudd@venable.com
Zip Code Telephone # Email Address

Case Number 2024-0029-SPHX Filing Date 1/30/24 Do Not Schedule Dates Reviewer

PETITION FOR ZONING HEARING – ATTACHED SHEET

10725 & 10729 Park Heights Avenue, Owings Mills, MD 21117

Special Exception:

Special Exception under Baltimore County Zoning Regulations (“BCZR”) Section 1A01.2.C.25, to permit a rabbinical college, including dormitories

Special Hearing:

1. Special Hearing under BCZR Sections 500.7 and 409.6.A.4 to confirm that 45 parking spaces is sufficient to support the proposed rabbinical college use.
2. Special Hearing to amend the previously approved site plan and relief in Case No. 2010-280-SPH, specifically regarding continued use of the three existing single family homes approved as non-conforming uses.
3. If necessary, Special Hearing to confirm that no new landscaping will be required for the conversion of the existing improvements into the proposed rabbinical college use.

Rainbow Hall
(Description for Zoning purposes only)

Beginning for a point located approximately 199 feet South of the centerline intersection of Velvet Valley Way and the eastern Right-of-Way line of Park Heights Avenue, Maryland State Route 129, thence running the following five (5) courses and distances:

1. North 87°05'18" East 729.98 feet to a point, thence
2. South 02°57'01" East 1010.12 feet to a point, thence
3. South 61°00'45" West 599.54 feet to a point, thence
4. South 88°57'18" West 191.40 feet to a point, thence binding along westerly side of Park Heights Avenue, Maryland State Route 129,
5. North 02°57'00" East 1,264.22 feet to the point of beginning.

Containing 19.67 acres more or less.

Located within the Second Councilmanic District and Third Election District of Baltimore County.

R:\Rainbow Hall\dwg\Planning\Exhibits\RABBINICAL COLLEGE - SE\DESCRIPTION\Rainbow Hall Description Lot 5 Rainbow Hall 01 18 2024.doc



2024-0029-SPHX

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

No. 229516

Date: 1/30/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$1,111.00

Total: \$1,111.00

Rec
From:

Venable, LLP

For:

Special Exception & Special Hearing
10725 E 10729 Park Heights Ave
Zoning Case 2024-0029-SPHX

