



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 3, 2024

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2024-0104-SPHA
Property: 6800 Sylvale Court

Dear Mr. La Fiandra:

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,

A handwritten signature in blue ink, appearing to read "A. M. Belt", is written over a light blue horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: See Next Page -

Ameil - amielc75@gmail.com
Avi Dear - avidear5@gmail.com
Avigayil Young - avigayilyoung@gmail.com
Ben Baum - binyaminbaum@yahoo.com
Ben Labovitz - blabovitz1@gmail.com
Devorah Ribakow - dribakow@gmail.com
E. S. - milwaukeeetoolsfan@gmail.com
Eli S - elisolomon622@gmail.com
Ezri Klein - ezri.klein@gmail.com
nherman613@gmail.com
Jeffrey Pollack - yonahpoll1@gmail.com
Josh Ribakow - yeribakow@gmail.com
Joshua Wealcach - joshuawealcach@gmail.com
Malka Pollack - pollackmalka@gmail.com
Moe Breitowitz - mbreitow@gmail.com
Nathan L - nathanlefkovitz@gmail.com
Paul Abrams - paullabrams@gmail.com
Rabbi shlomo Weiss - m.sl.weiss@gmail.com
Rivka Bortz - rlcoops65@gmail.com
Saadia Simon - saadasimon@gmail.com
Sarah Brody - sarahtbrody@gmail.com
Sarah Seiff - sarahcseiff@gmail.com
Shlomo Freed - sfreed23@yahoo.com
Steve Moskowitz - sbmoskowitz@gmail.com
Tamara Breitowitz - shenayimrdh@gmail.com
Ybortz - ybortz@yahoo.com
Zack T - zack@rivercapholding.com
Zahava Klein - zklein71@gmail.com
Aron - aron722@gmail.com
Eli - eli@dmacsecurity.net
Ettie - ettiemainstain@gmail.com
Keith Rosenblum - kr472211@gmail.com
Menucha Weiss - alizaweiss10@gmail.com
Moshe Mutterperl - momutt@gmail.com
Patrick Richardson - rick@richardsonengineering.net
Rafi Cohn - rafikicohn@gmail.com
Shira - shirawealcach@gmail.com
Vitzchok Bloch - yitzchokbloch@yahoo.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(6800 Sylvale Court)	*	OFFICE OF
3 rd Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Amiel Chicheportiche, Michelle Hoellien		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Bais Dovid Corporation		
<i>Contract Purchaser/Lessee</i>	*	
 Petitioners	 *	 Case No. 2024-0104-SPH

* * * * *

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 Amiel P. Chicheportich and Michelle Hoellien, legal owner and Bais Dovid Corporation, contract purchaser/lessee (“Petitioners”). The first Special Hearing request filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) was filed to determine whether BCZR § 103.1 precluded the application of § 1B01.1.B.1 (Residential Transition Area) to the instant case and if they do not apply, then to approve the use of the property as a synagogue as shown on the Plan to accompany Zoning Hearing. The second Special Hearing request has asked the ALJ to determine that if, § 1B01.1.B.1 applies in this matter, then, to approve the site plan for the proposed synagogue in accordance with BCZR, § 1B01.1.B.1.g(6). The third Special Hearing request has asked the ALJ to approve a modified parking plan pursuant to BCZR, § 409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required.

Additionally, the Petitioner has requested Variance relief from BCZR § 1B01.2.C.1.a, for an existing front yard setback of 26 ft. in lieu of 40 ft. required, an existing interior side yard setback of 11 ft. in lieu of 20 ft. required, and an existing corner side yard setback of 28 ft. in lieu of 35 ft.

required; no new building is proposed. From BCZR, § 301.1, for an existing carport with a front yard setback of 25 ft. in lieu of the 30 ft. required and a side yard setback of 5 ft. in lieu of 15 ft. required; no new building is proposed.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on June 27, 2024 at 10:00 a.m. The Petition was properly advertised and posted. A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”).

Petitioner, and President of the Board of the Bais Dovid Corporation, Joshua Wealcatch appeared at the hearing. Patrick (“Rick) Richardson, P.E., the engineer who prepared and sealed the site plan, also appeared. Dino LaFiandra, Esquire represented the Petitioners. Several attendees appeared via Webex in support of the proposed relief, while long-time area resident Paul Abrams appeared in opposition.

The property is approximately 11,424 square feet and zoned DR 5.5. The address of the subject site was erroneously noted as 6800 Sylvale Road. Counsel amended on the record the proper address to reflect 6800 Sylvale Court.

Mr. Richardson was the 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. (Pet. Ex. 2) He testified that the subject site was previously a residential dwelling and that the requested variances come as a result of the non-residential proposed use as a synagogue. He reiterated that no improvements, alterations or additions are being proposed for the subject site and that a synagogue is a use by right in a D.R. 5.5 zone. He further testified that the proposed modified parking plan allowing for two parking spaces to be located in the existing driveway is sufficient due to the fact that the majority of the congregation’s members will be walking to the subject site. He described the subject site as unique due to its location as a corner lot with curved

boundaries and due to the fact that it was a dwelling that is part of a subdivision recorded prior to modern zoning regulations.

