



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

September 4, 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: Revised Order
Case No. 2024-0132-SPH
Property: 7310 Park Heights Avenue

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 be "DJB", with a large, stylized flourish extending from the end.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
c: *See next page*

C: Ohr Chadash Congregation, Inc. – drapoport@ohrchadashbaltimore.org
David Reidy - dreidy@ohrchadashbaltimore.com
Dr. Deborah Rapoport- drapoport@ohrchadashbaltimore.org
Hoffman, Robert A.- rahoffman@venable.com
Steve Warfield- sw@matiswarfield.com
Abby Hoffman- 4abbyhoffman@gmail.com
Chaim Shoop- cshoop@ohrchadashbaltimore.org

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
(7310 Park Heights Avenue)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Har Sinai-Oheb Shalom Congregation, Inc.	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Ohr Chadash Congregation, Inc.	*	FOR BALTIMORE COUNTY
Lessee		
	*	Case No: 2023-0132-SPH
Petitioners		
* * * * *		

REVISED ORDER

On July 29, 2024, the Office of Administrative Hearings (“OAH”) issued an Opinion & Order granting relief pursuant to a Petition for Special Hearing filed by Petitioner under Baltimore County Zoning Regulations (“BCZR”) § 1B01.1.B.1.g(10) to approve a Site Plan for buildings dedicated to educational activity, including a finding that the requirements under BCZR § 1B01.1.B.1(a)-(e) do not apply, to approve existing accessory structures 1, 2 and 3 for BCZR compliance as indicated on the Site Plan, and to approve a modified parking plan under BCZR § 409.12.B. That Order incorporated certain ZAC comments from county agencies as conditions of approval.

On August 28, 2024, Petitioner filed a Motion for Reconsideration/Clarification regarding the requirement that Petitioner satisfy the requirements contained in the aforementioned ZAC comments incorporated into the subject Order.

Upon consideration of the Motion, Petitioner’s Motion for Clarification is hereby **GRANTED IN PART** and **DENIED IN PART**, pursuant to the terms of this Revised Order, superseding the prior Order, with the revised language underlined below.

THEREFORE, IT IS ORDERED this 4th day of **September, 2024**, by this Administrative Law Judge that the Petition for Special Hearing relief under BCZR § 500.7, to determine whether the Administrative Law Judge should approve the site plan for buildings devoted to educational activity in accordance with the requirements of BCZR, §1B01.1. B.1.g(10), including finding that the restrictions contained in BCZR, § 1B01.1.B.1.a through e, do not apply to the proposed project be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the request to approve accessory structures 1, 2 and 3 as shown on the Site Plan as conforming to the requirements of BCZR §400 be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the request to consider the existing off-street surface parking as indicated in the Site Plan as a modified parking plan in compliance with off-street vehicle parking constitutes a modified parking plan, and that modified parking plan is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Opinion in this matter dated July 28, 2024, is hereby incorporated by reference into this Revised Order.

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;
- ~~Petitioners must comply with DPR landscape and lighting requirements comment as well as the REC and Parks comment, which is attached hereto and made a part hereof.~~ In consideration of DPR's ZAC comment, Petitioner shall coordinate with the Baltimore County Landscape Architect to determine whether additional landscaping is required for accessory structures 1, 2 and 3 and the approved surface parking, and shall comply with any landscaping requirements under the Baltimore County

Landscape Manual. If additional lighting is proposed, Petitioner shall also submit a Lighting Plan for review and approval; no further review of LOS is required;

- ~~Petitioners must comply with the DOP comment, which is attached hereto as a made a part hereof.~~ In consideration of DOP's ZAC comment: (1) additional signage is subject to the requirements of BCZR §450 and must be submitted to DOP for review and approval; (2) Petitioner shall also ensure that any dumpsters are not visible from the public right of way and screening requirements outlined in Condition H of the Baltimore County Landscape Manual are satisfied; and (3) Petitioner is not required to submit proof of approvals or permits from Baltimore City.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



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 29, 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: Petition for Special Hearing
Case No. 2024-0132-SPH
Property: 7310 Park Heights Avenue

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 be "Derek J. Baumgardner", with a stylized, cursive script.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: See Next Page -

Page Two

Case No: 2024-0132-SPH

C: Ohr Chadash Congregation, Inc. – drapoport@ohrchadashbaltimore.org
David Reidy - dreidy@ohrchadashbaltimore.com
Dr. Deborah Rapoport- drapoport@ohrchadashbaltimore.org
Hoffman, Robert A.- rahoffman@venable.com
Steve Warfield- sw@matisswarfield.com
Abby Hoffman- 4abbyhoffman@gmail.com
Chaim Shoop- cshoop@ohrchadashbaltimore.org

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
(7310 Park Heights Avenue)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Har Sinai-Oheb Shalom Congregation, Inc.	*	ADMINISTRATIVE HEARINGS
Legal Owner		
Ohr Chadash Congregation, Inc.	*	FOR BALTIMORE COUNTY
Lessee		
	*	Case No: 2024-0132-SPH
Petitioners		
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Petitioner, Har Sinai-Oheb Shalom Congregation, Inc. (owner), and Ohr Chadash Congregation, Inc. (lessee). Petitioner(s) are owner/lessee of the property located at 7310 Park Heights Avenue, Baltimore, Maryland (“the Property”). Special Hearing relief is requested pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 1B01.1.B.1.g(10) to approve the Site Plan for buildings dedicated to educational activity, including a finding that the requirements under BCZR § 1B01.1.B.1(a)-(e) do not apply; to approve existing accessory structures 1, 2 and 3 for BCZR compliance as indicated on the Site Plan; and to approve a modified parking plan under BCZR § 409.12.B. The requested zoning relief relates to existing structures and buildings in support of an existing educational facility (Ohr Chadash Academy).

A public hearing was conducted on July 18, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. The following exhibits were received from Petitioner and admitted into the record: (1) CV – Stephen Warfield; (2) Site Plan; (3) GIS aerial zoning; (4) Photo Array (A-O) with photo legend. The following ZAC comments were received and admitted into the record: (1) Department of Planning (“DOP”)

comments; (2) Building Plans Review (BPR) comments; (3) Development Plans Review (DPR) and DPW-T comments; and (4) Department of Environmental Protection & Sustainability (DEPS) comments. Agencies provided comment and recommended conditions but did not object to the relief requested.