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

mark

**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:

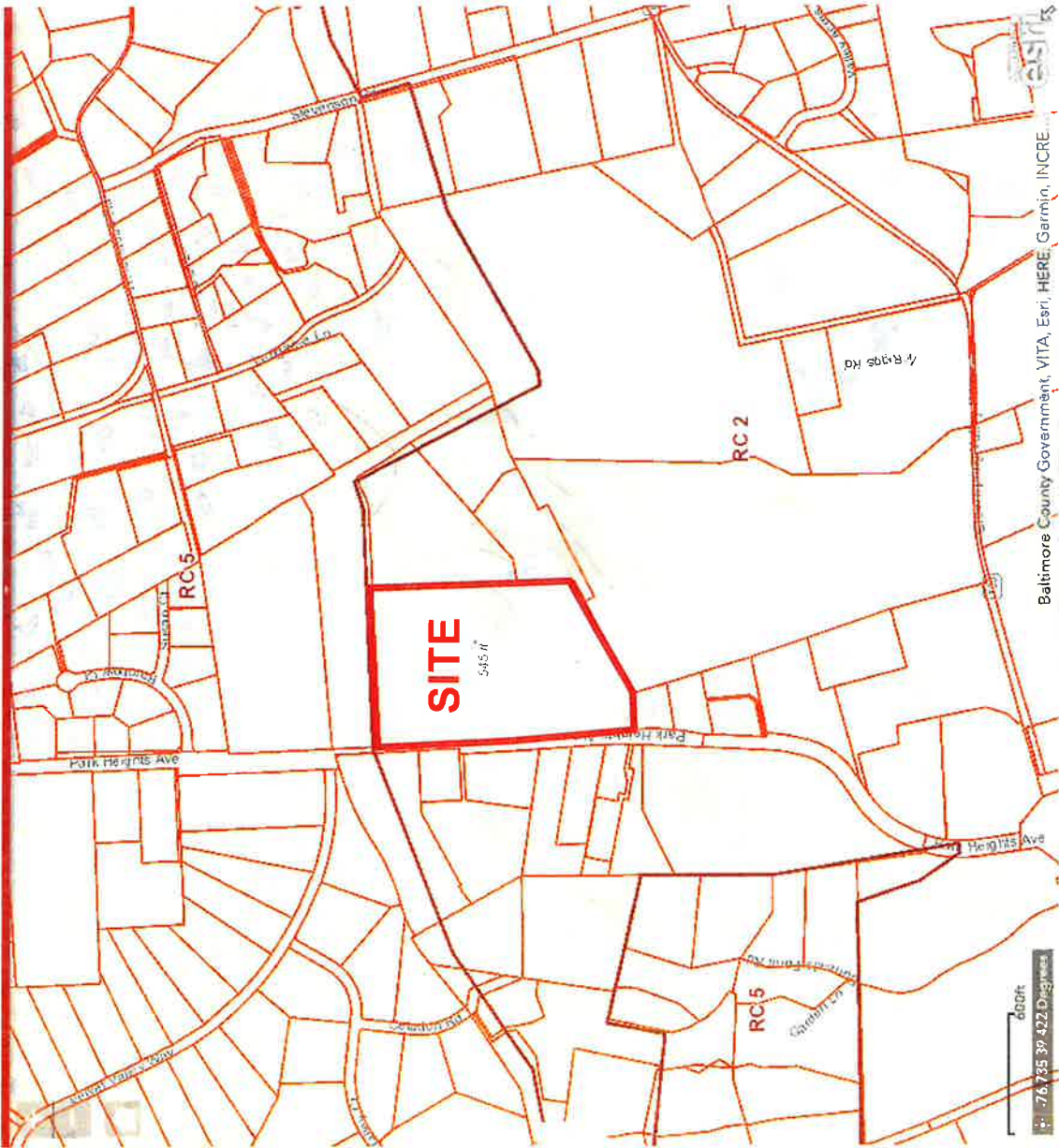
Case Number: 2024-0029-SPHX
Property Address: 10725 & 10729 Park Heights Avenue
Legal Owners (Petitioners): 10729 Park Heights Avenue LLC
Contract Purchaser/Lessee: Bais Medrash of Owings Mills, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP
Address: c/o Chris Mull
210 W. Pennsylvania Ave
Towson, MD 21204
Telephone Number: 410-494-6365

