

RE: PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home
NW corner Old Court Road and
Greenwood Road
3rd District
Mitchell Gould, Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5567-X

OPINION

This is a petition for a special exception for a Convalescent Home on property located on the northwest corner of New Old Court Road and Greenwood Road in the Third District of Baltimore County. The property is presently zoned R-40.

Mr. George E. Gavelis, Deputy Director of Planning for Baltimore County, testified as to the surrounding property. To the east, across Greenwood Road and opposite the subject tract, is property zoned "M-L" and is being used in this classification. Later testimony developed that the property was being used as a printing plant. To the south, opposite the subject property and across the New Old Court Road, is an "R-6" development "Gwynnvale", with most of the homes on lots 55 and 60 feet. The rear of these homes along New Old Court Road would face the proposed convalescent home. To the north, across Old Court Road, is sparsely developed "R-40" property. To the west of the subject property, some 500 to 1,000 feet, is the route of the proposed Northwest Expressway and there will be an interchange at this point when the expressway is developed. It should also be noted that in relocating Old Court Road, old Old Court Road became a dead-end street and services only three homes.

Mr. Gould purchased the subject property in 1958. He originally purchased 4.98 acres, but after the relocation of the new Old Court Road he had 3.9 acres left. Of this land he seeks the special exception on 2.67 acres. The only part of the land that he has not asked the special exception for is where his home is located.

It would be most difficult to find a more suitable location for a convalescent home. Certainly the operation would have no adverse effect on the land to the west and to the east, the property which will be used for the Northwest Interchange and the "M-L" property being used as a printing plant. It is difficult to see how the convalescent home would have any adverse effect on the "R-6" homes. They are separated from the subject property by the New Old Court Road and are actually on a lower level than the Gould property. They face to the south so their rear entrances and back lawns would face the front of the convalescent home.

There was testimony from Mr. Lobe, one of the three property owners to the north, that if this property was allowed to be developed to its northern boundary,

directly adjacent to old Old Court Road, that it would have a very detrimental effect on his property. Mr. Gould's home and lawn borders the old Old Court Road except for the frontage to the west, a distance of some 185 feet along old Old Court Road. Mr. Gould has no intention of using this property for a distance of some 160 feet to the south, for the convalescent home, and the Board is deleting this property from its opinion in this case. A description of the property being deleted is being made a part of this Order.

Considering the authority granted to the Board to write restrictions in granting a special exception, it is the unanimous opinion of the Board of Appeals that Section 502.1 of the Zoning Regulations of Baltimore County would not in any way be violated. We are, therefore, unanimous in our opinion to grant the special exception on all of the property petitioned for except the property referred to in the Order, a description of which is attached and marked:

"Property deleted from original petition on which no special exception is being granted"

The special exception is subject to the following restrictions:

1. The total number of patients shall not exceed 100 at any time
2. The convalescent home shall be built in general conformance to petitioner's exhibit No. 1 with regard to position of the building and, further, that it shall be a one story split-level type of building with ground level available on both the upper and lower levels
3. There shall be but one driveway entrance and this shall be off Greenwood Road, and the position of this entrance shall be where the existing entrance to the Gould residence is now located. This shall also provide for egress from the property
4. That there will be a minimum of twenty (20) off-street parking spaces provided all of which will be located on the property to which the special exception is being granted, and none of which will be to the south of the convalescent home
5. That the property between the convalescent home and the new Old Court Road shall be in lawn and landscaped and maintained so as to provide a pleasant view from the homes to the south of the new Old Court Road, and that any service entrance to the convalescent home shall face to the east
6. That all kitchen vents be equipped with Ozone filters to assure that kitchen odors, if any, will be held to a minimum

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of May, 1963 by the County Board of Appeals, ORDERED that the special exception petitioned for, - except that part of the property referred to in the Opinion - be and the same is hereby granted subject to the aforementioned restrictions.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Matthew H. Kaufman
CHAIRMAN
Charles H. H. H. H.
G. Mitchell Austin