Deborah Rapoport, President of Ohr Chadash Academy, appeared at the hearing on behalf of Petitioner. Stephen Warfield, a licensed civil/environmental engineer with Matis Warfield, Inc., prepared and sealed the Site Plan and appeared on behalf of Petitioner. Petitioner was represented by Dino La Fiandra, Esq. Other individuals from Har Sinai-Oheb Shalom Congregation and Ohr Chadash appeared in support but did not provide testimony.

Findings of Fact

The Property comprises two parcels located in Baltimore County and Baltimore City containing 5.427 total acres in land area. The portion of the property located in Baltimore County is split-zoned DR-5.5/DR-16, with the Baltimore City portion zoned R-9. The property is improved with institutional and educational buildings. All existing uses (daycare, school, place of worship) are permitted by right and proposed to continue under this Petition. The property is located along the Park Heights Avenue corridor which contains various commercial, educational, institutional, and multi-family housing uses. The property is immediately adjacent to detached single-family homes to the southwest and multi-family housing to the northeast.

Mr. La Fiandra proceeded by way of a modified proffer describing the project, the surrounding community, the relief requested, and impacts of existing buildings and surface parking on-site. Mr. La Fiandra explained that temporary buildings erected under proper permit were scheduled to expire prompting the requested zoning relief to establish the buildings as permanent structures.

The Site Plan was prepared by Stephen Warfield of Matis Warfield, Inc. *See* Petitioner's Exhibits 1 and 2. Mr. Warfield described the property and the surrounding community and the impact of the RTA. Mr. Warfield further described the site as maintaining vegetative buffers at the rear of the property to screen the property from the single-family detached homes located on Howard Avenue, Randall Avenue, and Maryland Avenue. *See* Petitioner's Exhibit 4 (A-O). The Site Plan identifies structures A, B and C as principal structures for the school use with a central plaza. Structures 1, 2 and 3 identified on the Site Plan are accessory buildings to the principal education use. Building B – described as a modular building – is the primary building that encroaches into the RTA prompting this request for zoning relief. Mr. Warfield testified that the 20 ft. vegetative buffer at the rear of the property supports the intent of the RTA and the use of a school is compatible with the surrounding residential neighborhood.

Ms. Rapoport described the educational facility, Ohr Chadash Academy, as a Jewish day school for students ages 2 through grade 8. Ohr Chadash currently has an enrollment of 328 students with 85 employees. The school, place of worship, and child day care uses are separate entities although share common elements like open recreational areas, buildings, and surface parking lots.

Conclusions of Law

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).

Pursuant to BCZR § 1B01.1.B.1 the existing Building B generates an RTA because of its proximity to adjacent DR zoned lots. BCZR permits exceptions to RTA requirements when uses fall within certain categories, *sub judice*, BCZR § 1B01.1.B.1.g(10):

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

Petitioner further requests approval of the existing accessory structures marked in the Site Plan as 1, 2 and 3 as satisfying the requirements of BCZR §400 and approval of the existing surface parking lots as a modified parking plan under BCZR § 409.12.B.

Based on the testimony and evidence adduced at the hearing, I find that the requested Special Hearing relief can be granted. The existing structures and surface parking are compatible with the community and generally consistent with the spirit and intent of the regulations. I further find that the restrictions contained under BCZR § 1B01.1.B.1(a)-(e) do not apply as the use qualifies under BCZR § 1B01.1.B.1.g(10) exception as an educational facility. I find that accessory buildings 1, 2 and 3 satisfy the requirements of BCZR §400 in location, lot coverage, and setbacks, and for

heights permitted under BCZR § 300.2 for buildings used for educational purposes.

I further find that the existing surface parking, constituting a modified parking plan, is sufficient in quantity, use, and design to adequately meet the needs of the uses on site, provides safe vehicular and pedestrian access, and otherwise satisfies the requirements of BCZR § 409.12.B. 92 off-street parking spaces are required and 121 off-street vehicle spaces are provided. *See* Petitioner's Exhibit 2. Lastly, I find that this authorization does not cause harm to the general public's health, safety or welfare pursuant to BCZR, §500.7.

THEREFORE, IT IS ORDERED this 29th day of **July, 2024**, by this Administrative Law Judge that the Petition for Special Hearing relief under BCZR § 500.7, to determine whether the Administrative Law Judge should approve the site plan for buildings devoted to educational activity in accordance with the requirements of BCZR, §1B01.1. B.1.g(10), including finding that the restrictions contained in BCZR, § 1B01.1.B.1.a through e, do not apply to the proposed project be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the request to approve accessory structures 1, 2 and 3 as shown on the Site Plan as conforming to the requirements of BCZR § 400 be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the request to consider the existing off-street surface parking as indicated in the Site Plan as a modified parking plan in compliance with off-street vehicle parking constitutes a modified parking plan, and that modified parking plan 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;

- Petitioners must comply with DPR landscape and lighting requirements comment as well as the REC and Parks comment, which is attached hereto and made a part hereof.
- Petitioners must comply with the DOP comment, which is attached hereto a made a part hereof.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0132-SPH

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: If Special Hearing(s) are approved / successful a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: Need to address LOS - Open Space requirements (Code Section 32-6-108, the latest LOS requirements) & No Greenways affected.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/5/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0132-SPH

INFORMATION:

Property Address: 7310 Park Heights Avenue
Petitioner: Har Sinai-Oheb Shalom Congregation, Inc
Zoning: DR 5.5/DR 16
Requested Action: Special Hearing

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

Special Hearing -

1. To approve the site plan for buildings devoted to educational activity (K thru 8th Grade School) in accordance with the requirements of BCZR Section 1B01.1.B.1.g(10), including a finding that the restrictions contained in BCZR Section 1B01.1.B.1.a through e do not apply to the proposed project.
2. To confirm that the location of accessory structures 1, 2, and 3 as shown on the Site Plan to Accompany Petition for Zoning Hearing conforms to the requirements of BCZR Section 400, or in the alternative, to approve the location of accessory structures 1, 2, and 3 as shown on the Site Plan to Accompany Zoning Petition.
3. To confirm that the accessory off-street parking provided on the site conforms to the requirements of BCZR Section 409 or, in the alternative, approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, pursuant to BCZR Section 409.12.B.
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a combined 5.427-acre property zoned DR 5.5. and DR 16. It is surrounded by residential uses. The property currently has an existing school (students 2-years old through middle school) in Baltimore County and Synagogue & Daycare (Children 10-weeks old through 5-years old) in Baltimore City and proposes to continue these uses.

The Department of Planning's assessment of the requested petition is reliant upon the Baltimore County Zoning Regulations, the Baltimore County Code, and the Comprehensive Manual of Development Policies.