Petitioner, Joshua Wealcatch testified that he is the President of the Bais Dovid Corporation and lives just north of the subject site in Diamond Crest Court. He explained that the Bais Dovid was formed in 2020 during Covid restrictions as a means for he and his neighbors to gather for prayer services. The congregation has been meeting at the subject site for approximately a year and had rented the building prior to purchasing it. He estimates that there are approximately 68 member families presently, while the largest attendance at the shul occurs on the Sabbath, with 35 to 45 people attending, with 100% of attendees walking to shul. During the week there are daily morning prayer groups of 8 to 10 people that meet between 6:00 am and 7:45 am., and 8:00 am to 8:45 am on Sundays. On non-Sabbath evenings, classes and prayer services occur from 7:45 pm to 9:45 pm. There are two Sabbath services on Friday evenings and a Saturday Sabbath from 9:00 am to 11:45 am. A light kiddish is offered after sabbath services, while no food is prepared on site. Mr. Wealcatch noted that almost all of the congregation's members live within a few-block radius from the subject site on Diamond Crest Court, Pimlico Drive, and Diana Road, with 3 out of the 5 households on Sylvale Court being members as well. Mr. Wealcatch testifies that less than "a hand full" of members drive to the site during the week. He noted that members are encouraged not to park on Sylvale Court. He further explained that Summit Park Elementary is located on Diane Road, less than a one -minute walk around the corner from the subject site, where parking is available on the school side of the street where no residential houses exist. He testified that there have been no complaints from neighbors regarding parking issues in connection with the operation of the subject site as a shul.

Protestants

Long-time nearby resident, Paul Abrams testified in opposition to the Petitioner's requested relief. Mr. Abrams testified that he has observed a recent pattern of synagogues taking over former residential properties in the area. He testified that such a trend is depriving the State and County of property taxes and depriving young families of potential housing opportunities. He explained, that in the past there was a sufficient number of Orthodox congregations in the area to serve the community and people now moving into the area from out of State find it necessary to have their own separate congregations.

SPECIAL HEARING

BCZR, § 103.1

The pertinent part of BCZR § 103.1 states the following:

§ 103.1. Applicability; when effective.

These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations. The Zoning Regulations applicable to any such development, subdivision or parcel of land as aforesaid shall be the Zoning Regulations in effect at the time such plan, as aforesaid, was originally submitted to the Baltimore County Planning Commission.

Petitioner has provided evidence showing that the subject property was part of a subdivision approved by the Baltimore County Planning Board prior to 1955. (Pet. Exs. 4, 5, & 7) Petitioner argues that since Residential Transition Area ("RTA") regulations did not exist at the time of the subdivision's creation, that BCZR, § 103.1 mandates that the subject property is not subject to RTA restrictions. While many circumstances exist where properties existing in

subdivisions prior to the enactment of the modern zoning regulations are able to escape the requirements of current zoning, I find that this is not the case in the present circumstance. The distinguishing factor in the instant case is that it is the proposed change in use of the subject property that has triggered the possible applicability of RTA restrictions found in BCZR § 1B01.1.B.1. It is clear that the previously approved subdivision was for residential properties. Mr. Richardson testified that the requested variance relief regarding set-back requirements was due to the fact that the proposed non-residential use had triggered them. He further confirmed that the previously mentioned set-back requirements are pursuant to present day setback regulations for the D.R. 5.5 zone. These requirements were enacted in 1992. Based on the aforementioned reasons, I find that BCZR, § 103.1 does not preclude the possible application of RTA requirements to the instant case. Consequently, The Petitioner's Request for Special Hearing as to this issue is denied.

BCZR § 1B01.1.B.1

BCZR, § 1B01.1.B.1 states the following regarding the applicability of the RTA:

- B. Dwelling-type and other supplementary use restrictions based on existing subdivision and development characteristics.
 - 1. Residential transition areas and uses permitted therein.
 - a. Definitions and purpose.
 - (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.
 - b. Generation of residential transition area. 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. (Emphasis added)

BCC § 32-1-1(p) defines “Development” as:

- (1) The improvement of property for any purpose involving building;
- (2) The subdivision of property;
- (3) The combination of nay 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.

BCC § 32-101(w)(2) defines the term improvement as follows:

- (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.

In prior Case No. 2020-0390-SPHA (Board of Appeals Case No. 20-309-SPHA), a case with facts analogous to the instant case, it was determined that when no exterior alterations or landscaping is being proposed on a structure, even though a new use is proposed, RTA restrictions are not applicable. In the instant case, as confirmed by the testimony of Mr. Wealcatch, no

improvements or alterations are being proposed to the interior or exterior of the subject property. Accordingly, in keeping with prior rulings on this issue, absent such improvements or alterations, the mere change in use of a property does not constitute the “development” required to trigger RTA restrictions. Consequently, Petitioner’s request for Special Hearing as to this issue is granted, making any examination of the requirements of the “new church” exception under BCZR, § 1B01.1B.1.g(6) Moot.