MITCHELL GOULD, PETITIONER

NO. 5567-X

PROPERTY DELETED FROM ORIGINAL PETITION ON WHICH NO SPECIAL EXCEPTION IS BEING GRANTED

BEGINNING FOR THE SAME at the northwest corner of the intersection of Old Court Road Relocated and Greenwood Road (70 feet wide) and running thence southwesterly with and binding on the northwest side of Old Court Road Relocated for a distance of 464 feet plus or minus; thence leaving the northwest side of Old Court Road Relocated and running northwesterly by deed bearing North 31 degrees 17 minutes West for a distance of 402 feet plus or minus to intersect the south side of Old Court Road (33 feet wide) before relocation; thence running and binding on the south side of Old Court Road the following three deed courses to intersect the southwest side of Greenwood Road (30 feet wide): (1) by a curve to the south having a radius of 833.51 feet and a length of 283.32 feet and a chord bearing North 61 degrees 02 minutes East for 282.10 feet; (2) North 71 degrees 13 minutes East 124.00 feet; and (3) by a curve to the south having a radius of 50.00 feet and a length of 60.46 feet; thence running with and binding on the southwest side of Greenwood Road the following three courses: (1) by a deed curve to the East having a radius of 2,880 feet and a length of 46 feet plus or minus; (2) SRC bearing South 36 degrees 16 minutes 10 seconds West 20.00 feet; and (3) SRC bearing South 53 degrees 43 minutes 50 seconds East 190 feet plus or minus; thence southeasterly along a sight distance line 26 feet plus or minus to the point of beginning; SAVE AND ACCEPTING that portion beginning for the same at a point 242 feet plus or minus from the beginning of the aforementioned second or North 31 degrees 17 minutes West 402 feet plus or minus line and running thence to the end thereof; thence binding on and running with the third, fourth, fifth, and sixth aforementioned lines, and with and to the end of the seventh or South 36 degrees 16 minutes 10 seconds West 20.00-foot line; thence South 53 degrees 43 minutes 50 seconds East 44 feet plus or minus; thence leaving the southwest side of Greenwood (70 feet wide) and running for lines of division the following three courses: (1) South 50 degrees 28 minutes West 258 feet plus or minus, (2) North 31 degrees 17 minutes West 53 feet plus or minus, and (3) southwesterly 185 feet plus or minus to the point of beginning.

JEC/4p W.O. 562-A 4/26/63

NOTE: This description is for zoning purposes only and is not to be used for the conveyance of property.

RE: PETITION FOR SPECIAL EXCEPTION
for a Convalescent Home
NW corner Old Court Road and
Greenwood Road
3rd District
Mitchell Gould-Petitioner
No. 5567

EXTENSION OF ORDER

It is this 27th day of April, 1965,
by the Deputy Zoning Commissioner of Baltimore County
ORDERED that the Special Exception for a Convalescent
Home heretofore granted on May 14, 1963 by the County Board
of Appeals, be and the same is hereby extended to May 14, 1966.

Edward O. Harding
EDWARD O. HARDING
Deputy Zoning Commissioner of
Baltimore County

WILLIAM S. BALDWIN
ATTORNEY AT LAW
24 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND
VULLEY 3-1020



July 17, 1962

John G. Rose
Zoning Commissioner of
Baltimore County
County Office Building
Towson 4, Maryland

Re: Petition for Special Exception
of Mitchell Gould, Petitioner
No. 5567X

Dear Mr. Rose:

Please enter an appeal to the County Board of Appeals
from your decision denying the above petition dated June
19, 1962.

Enclosed please find my check in the amount of \$75.00
for the cost of appeal.

Very truly yours,

William S. Baldwin
William S. Baldwin

WSB:dw
Encl.

FEDERAL HOUSING ADMINISTRATION

1601 N. Road Street
Baltimore 31, Maryland

February 8, 1962

Re: Proposed Nursing Home
Old Court and Greenwood Roads
Baltimore County, Maryland

Mr. Mitchell Gould
Old Court and Greenwood Roads
Baltimore 8, Maryland

Dear Mr. Gould:

In accordance with your request of February 7, 1962, we have made an inspection and reviewed the neighborhood of the above site.

This site has been determined geographically eligible for FHA Nursing Home Mortgage Insurance under Section 232 of the National Housing Act, as amended, subject to a presentation that will meet the physical, economic and legal feasibility.

Enclosed is a copy of the Minimum Property Standards and booklet for Nursing Homes.

Please feel free to discuss with us any problems or questions you may have.

Very truly yours,

O. H. Rorsharding, Jr.
O. H. Rorsharding, Jr.
Director

Enclosures

FHA FORM NO. 237a

CERTIFICATE OF NEED FOR NURSING HOME AND ASSURANCE OF ENFORCEMENT OF STATE STANDARDS

TO THE FEDERAL HOUSING COMMISSIONER: Pursuant to the provisions of Section 232 of the National Housing Act, as amended this agency, Maryland State Health Department, designated in accordance with Section 612(a)(1) of the Public Health Service Act, certifies as follows:

- (1) There is a need for a Nursing Home with a minimum amount of 336 number of beds to be located in Baltimore County, Maryland.
- (2) There are in force in the State (or other political subdivision of the State in which the proposed Nursing Home will be located) reasonable minimum standards of licensure and methods of operation for Nursing Homes.
- (3) The prescribed standards of licensure and operation will be applied and enforced with respect to the applicant Nursing Home.