The proposed use appears to be acceptable and permitted by right. The proposal to devote buildings for educational activity appears to meet the requirements of Baltimore County Zoning Regulation Section 1B01.1.B.1.g(10), which states, " A new community building, or other structures devoted to civic, social,

recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.” Therefore, the Department of Planning recommends that the Zoning Commissioner approve this requested relief from RTA use requirements. The location of the accessory structures will not be altered with the proposal and will not adversely impact the adjacent neighborhood. The design of the parking areas are not proposed to be altered and the parking requirements of BCZR Section 409 are being met.

The Department of Planning has no opposition to the granting of said requested relief above conditioned upon the following:

- 1) Any additional signage is submitted to the Department of Planning for review and approval. Signage should comply with section 450 of the Baltimore County Zoning Regulations.
- 2) Coordinate with the Baltimore County Landscape Architect for any additional landscaping requirements.
- 3) Ensure that the dumpster is not visible from the public right-of-way and the screening requirements outlined in Condition H. of the Baltimore County Landscape Manual are met.
- 4) The subject property is bisected by the Baltimore County and Baltimore City line. Confirm compliance with all regulation required by Baltimore City.
- 5) The plan meets all additional conditions as required by the Administrative Law Judge.

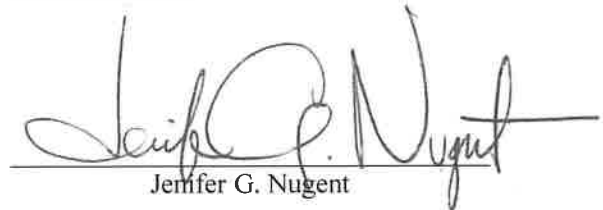
For further information, concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:


Jennifer G. Nugent

SL/JGN/KP

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



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 7310 Park Heights Avenue which is presently zoned DR 5.5 / DR 16
 Deed References: 2820/554 10 Digit Tax Account # 0315025025 and 0315025026
 Property Owner(s) Printed Name(s) Har Sinai-Oheb Shalom Congregation, Inc.

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

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

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

See Attachment.

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

3. ☐ **a Variance** from Section(s)

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

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:

Ohr Chadash Congregation, Inc.

Name- Type or Print Deborah L. Rapoport
Head of School
 Signature

7310 Park Heights Avenue, Baltimore, MD
 Mailing Address City State
21208 / 410-999-2200 / drapoport@ohrchadashbaltimore.org
 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 / 443-204-3473 / dcl@lafiandralaw.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Har Sinai-Oheb Shalom Congregation, Inc.

Name #1 - Type or Print LEE SHERMAN
EXECUTIVE DIRECTOR
 Signature #1 Signature #2

7310 Park Heights Avenue, Baltimore, MD
 Mailing Address City State
21208 / /
 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 / 443-204-3473 / dcl@lafiandralaw.com
 Zip Code Telephone # Email Address

CASE NUMBER 2024-0132-SP4 Filing Date 5/17/24

Do Not Schedule Dates: _____

Reviewer MSK

Petition for Zoning Hearing
7310 Park Heights Avenue
Ohr Chadash Academy
Continuation Sheet

The Petitioner seeks:

- ✓ *Special Hearing* under §500.7 of the Zoning Regulations of Baltimore County to determine whether the Zoning Commissioner should:
1. Approve the site plan for buildings devoted to educational activity (K thru 8th Grade School) in accordance with the requirements of BCZR § 1B01.1.B.1.g(10), including a finding that the restrictions contained in BCZR §1B01.1.B.1.a through .e do not apply to the proposed project.
 2. Confirm that the location of accessory structures 1, 2 and 3 as shown on the Site Plan to Accompany Petition for Zoning Hearing conforms to the requirements of BCZR, §400, or in the alternative, to approve the location of accessory structures 1, 2, and 3 as shown on the Site Plan to Accompany Zoning Petition.
 3. Confirm that the accessory off-street parking provided on the site conforms to the requirements of BCZR §409 or, in the alternative approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, pursuant to BCZR, §409.12.B
 4. Approve such further and other relief as the nature of this case may require.

MATISWARFIELD

Consulting Engineers

ZONING DESCRIPTION to Accompany Petition For

Beginning at a point at the southernmost point of the subject property, 795-feet northwest of the centerline of Seven Mile Lane, and such point being southeast of the intersection of Randall Avenue and Howard Avenue (P.O.B.).

Thence the following courses and distances:

N 43° 11' 00" E 195.14';

N 00° 14' 04" W 723.33';

S 45° 37' 30" W 50.32';

S 44° 43' 30" W 675.27';

N 47° 20' 35" E 517.47';

to the place of beginning,

Containing 5.427 acres±,

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT
INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

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 21162
Expiration Date: 03-20-2026



2024-0132-SPH

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

No. 230489

Date: 5/17/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500

Total: \$ 500

Rec
From:

Oh- Chadash Congregation, Inc.

For:

Special Hearing Filing
7310 Park Heights Ave

Zoning Case 2024-0132-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

with

**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: 2024-0132-SPH

Property Address: 7310 Park Heights Avenue

Property Description: 5.47 Acres 795 feet northwest of the centerline of Seven Mile Lane

Legal Owners (Petitioners): Har Sinai-Oheb Shalom Congregation, Inc.

Contract Purchaser/Lessee: Ohr Chadash Congregation, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. La Fiandra, Esquire

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

Address: 100 W. Pennsylvania Avenue, Suite 305

Towson, Maryland 21204

Telephone Number: 443-204-3473

Revised 7/9/2015

CERTIFICATE OF POSTING

2024-0132-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Har Sinai-Oheb Shalom Congregation, Inc.
Ohr Chadash Congregation, Inc.