Modified Parking Plan BCZR § 409.12.B

Petitioner has requested a modified parking plan pursuant to BCZR, § 409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required. Identical modified parking plans previously approved in prior Case Nos. 2020-0309-SPHA and 2020-0299-SPHA involving synagogues in buildings previously used as residential dwellings. In those cases, as well as in the instant case, members of the orthodox congregation will walk to shul on the Sabbath, eliminating the need for parking on the day when the building’s use will be most intensive. Additionally, the subject site’s close proximity to parking along Diane Road, in front of Summit Park Elementary, provides a place for members of the congregation to park if the need to drive to the location arises on non-Sabbath days.

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).

Petitioner has requested Variance relief from BCZR § 1B01.2.C.1.a, for an existing front yard setback of 26 ft. in lieu of 40 ft. required, an existing interior side yard setback of 11 ft. in lieu of 20 ft. required, and an existing corner side yard setback of 28 ft. in lieu of 35 ft. required; no new building is proposed. From BCZR, § 301.1, for an existing carport with a front yard setback of 25 ft. in lieu of the 30 ft. required and a side yard setback of 5 ft. in lieu of 15 ft. required.

Mr. Richardson clarified that no physical changes are being made to the subject property and that the requested variance relief comes as a result of the proposed non-residential use of the property. Mr. Richardson further testified that the subject property is unique in that it is an oddly shaped curved corner lot at the intersection of a Sylvale Court and Pimlico Road. Additionally, the existing structure was constructed prior to current zoning code, originally meant to be a single-family dwelling. I find that if the requested variance relief from the previously mentioned setback requirements will cause the Petitioner to experience a practical difficulty in that it would prohibit the existing structure to be used as a synagogue, a use allowed by right in the D.R. 5.5 zone.

THEREFORE, IT IS ORDERED this 3rd day of **July 2024**, by this Administrative Law Judge that the Petition for Special Hearing regarding whether BCZR § 103.1, applies in this matter is hereby **DENIED**;

IT IS FURTHER ORDERED that the proposed use of the subject property as a synagogue does not constitute “development” as contemplated in BCZR § 1B01.1.B., consequently, the Petition for Special Hearing regarding to the exception to the RTA found in BCZR, Section 1B01.1.B.1.g(6) is hereby **MOOT**;

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve a modified parking plan pursuant to BCZR, § 409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that the Variance relief from BCZR § Section 1B01.2.C.1.a, for an existing front yard setback of 26 ft. in lieu of 40 ft. required, an existing interior side yard setback of 11 ft. in lieu of 20 ft. required, and an existing corner side yard setback of 28 ft. in lieu of 35 ft. required; no new building is proposed. From BCZR, § 301.1, for an existing carport with a front yard setback of 25 ft. in lieu of the 30 ft. required and a side yard setback of 5 ft. in lieu of 15 ft. required; no new building is proposed be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.

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



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 6800 Sylvale Road
Deed References: 47518/322
10 Digit Tax Account # 0313085930
Property Owner(s) Printed Name(s) Amiel P. Chicheportiche and Michelle Hoellen
(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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

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

Legal Owners (Petitioners):

Amiel P. Chicheportiche
Name #1 - Type or Print
Signature #1
Michelle Hoellen
Name #2 - Type or Print
Signature #2
24 Diamond Crest Court, Baltimore, Maryland
Mailing Address
City
State
Zip Code 21209
Telephone #
Email Address
Representative to be contacted:
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name - Type or Print
Signature
100 W. Pennsylvania Avenue, Suite 305
Mailing Address
City
State
Zip Code 21204
Telephone #
Email Address

Bais David Corporation
Name - Type or Print
Signature
6800 Sylvale Court, Baltimore, Maryland
Mailing Address
City
State
Zip Code 21209
Telephone #
Email Address
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name - Type or Print
Signature
100 W. Pennsylvania Avenue, Suite 305
Mailing Address
City
State
Zip Code 21204
Telephone #
Email Address

Attorney for Petitioner:
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name - Type or Print
Signature
100 W. Pennsylvania Avenue, Suite 305
Mailing Address
City
State
Zip Code 21204
Telephone #
Email Address

Attorney for Petitioner:
Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
Name - Type or Print
Signature
100 W. Pennsylvania Avenue, Suite 305
Mailing Address
City
State
Zip Code 21204
Telephone #
Email Address

CASE NUMBER 2024-0104-SPH
Filing Date 4/18/2024
Do Not Schedule Dates:

Special Hearing:

1. To determine whether, pursuant to BCZR, §103.1, the provisions of BCZR (1955, as amended), §1B01.1.B.1 (Residential Transition Area) apply in this matter, and if they do not apply, then to approve the use of the property as a synagogue as shown on the Plan to Accompany Zoning Hearing.