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022



NORTH
NOT TO SCALE

BALTIMORE COUNTY ZONING MAP

RAINBOW HALL

DSThaler
& ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS

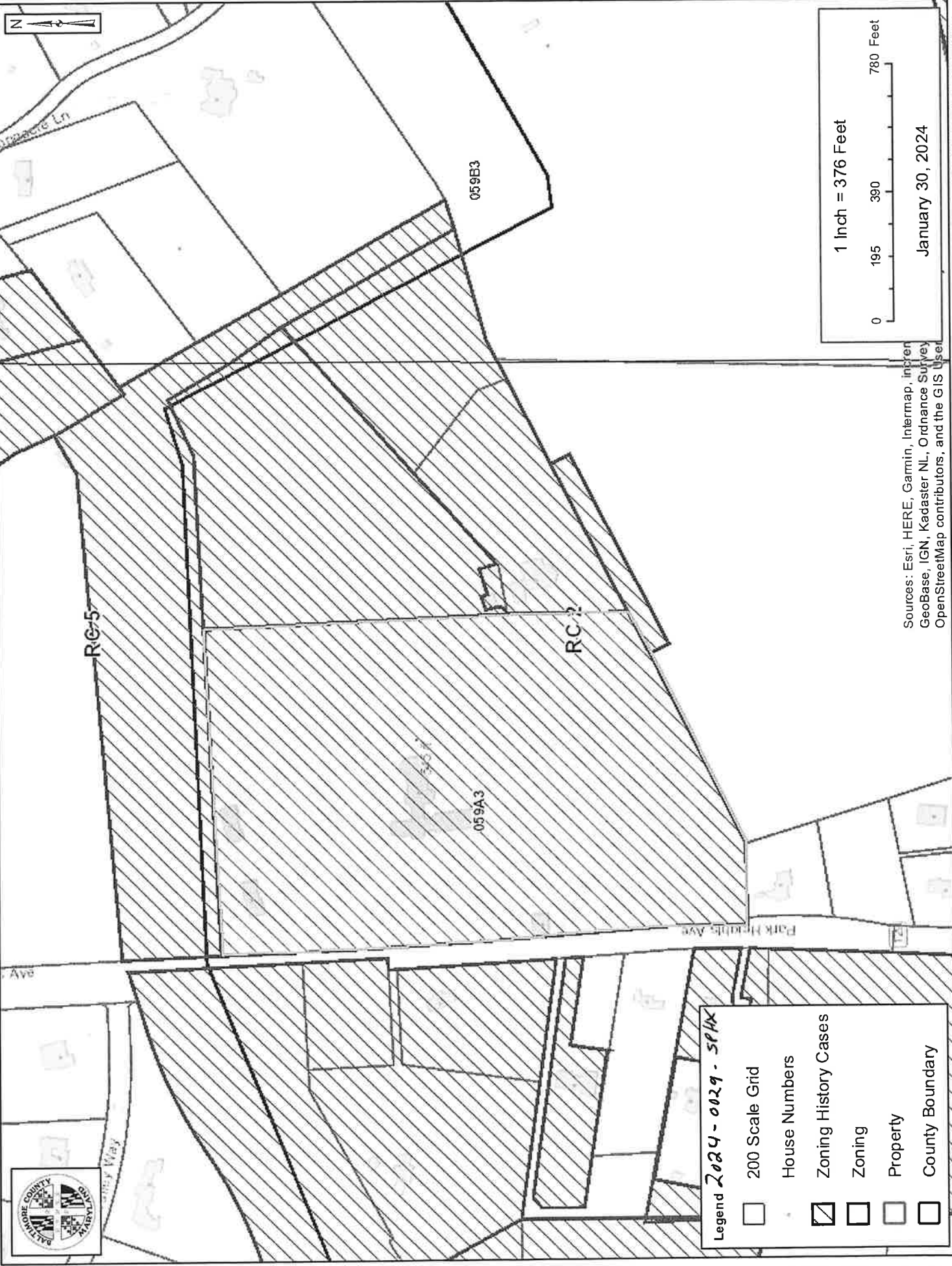
7115 AMBASSADOR ROAD
BALTIMORE, MARYLAND 21244-7428
410-844-3847
www.dsthaller.com

1-18-2024

I:\rainbow hall\dwg\planning\exhibits\rainbow college - se\zoning map.docx

2024-0029-SPHX

Baltimore County - My Neighborhood



Legend 2024-0029-SPHX

- ☐ 200 Scale Grid
 - ☐ House Numbers
 - ☒ Zoning History Cases
 - ☐ Zoning
 - ☐ Property
 - ☐ County Boundary

1 inch = 376 Feet



January 30, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, AeroGRID, IGN, SIA, USFWS, NOAA, OpenStreetMap contributors, and the GIS User Community

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 - 2300003036

Owner Information

Owner Name: RAINBOW HALL INC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 4804 BENSON AVE Deed Reference: /16318/ 00035
BALTIMORE MD 21227-1501

Location & Structure Information

Premises Address: 10729 PARK HEIGHTS AVE Legal Description: 19.6742 AC
0-0000 10729 PARK HGHTS AVE ES

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0059 0020 0270 10000.04 0000 5 2022 Plat Ref: 0070/ 0095

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1917 15,337 SF 19.6700 AC 06