July 18, 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: _____

7310 Park Heights Avenue ***SIGN 1A & 1B***

June 27, 2024

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

Sincerely,

 June 27, 2024
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

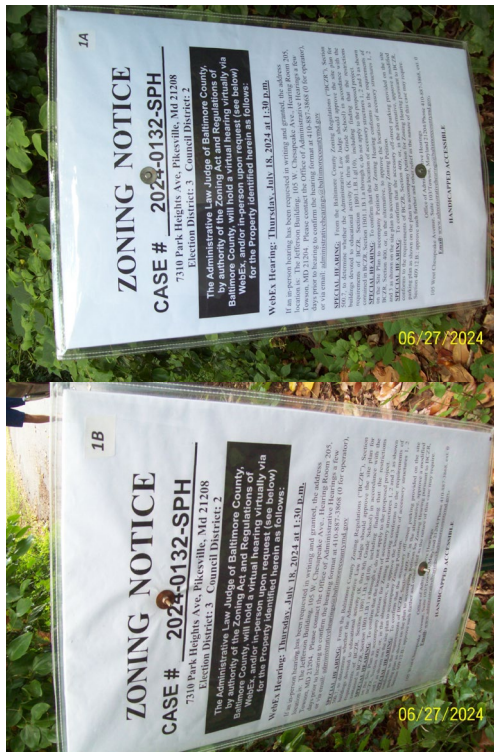
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** May 29, 2024
Department of Permits, Approval, and Inspections

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0132-A

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

BPR: No comments

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: June 4, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0132-SPH
Address: 7310 PARK HEIGHT AVE
Legal Owner: Har Sinai-Oheb Shalom Congregation, Inc

Zoning Advisory Committee Meeting of June 4, 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 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0132-SPH

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: If Special Hearing(s) are approved / successful a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: Need to address LOS - Open Space requirements (Code Section 32-6-108, the latest LOS requirements) & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/5/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0132-SPH

INFORMATION:

Property Address: 7310 Park Heights Avenue
Petitioner: Har Sinai-Oheb Shalom Congregation, Inc
Zoning: DR 5.5/DR 16
Requested Action: Special Hearing

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

Special Hearing -

1. To approve the site plan for buildings devoted to educational activity (K thru 8th Grade School) in accordance with the requirements of BCZR Section 1B01.1.B.1.g(10), including a finding that the restrictions contained in BCZR Section 1B01.1.B.1.a through e do not apply to the proposed project.
2. To confirm that the location of accessory structures 1, 2, and 3 as shown on the Site Plan to Accompany Petition for Zoning Hearing conforms to the requirements of BCZR Section 400, or in the alternative, to approve the location of accessory structures 1, 2, and 3 as shown on the Site Plan to Accompany Zoning Petition.
3. To confirm that the accessory off-street parking provided on the site conforms to the requirements of BCZR Section 409 or, in the alternative, approve a modified parking plan as shown on the Plan to Accompany Petition for Zoning Hearing, pursuant to BCZR Section 409.12.B.
4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a combined 5.427-acre property zoned DR 5.5. and DR 16. It is surrounded by residential uses. The property currently has an existing school (students 2-years old through middle school) in Baltimore County and Synagogue & Daycare (Children 10-weeks old through 5-years old) in Baltimore City and proposes to continue these uses.

The Department of Planning's assessment of the requested petition is reliant upon the Baltimore County Zoning Regulations, the Baltimore County Code, and the Comprehensive Manual of Development Policies.

The proposed use appears to be acceptable and permitted by right. The proposal to devote buildings for educational activity appears to meet the requirements of Baltimore County Zoning Regulation Section 1B01.1.B.1g(10), which states, " A new community building, or other structures devoted to civic, social,

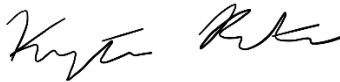
recreational, fraternal or educational activity, if the Zoning Commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.” Therefore, the Department of Planning recommends that the Zoning Commissioner approve this requested relief from RTA use requirements. The location of the accessory structures will not be altered with the proposal and will not adversely impact the adjacent neighborhood. The design of the parking areas are not proposed to be altered and the parking requirements of BCZR Section 409 are being met.

The Department of Planning has no opposition to the granting of said requested relief above conditioned upon the following:

- 1) Any additional signage is submitted to the Department of Planning for review and approval. Signage should comply with section 450 of the Baltimore County Zoning Regulations.
- 2) Coordinate with the Baltimore County Landscape Architect for any additional landscaping requirements.
- 3) Ensure that the dumpster is not visible from the public right-of-way and the screening requirements outlined in Condition H. of the Baltimore County Landscape Manual are met.
- 4) The subject property is bisected by the Baltimore County and Baltimore City line. Confirm compliance with all regulation required by Baltimore City.
- 5) The plan meets all additional conditions as required by the Administrative Law Judge.

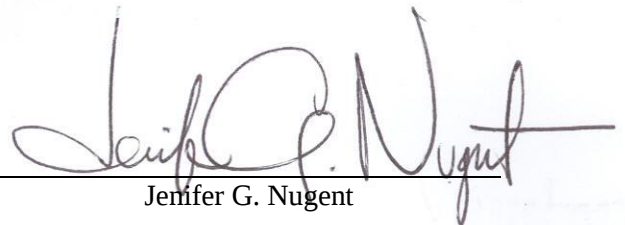
For further information, concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

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

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 - 0315025025

Owner Information

Owner Name: OHEB SHALOM CONG OF BALTIMORE CITY
Mailing Address: 7310 PARK HGTS AV
BALTIMORE MD 21208

Use: EXEMPT COMMERCIAL
Principal Residence: NO
Deed Reference: /02820/ 00554

Location & Structure Information

Premises Address: PARK HEIGHTS AVE
0-0000

Legal Description: LT REAR SS
PARK HEIGHTS AV
600 S OF SLADE AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0078 0010 0504 20000.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
5,227 SF 01

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

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2023 As of 07/01/2024	
Land:	52,200	52,200		
Improvements	247,500	290,800		
Total:	299,700	343,000	314,133	328,567
Preferential Land:	0	0		

Transfer Information

	Date:	Price:
Seller:		
Type:	Deed1: /02820/ 00554	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:	700	314,133.00	328,567.00
State:	700	314,133.00	328,567.00
Municipal:	700	0.00/0.00	0.00/0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Account Number - 0315025026

Owner Information

Owner Name: OHEB SHALOM CONG OF BALTIMORE CITY Use: EXEMPT COMMERCIAL
Mailing Address: 7310 PARK HGTS AV Principal Residence: NO
BALTIMORE MD 21208 Deed Reference:

Location & Structure Information

Premises Address: PARK HEIGHTS AVE Legal Description: 4 AC
0-0000 WS PARK HEIGHTS AVE
690FT S OF SLADE AVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0078 0010 0504 20000.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
4.0000 AC 01

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	800,000	800,000		
Improvements	240,700	285,900		
Total:	1,040,700	1,085,900	1,055,767	1,070,833
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	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:	710	1,055,767.00	1,070,833.00
State:	710	1,055,767.00	1,070,833.00
Municipal:	710	0.00 0.00	0.00 0.00