Thomas J. Rorsharding
Signature

Architect

Title

Division of Hospital Services

Agency

The certification of need set forth in (1) above is based on one or more of the following considerations:

- ☐ (a) Area population less number of acceptable beds.
☐ (b) Present average occupancy of "Skilled Nursing Homes" in area.
☐ (c) Population trend in area (increase ☐ decrease ☐)
☒ (d) Other (Explain) State Hill-Burton Plan.

Previous applicants have been issued similar certificates.

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

#5567X

MANV
#3
#12-2
17/62

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, MITCHELL GOULD, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from Convalescent Home zone to an "X" zone; for the following reason:

Convalescent Home

See Attached Description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Convalescent Home

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract purchaser Mitchell Gould Legal Owner
Address Greenwood and Old Court Roads

Petitioner's Attorney _____ Protestant's Attorney _____
Address _____

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of April, 1962, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 28th day of May, 1962, at 1:00 o'clock.

John D. Rose
Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Reclassification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1962, that the herein described property or area should be and the same is hereby reclassified, from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of _____, after considering all the testimony and inspecting the property it is the opinion of the Zoning Commissioner that a Convalescent Home on the subject property would be detrimental to the safety, health or the residents of the locality involved.

_____ the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of June, 1962, that the above reclassification and/or Special Exception be and the same is granted, from and after the date of this order.

John D. Rose
Zoning Commissioner of Baltimore County

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland
District 3rd
Date of Posting 10-3-62
Posted for Special Hearing
Petitioner Mitchell Gould
Location of property Plat Corner of Old Court Road and Greenwood Rd.
Location of Sign Northwest Corner of Old Court Road and Greenwood Road
Remarks George R. Rose
Date of return 10-4-62

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland
District 3rd
Date of Posting 5-11-62
Posted for Special Hearing for Convalescent Home
Petitioner Mitchell Gould
Location of property Plat Corner of Old Court Road and Greenwood Rd.
Location of Sign Northwest Corner of Old Court Road and Greenwood Road
Remarks George R. Rose
Date of return 5-12-62

RECOMMENDATION OF MARYLAND STATE ROADS COMMISSION DEVELOPMENT ENGINEERING SECTION
Convalescent Home
Special Exception
Applicable Comments as Indicated
No Comment.
Property NOT affected by any present tentative proposed Maryland State Roads Commission highway improvement plans.
Property affected by present tentative proposed Maryland State Roads Commission highway improvement plans as denoted on attached plan.
Construction and operation of any proposed commercial enterprise on this property generating vehicular ingress and egress to the State Highway will be subject to Maryland State Roads Commission entrance permit requirements.
Remarks There is a possibility that both Greenwood & Old Court Roads will be under County jurisdiction in the very near future.
Date: 4/13/63
John L. Stevenson
Neil Dew Craig

TELEPHONE VALLEY 3-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
To: Mary S. Swartzwelder, Jr. Esq.
3700 Wilder Ave.
Baltimore 7, Md.
BILLED BY: Zoning Department of Baltimore County
No. 11572
DATE 4/5/62
DEPOSIT TO ACCOUNT NO. 01622
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
Retition for Special Exception for Mitchell Gould
TOTAL AMOUNT \$50.00
5-562 2618 * * * TIL * * * 50.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 11, 1962
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., before the 28th day of May, 1962, the 11th day of May, 1962.
THE JEFFERSONIAN,
Manager.
Cost of Advertisement, \$.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Mr. John G. Rose, Zoning Commissioner Date: May 18, 1962
FROM: Mr. George E. Garrelis, Deputy Director
SUBJECT: #5567-X. Special Exception for a Convalescent Home, Northwest corner of intersection of Old Court Road (relocated) and Greenwood Road. Being property of Mitchell Gould.
3rd District
HEARING: Monday, May 28, 1962 (1:00 P.M.)
The staff of the Office of Planning and Zoning has reviewed the subject Special Exception for a Convalescent Home. It has the following advisory comment to make with respect to pertinent planning factors:
1. In terms of the relation of this property to newly-developed roads which isolated from existing residentially developed areas, the Planning staff believes that the site is appropriate for the Convalescent Home. If granted, the granting should be conditioned on final approval of a site plan. It is to be noted, however, that the site plan as presented has been carefully worked out.