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
GROUP HOME / C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	785,600	785,600		
Improvements	641,400	1,031,500		
Total:	1,427,000	1,817,100	1,687,067	1,817,100
Preferential Land:	0	0		

Transfer Information

Seller: BAPTIST HOME OF MD INC	Date: 04/15/2002	Price: \$1,500,000
Type: ARMS LENGTH IMPROVED	Deed1: /16318/ 00035	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
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:

2024-0029-SPHX

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

DPR: No comment

BALTIMORE COUNTY, MARYLAND

DPW-T: No exception taken

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0029-A

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

DPR: No comment

DPW-T: No exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

SUBJECT:

FROM:

TO:

DATE:

RE:

ATTN:

CC:

BY:

FOR:

FROM:

TO:

DATE:

RE:

ATTN:

CC:

BY:

FOR:

FROM:

TO:

DATE:

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (DEPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0029-SPHX
Address: 10725 – 10729 PARK HEIGHTS AVE
Legal Owner: Bais Medrash of Owings Mills, Inc.

Zoning Advisory Committee Meeting of February 12, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If a zoning variance is granted, Ground Water Management (GWM) requests that it be conditioned to include the following:
 - a. The proposed renovations/change in use of the property will require submission of a water usage letter as per the DEPS, GWM Policy Manual (pages 9-11) prior to issuance of a building permit.
 - b. An On-Site Disposal System (OSDS) Inspection Report must be completed by a licensed OSDS Inspector (see Form A-8 on the DEPS GWM Well and Septic Forms webpage) and submitted to this office.
 - c. The water usage letter and OSDS Inspection Report must demonstrate that the existing septic system is functioning properly and has sufficient capacity for the current and projected future sewage flows to the system.

Additional Comments:

Reviewer: Rochelle V. Underwood

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/8/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0029-SPHX

INFORMATION:

Property Address: 10725 and 10729 Park Heights Avenue
Petitioner: 10725 Park Heights Avenue, LLC c/o Bais Medrash of Owings Mills, Inc.
Zoning: RC 2 and RC 5
Requested Action: Special Exception and Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Exception -

- a. Under Baltimore County Zoning Regulation ("BCZR") Section 1A01.2.C.25, to permit a rabbinical college, including dormitories.

Special Hearing -

- a. Under BCZR Section 500.7 and 409.6.A.4 to confirm that 45 parking spaces is sufficient to support the proposed rabbinical college use.
- b. To amend the previously approved site plan and relief in Case 2010-0280-SPH, specifically regarding continued use of the three existing single-family homes approved as non-conforming uses.
- c. If necessary, to confirm that no new landscaping will be required for the conversion of the existing improvements into the proposed rabbinical college use.

The subject property is located along Park Heights Avenue .The property consists of 19.67 acres zoned RC-5 to the north and RC-2 to the south. The proposed location is Rainbow Hill Inc. which is currently vacant in the Owings Mills part of Baltimore County. Detached residential dwellings and heavy forest conservation and farms surround the property.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns. The proposed relief is in harmony with the spirit and intent of the RC-2 zoning regulations. The requested use adheres to the zoning requirements and standards since it does not seek to alter the existing approved design. Therefore, the proposed use ensures that the rural character of the area remains uncompromised.

In a discussion with Chris Mudd, the representative for this proposed development, a detailed history and future plans for the property were outlined. Initially, this property served as a convalescent home before being illegally converted into an apartment complex. Despite a special exception granted to a Baptist church for its use, the property remained unused for church activities until it was acquired by the current owner. The Bais Medrash of Owings Mills, Inc. has now purchased the property with the intention of transforming it into a rabbinical college. This institution will cater exclusively to young men of college-age who are pursuing studies to become rabbis. These students, as the primary residents, will engage in intensive studies at the facility.

The proposed development plan includes no external additions to the property, focusing instead on internal modifications to suit its new purpose. It was stated that extensive discussions have been held with the local community association and residents to understand their views and garner support for the project. The feedback indicates a positive reception, particularly due to the project's commitment to preserving the historic character of the building without altering its exterior.