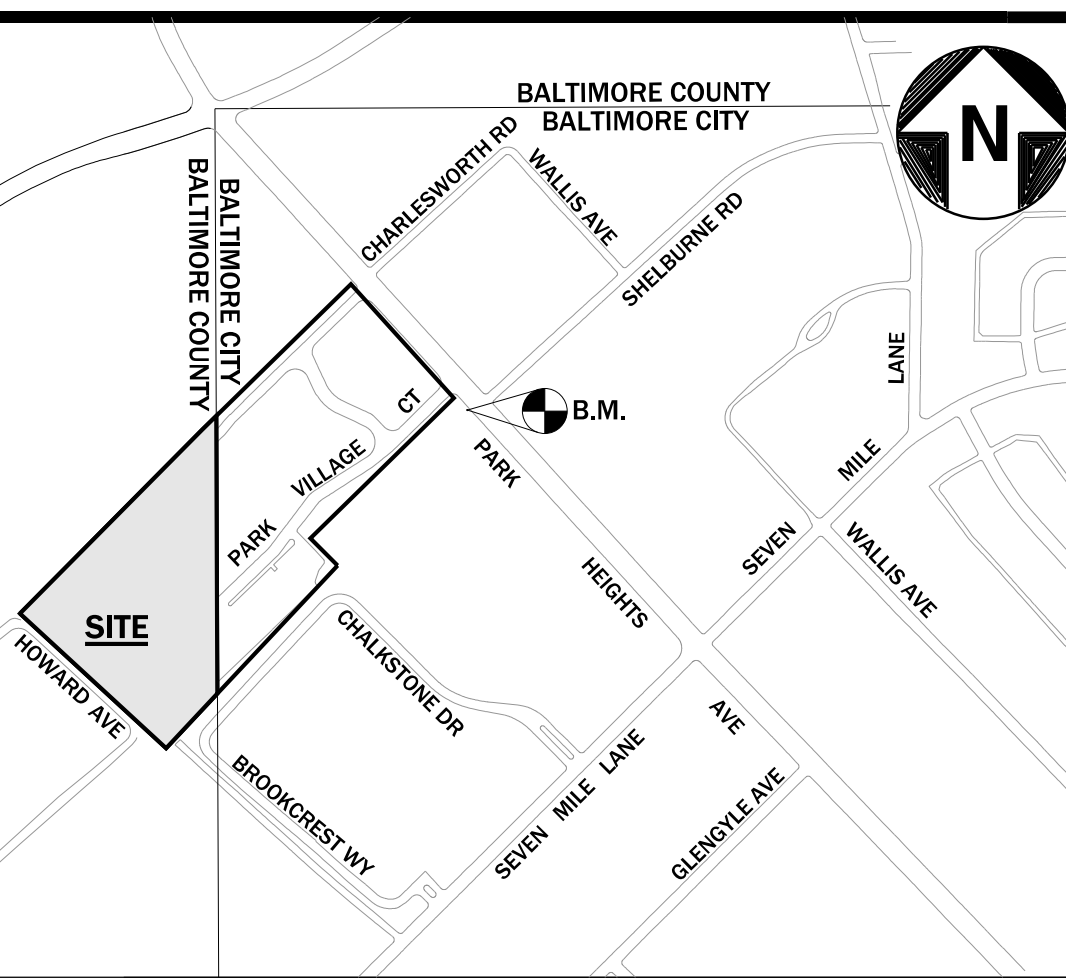
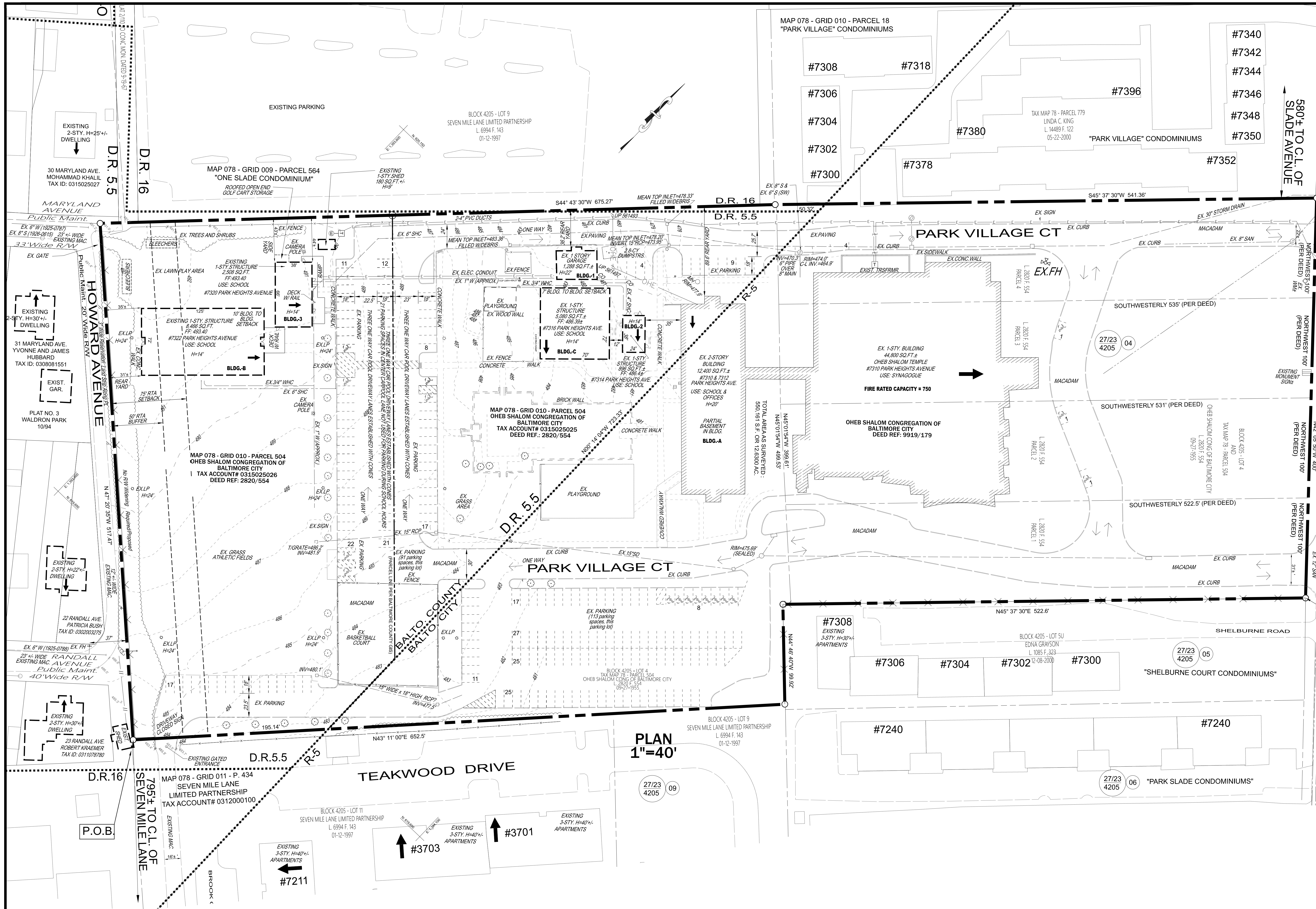
Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