2. If the ALJ determines that that BCZR (1955, as amended), §1B01.1.B.1 applies in this matter, then, to approve the site plan for the proposed synagogue in accordance with BCZR, §1B01.1.B.1.g(6), including a finding that the restrictions of BCZR, §1B01.1.B.1.e(1) through (5) do not apply.

3. To approve a modified parking plan pursuant to BCZR, §409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required.

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

Variance

1. From BCZR, §1B01.2.C.1.a for an existing front yard setback of 26 feet in lieu of 40 feet required, an existing interior side yard setback of 11 feet in lieu of 20 feet required, and an existing corner side yard setback of 28 feet in lieu of 35 feet required. No new building is proposed.

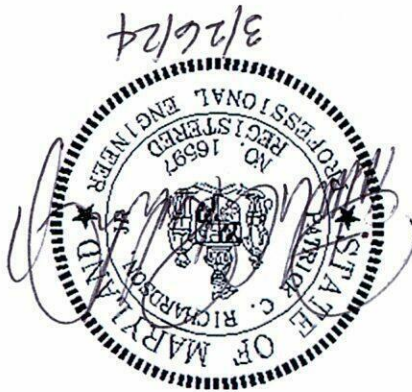
2. From BCZR, §301.1 for an existing carport with a front yard setback of 25 feet in lieu of 30 feet required and a side yard setback of 5 feet in lieu of 15 feet required. No new building is proposed.

**ZONING PROPERTY DESCRIPTION FOR
6800 SYLVALE COURT
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a distance of 93' northwesterly of the intersection of Pimlico Drive and Sylvale Court along Pimlico Drive running along the north right of way of Pimlico Road (1) on a curve to the right with a radius of 150.00 feet for a distance of 57.57 feet, (2) then for a curve to the left with a radius of 25.00 feet and a length of 32.03 feet, then along the right of way of Sylvale Court having a 50' wide right of way (3) North 52 degrees 19 minutes 55 seconds East 31.80 feet, (4) then for a curve to the left with a radius of 25.00 feet and a length of 19.38 feet, (5) for a curve to the right with a radius of 45.00 feet and a length of 27.39 feet, leaving Sylvale Court right of way for the following: (6) North 47 degrees 12 minutes 49 seconds West 132.30 feet, (7) South 13 degrees 24 minutes 36 seconds West 130.32 feet, to the place of beginning.

Also being known as Lot #4 in Block G as shown on the plat of Summit Park, Section 2 which is recorded among the land records of Baltimore County in plat book No. 20, Folio 115.

Containing a net area of 11.243 square feet or 0.23 acres +/-.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

**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/neighborhood 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: _____

Property Address: 6800 Sylvale Court

Property Description: .23 Acres NW Corner Pimlico Dr and Sylvale Ct

Legal Owners (Petitioners): Armiel Chicheportiche and Michelle Hoenlein

Contract Purchaser/Lessee: Bais David Congregation

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

Company/Firm (if applicable): The Law Office of Dino C. La Fiandra, LLC

Address: 100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Telephone Number: 443-204-3473

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Allmeyer
Cell: 410-382-6580
jalimyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