TELEPHONE VALLEY 3-3000
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND
To: Mary S. Swartzwelder, Jr. Esq.
3700 Wilder Ave.
Baltimore 7, Md.
BILLED BY: Zoning Department of Baltimore County
No. 11694
DATE 5/28/62
DEPOSIT TO ACCOUNT NO. 01622
QUANTITY
DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE
Advertising and posting of property for Mitchell Gould
TOTAL AMOUNT \$71.00
5-2662 2131 * * * TIL * * * 71.00
IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
323 WEST 24th STREET
BALTIMORE 11, MARYLAND
TELEPHONE 5-9292
DESCRIPTION OF SPECIAL EXCEPTION FOR PROPOSED CONVALESCENT HOME IN AN R-40 ZONE:
BEGINNING FOR THE SAME at the northwest corner of the intersection of Old Court Road relocated and Greenwood Road (70 feet wide) and running thence southeasterly with and binding on the northwest side of Old Court Road relocated for a distance of 464 feet plus or minus; thence leaving the northwest side of Old Court Road relocated and running northwesterly, North 31 degrees 17 minutes West for a distance of 402 feet plus or minus to intersect the south side of Old Court Road (33 feet wide) before relocation; thence running with and binding on the south side of Old Court Road the following three courses to intersect the southwest side of Greenwood Road (30 feet wide): (1) by a curve to the south having a radius of 833.51 feet and a length of 283.32 feet and a chord bearing North 61 degrees 02 minutes East for 282.10 feet; (2) North 71 degrees 13 minutes East 124.00 feet; and (3) by a curve to the south having a radius of 50.00 feet and a length of 50.46 feet; thence running with and binding on the southwest side of Greenwood Road the following three courses: (1) by a curve to the East having a radius of 2,880 feet and a length of 46 feet plus or minus; (2) North 36 degrees 16 minutes East 20.00 feet; and (3) South 53 degrees 43 minutes East 44 feet plus or minus; thence leaving the southwest side of Greenwood Road (70 feet wide) and running the following two courses to the point of beginning: (1) South 50 degrees 28 minutes West 258 feet plus or minus and (2) North 31 degrees 17 minutes West 213 feet plus or minus.
320/Jn W.O. 562 3/5/62
NOTE: This description is for zoning purposes only and is not to be used for the conveyance of property.
John D. Rose
Zoning Commissioner

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS - LAND SURVEYORS
323 WEST 24th STREET
BALTIMORE 11, MARYLAND
TELEPHONE 5-9292
line 26 feet plus or minus to the point of beginning; thence EXCEPTING that portion beginning for the same 184 feet plus or minus from the beginning of the aforementioned line curving to the south having a radius of 833.51 feet and a length of 283.32 feet and running thence northwesterly with and binding on this aforementioned line 99 feet plus or minus to the East thereof; thence running with and binding on the southwest side of Greenwood Road the following three courses: (1) by a curve to the East having a radius of 2,880 feet and a length of 46 feet plus or minus; (2) South 36 degrees 16 minutes East 20.00 feet; and (3) South 53 degrees 43 minutes East 44 feet plus or minus; thence leaving the southwest side of Greenwood Road (70 feet wide) and running the following two courses to the point of beginning: (1) South 50 degrees 28 minutes West 258 feet plus or minus and (2) North 31 degrees 17 minutes West 213 feet plus or minus.
320/Jn W.O. 562 3/5/62
NOTE: This description is for zoning purposes only and is not to be used for the conveyance of property.
John D. Rose
Zoning Commissioner

#5567X

(Continued on page 2)

TELEPHONE
VALLEY 3-3000

INVOICE

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE

Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 12889

DATE 7/24/62

TO: William S. Baldwin, Esq.,
24 West Pennsylvania Ave.,
Towson 4, Md

BILLED
BY:

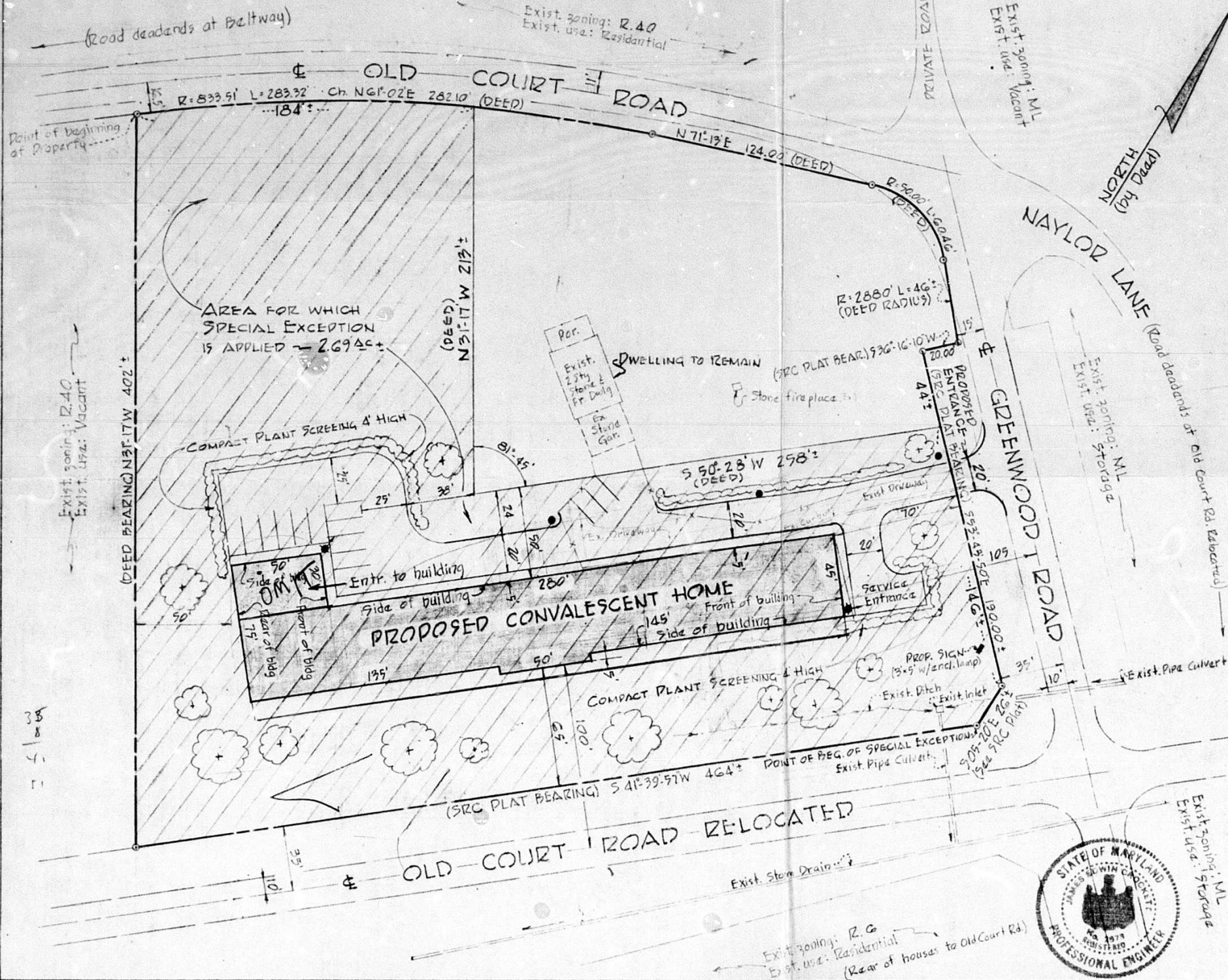
Office of Planning & Zoning
County Office Bldg.,
Towson 4, Md.

DEPOSIT TO ACCOUNT NO. 01.622

TOTAL AMOUNT

QUANTITY	DETACH UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
—	Cost of appeal and posting property No. 567-X	\$75.00
3	7-25-62 7894 • 12889* TTP—	75.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.



ZONING NOTE:

1. Property Zone: R.40
2. 3rd Election District
3. Total Area of Property: 3.84 AC±
4. Scale: 1"=50'

PARKING DATA:

1. Area of Building: 16,780 ^{sq} ft; No. of beds: 100
2. Basis for Space determination: 19 ^{sq} ft./10 beds
3. Required No. of Parking Spaces: 10
4. No. of Parking Spaces Shown: 12
5. Size of Parking Spaces: 9'x19'

GENERAL NOTE:

1. There are no buildings within 100' of the side, front, or rear property lines.
2. No proposed slopes; no proposed stabilization required.
3. Light standards indicated thus ; direction of light indicated where applicable; standards 10' high.
4. Refer to SRC Plat Nos. 23614 & 25963, Cont. No. A-G35-16-420
5. This Plot Plan is not to be used for the conveyance of property. The information shown hereon is based on available existing data supplemented by field tape survey data.

PLOT PLAN
MITCHELL GOULD PROPERTY
GREENWOOD & OLD COURT ROADS
BALTIMORE 8, MARYLAND
SCALE: 1"=50' ~ MARCH 20, 1962

JAMES CROCKETT ASSOCIATES
CONSULTING ENGINEERS-LAND SURVEYORS
320 WEST 24th STREET
BALTIMORE 11, MARYLAND



MICROFILMED

PRINT DATE: 4-2-62