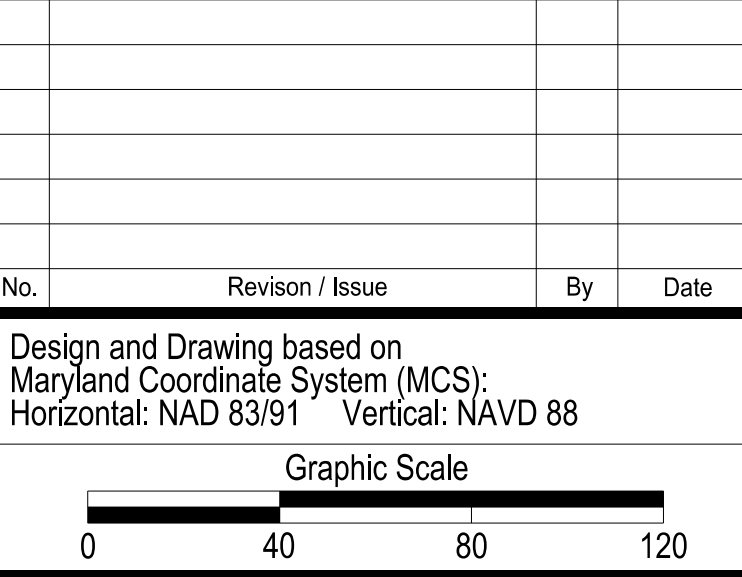
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:



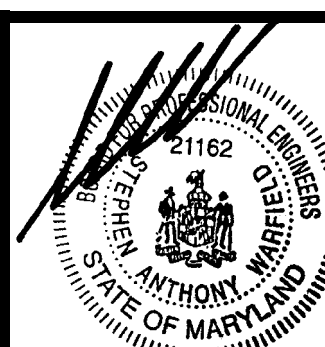
Location Map
SCALE: 1"=500'

- NOTES**
- ELECTION DISTRICT: 03
 - COUNCILMANIC DISTRICT: 02
 - ZONING MAP NUMBER: 0078
 - AREA OF PARCELS, NET & GROSS
TAX ACCT.# (ac+/-) (sf+/-)
03-1502-5026 3.219 140,232
03-1502-5025 2.208 96,165
TOTAL 5.427 236,397
 - PREVIOUS COMMERCIAL PERMITS:
B662360 FOUNDATION FOR 70'X72' MODULAR CLASSROOM BLDG.
ISSUED 6/12/2007
B768577 GRADING 105,983-SF FOR ATHLETIC FIELDS; ISSUED 10/6/2011
B843606 CHANGE OF OCCUPANCY SCHOOL TO CHILD CARE; ISSUED 4/25/2014
B911728 FOUNDATION FOR 38'X24' MODULAR CLASSROOM BLDG.
ISSUED 8/6/2016
B915847 42' TALL FENCE AT PLAYGROUND; ISSUED 6/1/2016
B917179 INTERIOR ALTERATION; ISSUED 6/10/2016
B948603 FOUNDATION FOR 125'X72' TEMP MODULAR CLASSROOM BLDG.
ISSUED 8/7/2018
B948605 FOUNDATION FOR 38'X66' TEMP MODULAR CLASSROOM BLDG.
ISSUED 8/7/2018
B949820 DECK AND STEPS FOR TEMP MODULAR BLDGS.; ISSUED 8/28/2018
B970633 84' TALL FENCE ALONG REAR PROPERTY LINE; ISSUED 6/16/2020
 - ZONING HEARINGS - NONE KNOWN
 - ZONING: 1. 170-SF DR-16 & 235-227-SF DR-5.5 (ALL BLDGS. IN DR-5.5 ZONE)
MIN. PRINCIPAL NON-RESIDENTIAL BUILDING SETBACKS IN THE DR-5.5 ZONE:
Front Yard 40 ft
Side Yard 20 ft
Rear Yard 30 ft
SCHOOL USE IS ALLOWED TO SHARE YARDS
 - OWNERSHIP INFORMATION:
OHEB SHALOM CONGREGATION OF BALTIMORE CITY
7310 PARK HEIGHTS AVENUE
BALTIMORE MARYLAND, 21208
 - EXISTING USE: SCHOOL (Students 2-years old through middle school)
IN BALTIMORE COUNTY AND
SYNAGOGUE & DAY CARE (Children 10-weeks old through 5-years old) IN BALTIMORE CITY
 - PROPOSED USE: SCHOOL (Students 2-years old through middle school)
IN BALTIMORE COUNTY AND
SYNAGOGUE & DAY CARE (Children 10-weeks old through 5-years old) IN BALTIMORE CITY
 - NO SIGNS PROPOSED AT THIS TIME; HOWEVER, ANY FUTURE SIGNS TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES, OR VARIANCE GRANTED.
 - THE SITE IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER.
 - THIS SITE DOES NOT LIE WITHIN THE 100-YR FLOODPLAIN.
 - OFF STREET PARKING CALCULATIONS:
OCA SCHOOL - BALTIMORE COUNTY PROPERTY
REQUIRED: 1 PER EMPLOYEE, PLUS VISITOR PARKING SPACES
TOTAL PARKING SPACES REQUIRED (85 EMPLOYEES PLUS 7 VISITORS) = 92.
TOTAL PARKING SPACES PROVIDED = 121 PARKING SPACES.
 - SYNAGOGUE AND ACCESSORY USES - BALTIMORE CITY PROPERTY
REQUIRED: 1 PER 8 PERSONS OF FIRE RATED CAPACITY PLUS
DAY CARE USE (Children 10-weeks old-through 5-years old)
750 PERSONS FIRE RATED CAPACITY / 8 = 94.
24 DAY CARE EMPLOYEES @ 1 ps / 4 emp. = 6
TOTAL REQUIRED = 100 PARKING SPACES
TOTAL PARKING SPACES PROVIDED = 120 SPACES.
 - THE SITE IS NOT A DEFICIENT AREA AS SHOWN ON THE BALTIMORE COUNTY BASIC SERVICES MAPS.
 - ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
 - NEITHER SITE NOR CONTIGUOUS PROPERTIES ARE HISTORIC.