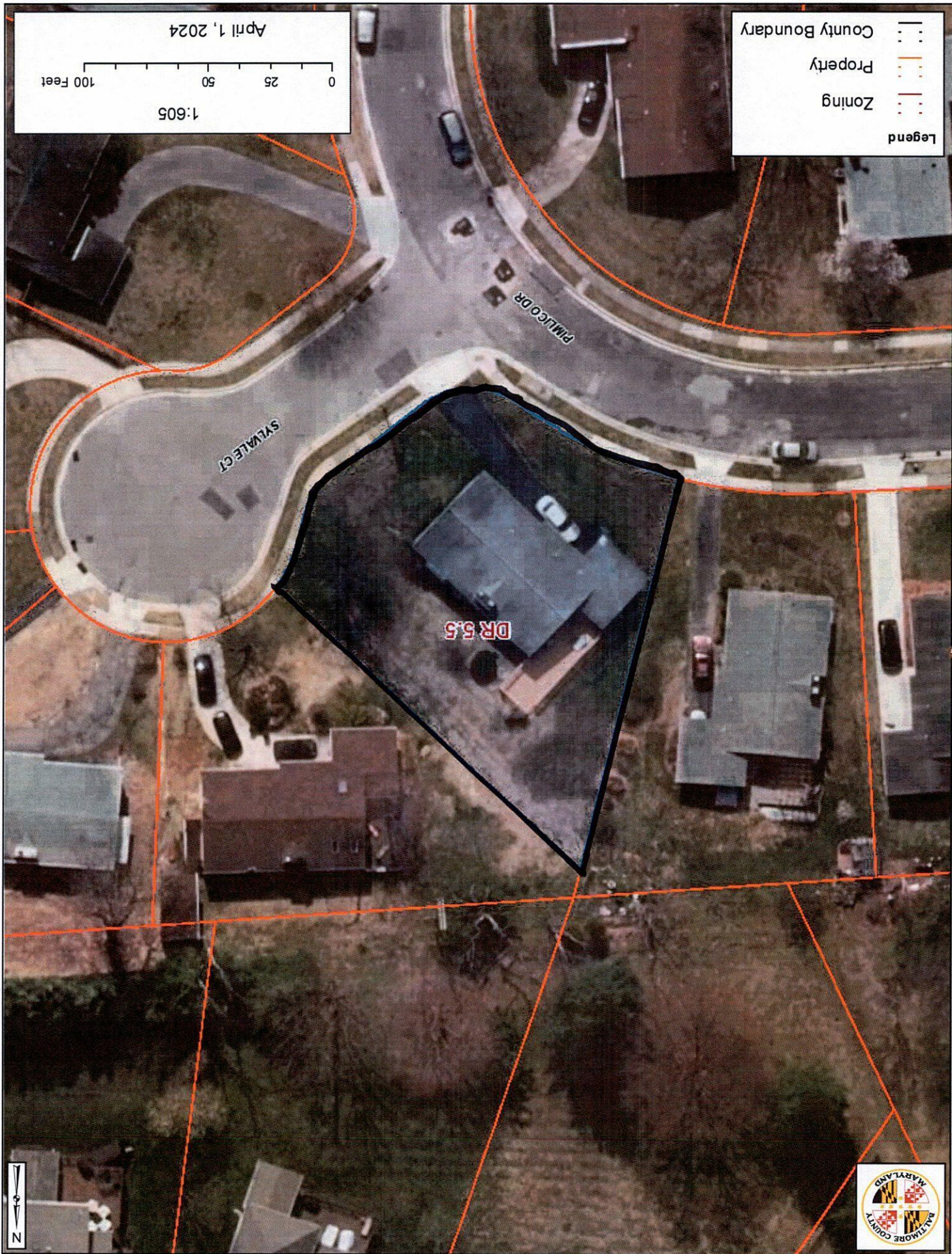
Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

6800 Sylvale Court - Zoning and Aerial



View Map		View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		District - 03 Account Number - 0313085930	
Owner Information			
Owner Name:	CHICHEPORTTICHE AMIEL P Use:	RESIDENTIAL	
Mailing Address:	HOENLEIN MICHELLE	Principal Residence: NO	
	24 DIAMOND CREST CT	Deed Reference: /47518/ 00322	
Location & Structure Information			
Premises Address:	6800 SYLVALE CT	Legal Description:	
	BALTIMORE 21209-1623	NW COR PIMLICO DRIVE	
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		0079 0001 0183 3060085.04 0000 2 G 4 2023 Plat Ref: 0020/ 0115	
Town: None			
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		1954 1,316 SF 350 SF 11,424 SF 04	
StoriesBasementType		1 YES STANDARD UNITSIDING/4 1 full/ 1 half 1 Carport	
Value Information			
Land:	Improvements	92,800	210,800
	Total:	260,300	303,600
Preferential Land:		0	0
Transfer Information			
Seller: HACK JOEL	Date: 11/09/2022	Price: \$429,300	
	Type: ARMS LENGTH IMPROVED	Deed1: /47518/ 00322	
Seller: HACK CLAIRE M	Date: 03/01/2013	Price: \$0	
	Type: NON-ARMS LENGTH OTHER	Deed1: /33245/ 00380	
Seller: MUTTER CLAIRE M	Date: 01/24/1979	Price: \$0	
	Type: NON-ARMS LENGTH OTHER	Deed1: /05982/ 00616	
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
Special Tax Recapture: None			
Homestead Application Information			
Homestead Application Status: No Application			
Homeowners' Tax Credit Application Information			
Homeowners' Tax Credit Application Status: No Application			

No. 230414

No. 230414

Rec
From: Bair David
For: 2024. 0104. SPHA

Total: 1000.00

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

CASHIER'S VALIDATION

BAIS DAVID
6911 DIANA RD
BALTIMORE, MD 21209-1562

7516
25-3/440

PAY TO THE ORDER OF Baltimore County, Maryland \$ 1,000-

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO Zoning Filing Fee

1:0440000371: 70951753317516



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 6800 Sylvale Road which is presently zoned DR 5.5

Deed References: 47518/322 10 Digit Tax Account # 0313085930

Property Owner(s) Printed Name(s) Amiel P. Chicheportiche and Michelle Hoenlien

(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 shown at hearing

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Bais Dovid Corporation

Name- Type or Print

John Wendrich, Joshua Wendrich, President
Signature

6800 Sylvale Court, Baltimore, Maryland

Mailing Address City State

21209

Zip Code Telephone # Email Address

Attorney for Petitioner:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC

Name- Type or Print

Dino C. La Fiandra
Signature

100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

Mailing Address City State

21204

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Amiel P. Chicheportiche Michelle Hoenlien