Mr. Mudd emphasized that the development would not result in any changes to the existing lighting and noted the plan for residents to predominantly use carpooling. This approach is expected to minimize vehicular traffic to and from the facility, aligning with the project's aim to ensure minimal disruption to the local community.

For the Special Exception under Baltimore County Zoning Regulation ("BCZR") Section 1A01.2.C.25, to permit a rabbinical college, including dormitories, the Department does not object to the proposed relief and defer all decision makings to the Administrative Law Judge.

It is worth noting for reference that, the Department of Planning provided the following responses to the petitioner's twelve questions of the Zoning Commissioner in the Zoning Case 2010-0280:

- a. Rental apartments are not listed in Section 1A01.2 as a permitted use by right or by special exception in the RC2 zone.
- b. Multi-family dwellings are not listed in Section 1A01.2 as a permitted use by right or by special exception in the RC2 zone.
- c. The Office of Planning is of the opinion that rental apartments are not a non-conforming use on this property. It is the opinion of the Office of Planning that the Special Exception for convalescent home was abandoned when the Baptist Home sold the property in April 2002.
- d. The property was never legally considered to be a multi-family dwelling. The legal use was originally boarding house for the elderly and then convalescent home.
- e. The property did not enjoy a non-conforming use for rental apartments or multi-family dwellings therefore Section 104.1 is not applicable.
- f. The prior hearings did not grant the right to use the property for rental apartments.
- g. A multi-family dwelling is not allowed under the prior special exception case.
- h. The special exception was abandoned when nursing home was discontinued and the Baptist Home property was sold to Henry Wright.

- i. There are three dwellings on the property, which do not appear to be mentioned in prior zoning hearings. The RC 2 zone permits no more than one dwelling per lot with an exception made for a tenant house.
- j. Rental status does not obviate the one dwelling per lot provision.
- k. There have been several zoning violation complaints involving the subject property; however, it does not appear that a hearing has occurred.
- l. No comment at this time to questions the petitioner's attorney may ask at the hearing.

Regarding the Special Hearing requests, the Department of Planning has no objections but would like the following to be considered:

- a. In regard to the adequacy of 45 parking spaces for the proposed rabbinical college per BCZR Sections 500.7 and 409.6.A.4, the Department aligns its decision with the recommendations as would be provided by the Baltimore County's Zoning Review Office.
- b. Given the complex legal and historical context surrounding this relief request to amend the previously approved site plan and relief in Case 2010-0280-SPH, specifically regarding continued use of the three existing single-family homes approved as non-conforming uses, the Department recommends that the decision on this matter be left to the Administrative Law Judge.
- c. On the request to confirm that no new landscaping will be required for the conversion of the existing improvements into the proposed rabbinical college use, the Department aligns its decision with the recommendations as would be provided by the Baltimore County's Development Plans Review, Landscape Architect.
- d. Be informed that Park Heights Avenue is a Baltimore County Designated Scenic Route. Therefore, the Department require increased landscaping around the entrance drives and maintenance of the existing natural landscape buffer along Park Heights Avenue. Ensure the following are shown on the plan as directed by the Comprehensive Manual of Development Policies (CMDP) Division IV: Section A - Scenic Views Page 12)
 - i. Location of all views and viewshed from the road, indicated on the plan with arrows and verbal descriptions
 - ii. Proposed permanent sign location and elevations, including size, material, color and lighting.

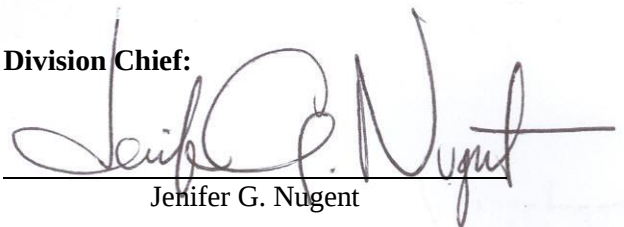
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

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