**OHR CHADASH
SCHOOL BUILDING**
7310, 7312, 7314, 7316, 7320, 7322
Park Heights Avenue
Baltimore City & Baltimore County
Maryland 21208

**Plan to Accompany
Special Hearing & Variance**



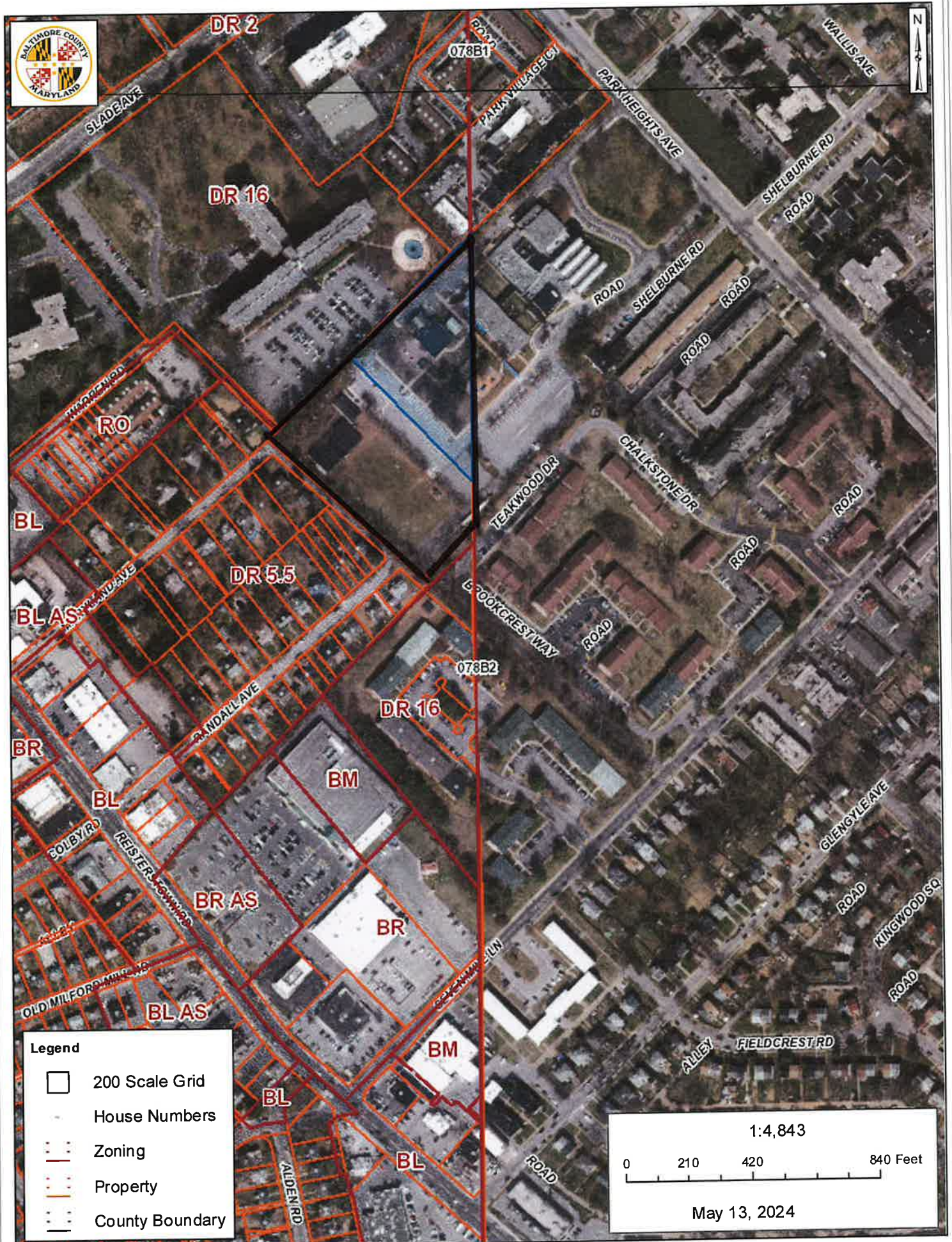
PROFESSIONAL CERTIFICATION:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 21162, Expiration Date: 03-20-2026

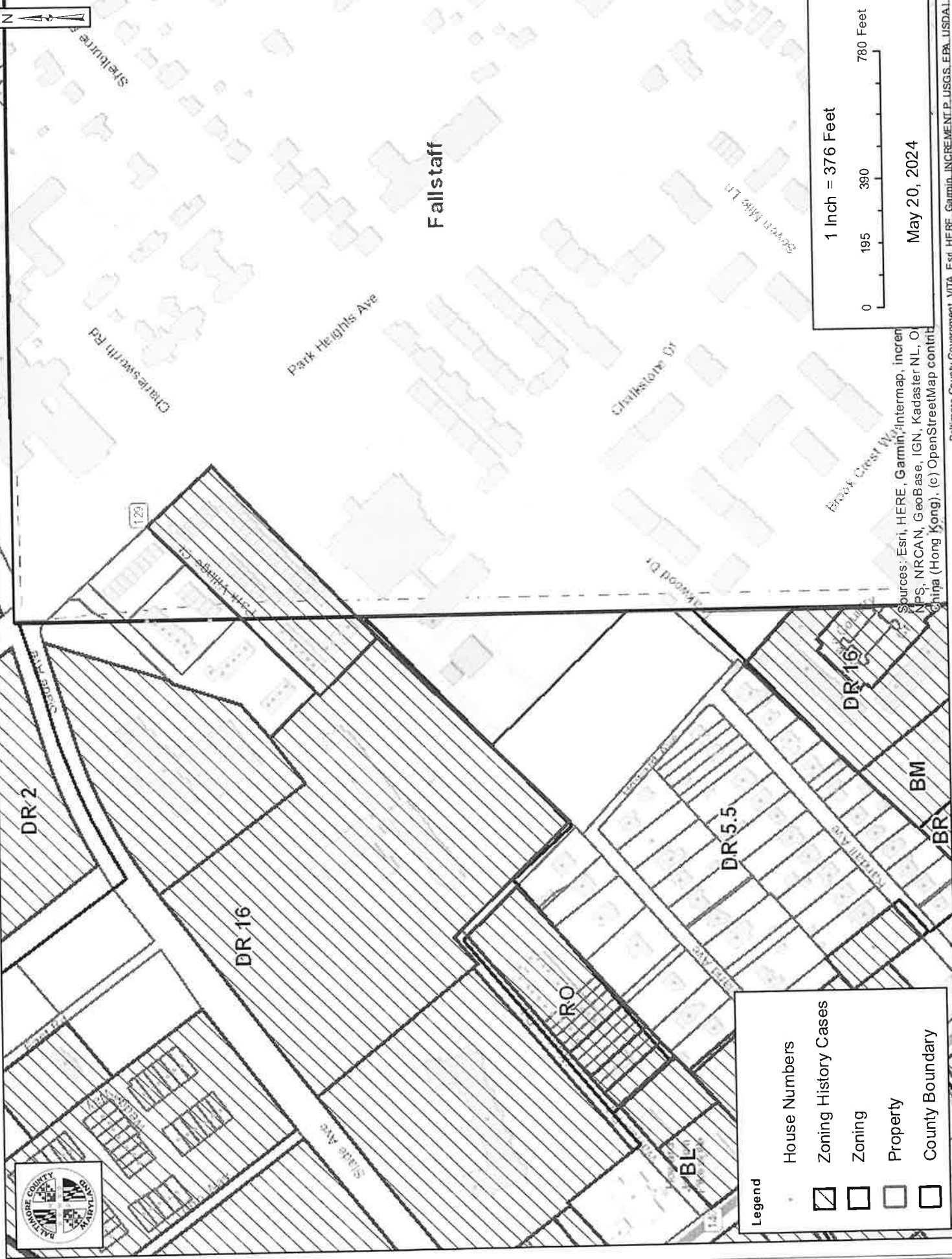
Owner Developer: **OHEB SHALOM CONGREGATION OF BALTIMORE CITY**
7310 Park Heights Avenue
Baltimore, MD 21208
Engineer: **MATIS WARFIELD**
Consulting Engineers
909 Ridgebrook Road, Suite 100
Sparks, Maryland 21152
Phone: (410) 683-7004 Fax: (410) 683-1798