Name #1 - Type or Print

Name #2 - Type or Print

Amiel P. Chicheportiche
Signature #1

Michelle Hoenlien
Signature #2

24 Diamond Crest Court, Baltimore, Maryland

Mailing Address City State

21209

Zip Code Telephone # Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC

Name - Type or Print

Dino C. La Fiandra
Signature

100 W. Pennsylvania Avenue, Suite 305

Mailing Address City State

21204

Zip Code Telephone # Email Address

CASE NUMBER

2024-0104-SPHA

Filing Date

4/18/2024

Do Not Schedule Dates:

Reviewer



**ZONING PROPERTY DESCRIPTION FOR
6800 SYLVALE COURT
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at a distance of 93' northwesterly of the intersection of Pimlico Drive and Sylvale Court along Pimlico Drive running along the north right of way of Pimlico Road (1) on a curve to the right with a radius of 150.00 feet for a distance of 57.57 feet, (2) then for a curve to the left with a radius of 25.00 feet and a length of 32.03 feet, then along the right of way of Sylvale Court having a 50' wide right of way (3) North 52 degrees 19 minutes 55 seconds East 31.80 feet, (4) then for a curve to the left with a radius of 25.00 feet and a length of 19.38 feet, (5) for a curve to the right with a radius of 45.00 feet and a length of 27.39 feet, leaving Sylvale Court right of way for the following: (6) North 47 degrees 12 minutes 49 seconds West 132.30 feet, (7) South 13 degrees 24 minutes 36 seconds West 130.32 feet, to the place of beginning.

Also being known as Lot #4 in Block G as shown on the plat of Summit Park, Section 2 which is recorded among the land records of Baltimore County in plat book No. 20, Folio 115.

Containing a net area of 11,243 square feet or 0.23 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

Petition for Zoning Hearing
6800 Sylvale Court
Continuation Sheet

Special Hearing:

1. To determine whether, pursuant to BCZR, §103.1, the provisions of BCZR (1955, as amended), §1B01.1.B.1 (Residential Transition Area) apply in this matter, and if they do not apply, then to approve the use of the property as a synagogue as shown on the Plan to Accompany Zoning Hearing.
2. If the ALJ determines that that BCZR (1955, as amended), §1B01.1.B.1 applies in this matter, then, to approve the site plan for the proposed synagogue in accordance with BCZR, §1B01.1.B.1.g(6), including a finding that the restrictions of BCZR, §1B01.1.B.1.e(1) through (5) do not apply.
3. To approve a modified parking plan pursuant to BCZR, §409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required.
4. Such further and other relief as the nature of this case may require.

Variance

1. From BCZR, §1B01.2.C.1.a for an existing front yard setback of 26 feet in lieu of 40 feet required, an existing interior side yard setback of 11 feet in lieu of 20 feet required, and an existing corner side yard setback of 28 feet in lieu of 35 feet required. No new building is proposed.
2. From BCZR, §301.1 for an existing carport with a front yard setback of 25 feet in lieu of 30 feet required and a side yard setback of 5 feet in lieu of 15 feet required. No new building is proposed.

CERTIFICATE OF POSTING

2024-0104-SPHA

RE: Case No.: _____

Petitioner/Developer: _____
Amiel Chicheportiche, Michelle Hoelien
Bais Dovid Corporation

June 27, 2024

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Jeff Perlow:

Ladies and Gentlemen:

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

6800 Sylvale Road ***SIGN 1A & 1B***

June 5, 2024

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

June 5, 2024

(Signature of Sign Poster) _____ (Date) _____

SSG Robert Black

(Print Name)

1508 Leslie Road

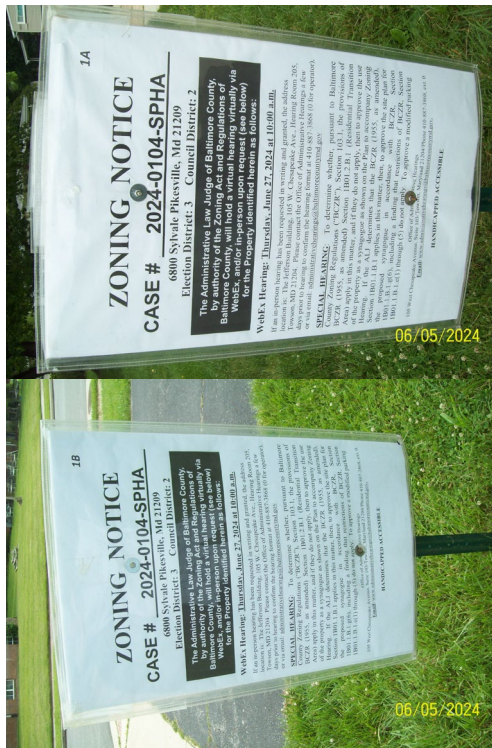
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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 (EPS) - Development Coordination