Map: 0078 Grid: 010 Election District: 3
Parcel: 0504 Councilmanic District: 02
Date: 05/13/2024 Sheet Number: 01 OF 01
ZON-01

2024-0132-SPH

7310 Park Heights Avenue - Aerial & Zoning

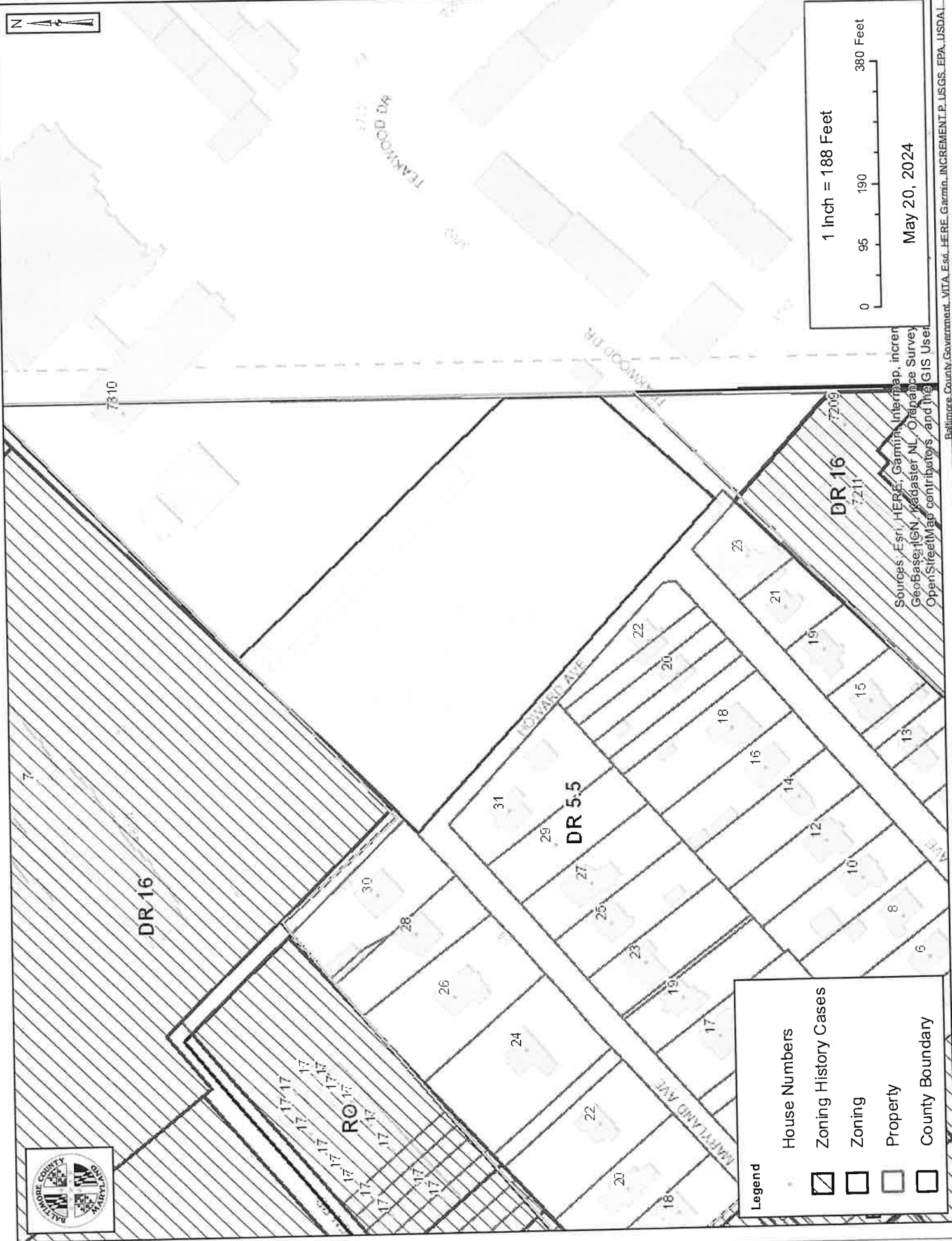




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Swisstopo, Mapbox, OpenStreetMap contributors, Swisstopo, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

2024-0132-SP4

Title



Legend

- ☒ House Numbers
- ☐ Zoning History Cases
- ☐ Zoning
- ☐ Property
- ☐ County Boundary

1 Inch = 188 Feet

0 95 190 380 Feet

May 20, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P., GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community