DATE: May 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0104-SPHA
Address: 6800 SYLVALE RD
Legal Owner: Amiel Chicheportiche, Michelle Hoelien

Zoning Advisory Committee Meeting of May 7, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0104-SPHA

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-104-SPHA

INFORMATION:

Property Address: 6800 Sylvale Road
Petitioner: Amiel P. Chicheportiche, Michelle Hoenlien
Zoning: DR 5.5
Requested Action: Special Hearing/Variance

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

Special Hearing -

1. To determine whether pursuant to BCZR Section 103.1 the provisions of BCZR (1955, as amended), Section 1B01.1.B.1 (Residential Transition Area) apply in this matter, and if they do not apply, then to approve the use of the property as a synagogue as shown on the Plan to Accompany Zoning Hearing.
2. If the ALJ determines that the BCZR (1955, as amended) Section 1B01.1.B.1 applies in this matter, then to approve the site plan for the proposed synagogue in accordance with BCZR Section 1B01.1.B.1.g(6) including a finding that the restrictions of BCZR, Section 1B01.1.B.1.e(1) through (5) do not apply.
3. To approved a modified parking plan pursuant to BCZR Section 409.12.B, to allow 2 parking spaces to serve the proposed synagogue in lieu of 20 spaces required.
4. Such further and other relief as the nature of this case may require.

Variance –

1. From BCZR Section 1B01.2.C.1.a for an existing front yard setback of 26 feet in lieu of 40 feet required, an existing interior side yard setback of 11 feet in lieu of 20 feet required, and an existing corner side yard setback of 28 feet in lieu of 35 feet required. No new building is proposed.
2. From BCZR Section 301.1 for an existing carport with a front yard setback of 25 feet in lieu of 30 feet required and a side yard setback of 5 feet in lieu of 15 feet required. No new building is proposed.

The proposed site is approximately a 11,243 square foot property zoned DR 5.5. The property is surrounded by predominantly residential uses. The site has no previous Zoning history and is not in a historic district.

The subject property is currently a residence zoned DR 5.5. The petitioner would like to apply for relief to convert an existing dwelling to a Synagogue that does not require RTA's, a reduction in the required parking spaces, and to continue the non-conforming setbacks for the existing dwelling and carport. It is understood that the building and car port will remain and there is no proposal for any new buildings. The Synagogue will not require more than 80 seats. The site plan indicates that 2 parking spaces will be provided in lieu of the required 20 spaces. It should be noted that the proposed users of the Synagogue will not utilize vehicles or require parking on the Sabbath, which is expected to be the busiest day. It is understood that the requested conditions are currently existing and there will only be interior alterations. The Average Daily Trips (ADT) are proposed to be conservative and not adversely impact the site.

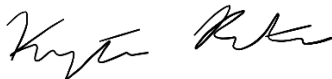
Pursuant to Baltimore County Zoning Regulation (BCZR) Section 1B01.1.B.1.g(6) as the proposal currently exists, RTA's do not apply. BCZR Section 1B01.1.B.1.g(6) states the restrictions to residential transition do not apply to: "A proposed dwelling to be placed in a RTA containing existing dwellings of the same type, or, if two or more types of dwellings exist, a proposed dwelling of the same type as the existing dwelling with the fewest number of dwelling units. Such dwellings shall be governed by the applicable laws, zoning regulations and policies otherwise applicable. As used herein, a "dwelling of the same type" means a dwelling which has the same or lesser number of dwelling units and party walls as the existing dwelling units."

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

1. Comply with any landscaping guidelines required by the Baltimore County Landscape Architect.
2. Provide any proposed signage to the Department of Planning for review. Signage should comply with Section 450 of the Baltimore County Zoning Regulations.
3. Demonstrate to the satisfaction of the Administrative Law Judge that the provided parking will be sufficient for the capacity of the Synagogue.
4. Demonstrate to the satisfaction of the Administrative Law Judge, that the interior alterations will not trigger RTA's, altering the current confirmation of "dwellings of the same type", where "dwelling of the same type means a dwelling that has the same or lesser number of dwelling units and party walls.
5. That the Synagogue not be used to facilitate community functions or events to prevent increase of vehicular congestion along the public right-of-way and adjacent cul-de-sac, due to the lack of provided parking.
6. Any additional conditions set forth by the Administrative Law Judge.

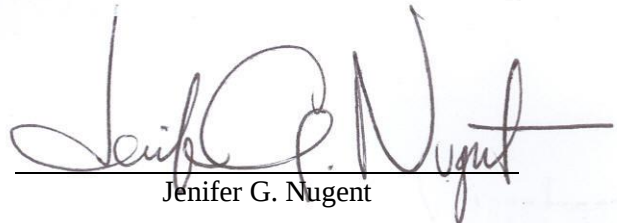
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

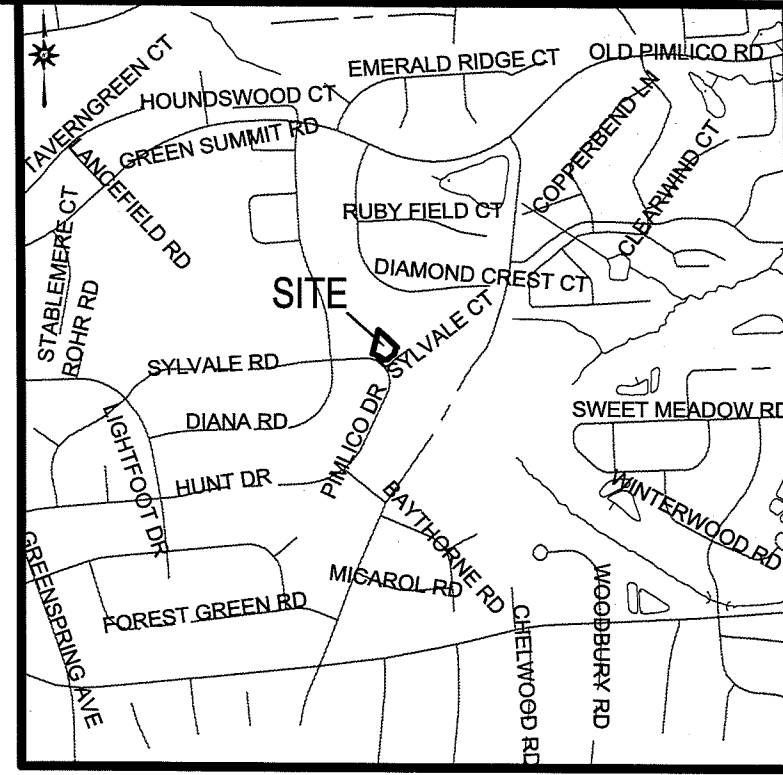
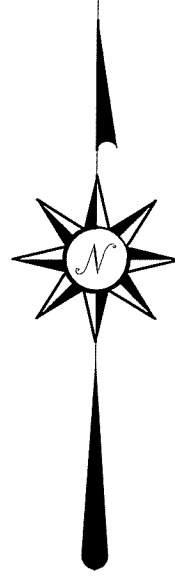
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Dino C. La Fiandra, Esquire
Sydney Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: AMIEL P. CHICHEPORTICHE, MICHELLE HOEULEN, 24 DIAMOND CREST CT, BALTIMORE MD 21209
- SITE AREA: 11,243 SF or 0.23 Ac.±; GROSS: 15,447 SF or 0.35 Ac.±
- USES: PROPOSED: 1 DWELLING; EXISTING: 1 SYNAGOGUE
- UTILITIES: PUBLIC WATER & SEWER
- DEED REFERENCE: 47518/322
- TAX ACCOUNT #0313085930
- COUNCILMANIC DISTRICT: 2ND
- ELECTION DISTRICT: 3RD
- CENSUS TRACT: 403601
- ZONING: DR 5.5 (PER 200 SCALE GIS TILE #079A1)
- TAX MAP #79, GRID #1, PARCEL #183
- WATERSHED: JONES FALLS
- PRIOR PERMITS ON FILE: NONE
- PRIOR ZONING CASES ON FILE: NONE
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE ACCORDING TO FEMA MAP #24001002456 NOVEMBER 2, 2023.
- THE SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA
- BASIC SERVICE MAPS (2023)
- TYPE DEFICIENT (Y/N) NOTE
- SEWER: N
- WATER: N
- TRANSPORTATION: N
- SETBACKS FOR DR 5.5 NON-RESIDENTIAL
- TYPE REQUIRED PROVIDED
- FRONT: 40' 28'±
- INTERIOR SIDE: 20' 11'±
- CORNER SIDE: 35' 28'±
- REAR: 30' 42'±
- PARKING: REQUIRED: 1 PARKING SPACE PER 4 SEATS IN THE MAIN SANCTUARY; SEATING CAPACITY/4 SPACES: 80/4= 20 SPACES REQUIRED; PROVIDED: 2 SPACES, RELIEF REQUESTED
- BUILDING HEIGHT: THE HEIGHT OF THE BUILDING WILL NOT EXCEED THE REQUIREMENTS OF BCZR § 300.2
- BCZR § 300.2
- ALL SIGNS TO CONFORM TO BCZR SECTION 450, OR VARIANCES WILL BE REQUESTED



7 Denelson Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net
rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
BAIS DOVID
SYNAGOGUE
6800 SYLVALE COURT

BALTIMORE COUNTY
3RD ELECTION DISTRICT
MARYLAND
2ND COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	03-17-24	23205	1 OF 1

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: 08-15-2025



3/26/24